

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to five-year review of psychologist rules

The Board of Psychology hereby amends Chapter 5, “Fees,” Chapter 240, “Licensure of Psychologists,” Chapter 241, “Continuing Education for Psychologists,” Chapter 242, “Discipline for Psychologists,” and Chapter 243, “Practice of Psychology,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 147.76 and 2022 Iowa Acts, House File 2246.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 147.76 and 2022 Iowa Acts, House File 2246.

Purpose and Summary

The Board reviewed Chapters 240 through 244 as part of a rolling five-year review to update outdated, redundant, or inconsistent rules. These amendments change the process of applying for endorsement or reactivation by requiring an applicant to only provide verification of licensure from the jurisdiction in which the applicant was most recently licensed and to disclose public or pending complaints in any other jurisdiction in which the applicant is licensed.

This rule making also incorporates revisions to add provisional licensing for predoctoral psychologists pursuant to 2022 Iowa Acts, House File 2246. These amendments change the provisional license to include persons who are completing a predoctoral internship or postdoctoral residency and clarify title designations and update the fee for a provisional license. They also clarify examination eligibility, postdoctoral residency requirements, continuing education requirements for provisional license renewal, and psychologists’ supervision of unlicensed individuals. In addition, these amendments clarify that test materials should only be released to other psychologists with written consent.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 28, 2022, as **ARC 6769C**. A public hearing was held on January 17, 2023, at 9 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received.

Several changes from the Notice have been made, including two to provide additional clarity and one to correct a typographical error. In the rule regarding postdoctoral residency in Item 7, the expectations for the number of supervisees for each supervisor have been clarified. In Item 9, the title of a rule has been revised to clarify that the rule also applies to provisionally licensed predoctoral licensees. In Item 17, “to” was changed to “effective” to correct a typographical error. In addition, in Item 8, the name of the National Register of Health Service Providers in Psychology was changed to the National Register of Health Service Psychologists to reflect a name change, and in Item 18, the website at which to report name and address changes to the Board was corrected.

Adoption of Rule Making

This rule making was adopted by the Board on February 3, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 12, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 5.16(14) as follows:

5.16(14) Provisional license renewal fee is ~~\$170~~ **\$120**.

ITEM 2. Amend rule ~~645—240.1(154B)~~, definition of “Provisional license,” as follows:

“Provisional license” means a license issued to a person who ~~has met the educational qualifications~~ is completing a predoctoral internship or postdoctoral residency under supervision in order to satisfy the requirements for licensure and is engaged in professional experience under supervision.

ITEM 3. Rescind paragraph **240.3(2)“b.”**

ITEM 4. Reletter paragraphs **240.3(2)“c”** and **“d”** as **240.3(2)“b”** and **“c.”**

ITEM 5. Amend subrule 240.4(1) as follows:

240.4(1) To be eligible to take the national examination, the applicant shall:

a. Meet all requirements of subrules 240.2(1) to 240.2(3); and

b. Provide official copies of academic transcripts sent directly from the school to the board of psychology; and verifying completion of a doctoral degree in psychology in accordance with rule 645—240.3(154B).

~~*c.* Provide the completed supervision registration form according to the instructions on the form.~~

ITEM 6. Amend rule ~~645—240.5(154B,147)~~ as follows:

645—240.5(154B,147) Title designations.

240.5(1) Students who are enrolled in an education program that satisfies the requirements of subrule 240.3(1) and who are completing the predoctoral internship may be designated “psychology intern” or “intern in psychology.”

~~**240.5(1)**~~ **240.5(2)** Applicants for licensure who have met educational requirements and who are fulfilling the experience requirements specified herein completing the postdoctoral residency to be eligible for licensure may be designated “psychology resident,” or “resident in psychology,” “psychology postdoctoral fellow,” or “postdoctoral fellow in psychology.” The designation of “resident”

shall not be used except ~~in the employment and supervised experience~~ during a postdoctoral residency that ~~meet~~ meets the requirements of ~~subrules 240.6(1) and 240.6(2)~~ rule 645—240.6(154B).

~~240.5(2)~~ **240.5(3)** Persons who possess provisional licenses shall add the designation “provisional license in psychology” following the “resident,” “intern,” or “fellow” designation.

~~240.5(3)~~ **240.5(4)** A licensed psychologist who possesses a doctoral degree may use the prefix “Dr.” or “Doctor” but shall add after the person’s name the word “psychologist.”

ITEM 7. Rescind rule 645—240.6(154B) and adopt the following new rule in lieu thereof:

645—240.6(154B) Postdoctoral residency.

240.6(1) The postdoctoral residency may begin after all academic requirements for the doctoral degree, including completion of the predoctoral internship, have been completed. The postdoctoral residency shall consist of a minimum of 1,500 hours that are completed in no less than ten months.

240.6(2) During the postdoctoral residency, the supervisee shall competently apply the principles of psychology under the supervision of a licensed psychologist who is actively licensed in the jurisdiction where the supervision occurs in accordance with the following:

a. The supervisee and supervisor shall complete a supervision plan using the form provided by the board. The supervision plan must be submitted to the board if the supervisee is applying for or utilizing a provisional license.

b. A supervisor shall not have more than three concurrent full-time supervisees or the equivalent in part-time supervisees. Full-time is defined as 40 hours per week.

c. The supervisee and supervisor shall meet individually in person or via videoconferencing during each week in which postdoctoral residency hours are accrued, for no less than a total of 45 hours during the postdoctoral residency. Group supervision hours cannot count toward the 45 hours of individual supervision required.

d. The supervisor shall provide supervision at all times, which means the supervisor shall be readily available on site, or via electronic or telephonic means, at all times when the supervisee is providing services so that the supervisee may contact the supervisor for advice, assistance, or instruction. A supervisor shall identify one or more licensed mental health providers who can be contacted for advice, assistance, or instruction during times in which the supervisor will not be readily available.

e. The supervisee and supervisor shall have a crisis plan in place any time the supervisee is providing services and the supervisor is not on site in the same physical setting as the supervisee.

f. The supervisor shall establish and maintain a level of supervisory contact consistent with established professional standards and be fully accountable in the event that professional, ethical or legal issues are raised.

g. The supervisor shall provide training that is appropriate to the functions to be performed. The supervisee shall have the background, training, and experience that is appropriate to the functions performed. The supervisor shall not permit the supervisee to engage in any psychological practice that the supervisor cannot perform competently.

h. The supervisor and supervisee shall ensure clients are informed regarding the supervisee’s status and the sharing of information between the supervisee and supervisor.

i. The supervisor must have reasonable access to the clinical records corresponding to the work being supervised. The supervisor shall countersign all written reports, clinical records and clinical communications as “Reviewed and Approved” by the supervisor.

j. All services must be offered in the name of the supervisor. The supervisee and supervisor must ensure that the supervisee uses a title in accordance with rule 645—240.5(154B,147).

k. The fee schedule and receipt of payment shall remain the sole domain of the supervisor or employing agency.

l. The supervisor shall maintain an ongoing record of supervision that details the types of activities in which the supervisee is engaged, the level of the supervisee’s competence in each, and the type and outcome of all procedures.

m. The supervisor is responsible for determining the competency of the work performed by the supervisee and must honestly and accurately complete the supervision report at the conclusion of providing supervision.

This rule is intended to implement Iowa Code section 154B.6.

ITEM 8. Amend paragraph **240.7(1)“a”** as follows:

a. Verify at least one year of clinical experience in an organized health service training program that meets the requirements of subrule 240.7(2) and at least one year of clinical experience in a health service setting that meets the requirements for ~~supervised professional experience~~ postdoctoral residency stated in ~~subrules 240.6(1) and 240.6(2)~~ rule 645—240.6(154B). Alternatively, an applicant may submit verification of current registration at the doctoral level by the National Register of Health Service Providers in Psychology Psychologists to verify completion of the required clinical experience.

ITEM 9. Amend rule 645—240.9(154B) as follows:

645—240.9(154B) Psychologists’ supervision of unlicensed persons other than postdoctoral residents in a practice setting.

240.9(1) This rule applies when a psychologist is supervising individuals who are not licensed or who are provisionally licensed and completing the predoctoral internship. This rule does not apply to supervision of an individual completing a postdoctoral residency in accordance with rule 645—240.6(154B), regardless of whether the individual is provisionally licensed or not.

240.9(2) The supervising psychologist shall:

~~1.~~ *a.* Be vested with administrative control over the functioning of assistants in order to maintain ultimate responsibility for the welfare of every client. When the employer is a person other than the supervising psychologist, the supervising psychologist must have direct input into administrative matters.

~~2.~~ *b.* Have sufficient knowledge of all clients, including face-to-face contact when necessary, in order to plan effective service delivery procedures. The progress of the work shall be monitored through such means as will ensure that full legal and professional responsibility can be accepted by the supervisor for all services rendered. Supervisors shall also be available for emergency consultation and intervention.

~~3.~~ *c.* Provide work assignments that shall be commensurate with the skills of the supervisee. All procedures shall be planned in consultation with the supervisor.

~~4.~~ *d.* Work in the same physical setting as the supervisee, unless the supervisee is receiving formal training pursuant to the requirements for licensure as a psychologist. For supervisees working ~~off-site~~ off site while receiving formal licensure training, ensure the off-site location has a licensed mental health provider or primary care provider ~~on-site~~ on site whenever the supervisee is working for purposes of providing emergency consultation.

~~5.~~ *e.* Make public announcement of services and fees; contact with laypersons or the professional community shall be offered only by or in the name of the supervising psychologist. Titles of unlicensed persons must clearly indicate their supervised status.

~~6.~~ *f.* Provide specific information to clients when an unlicensed person delivers services to those clients, including disclosure of the unlicensed person’s status and information regarding the person’s qualifications and functions.

~~7.~~ *g.* Inform clients of the possibility of periodic meetings with the supervising psychologist at the client’s, the supervisee’s or the supervisor’s request.

~~8.~~ *h.* Provide for setting and receipt of payment that shall remain the sole domain of the employing agency or supervising psychologist.

~~9.~~ *i.* Establish and maintain a level of supervisory contact consistent with established professional standards, and be fully accountable in the event that professional, ethical or legal issues are raised.

~~10.~~ *j.* Provide a detailed job description in which functions are designated at varying levels of difficulty, requiring increasing levels of training, skill and experience. This job description shall be made available to representatives of the board and service recipients upon request.

41. *k.* Be responsible for the planning, course, and outcome of the work. The conduct of supervision shall ensure the professional, ethical, and legal protection of the client and of the unlicensed persons.

42. *l.* Maintain an ongoing record of supervision ~~which~~ that details the types of activities in which the unlicensed person is engaged, the level of competence in each, and the type and outcome of all procedures.

43. *m.* Countersign all written reports, clinical records and clinical communications as “Reviewed and Approved” by the supervising psychologist.

ITEM 10. Amend subrule 240.10(3) as follows:

240.10(3) Provides verification of ~~license(s)~~ license from ~~every~~ the jurisdiction in which the applicant has most recently been licensed, and additional verifications if necessary to verify at least five years of an independent license as described in subrule 240.10(4), sent directly from the ~~jurisdiction(s)~~ jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

- a. Licensee’s name;
- b. Date of initial licensure;
- c. Current licensure status; and
- d. Any disciplinary action taken against the license.

ITEM 11. Rescind rule 645—240.12(85GA,ch1043) and adopt the following new rule in lieu thereof:

645—240.12(154B) Requirements for provisional license.

240.12(1) *Predoctoral internship.* An applicant for a provisional license for purposes of completing a predoctoral internship shall provide the following:

- a. A completed provisional license application. Applications are obtained and submitted via the board’s website at ibplicense.iowa.gov.
- b. The provisional application fee payable to the Board of Psychology. The fee is nonrefundable.
- c. A copy of the applicant’s acceptance letter for the predoctoral internship.
- d. Identification of the training director and the training director’s contact information.
- e. Evidence that the applicant is enrolled in an educational program that meets the requirements of rule 645—240.3(154B).

240.12(2) *Postdoctoral residency.* An applicant for a provisional license for purposes of completing a postdoctoral residency shall provide the following:

- a. A completed provisional license application. Applications are obtained and submitted via the board’s website at ibplicense.iowa.gov.
- b. The provisional application fee payable to the Board of Psychology. The fee is nonrefundable.
- c. Official copies of academic transcripts sent directly from the school establishing that the requirements stated in rule 645—240.3(154B) are met.
- d. A completed supervision plan on the prescribed board form, signed by the applicant’s supervisors. A change in supervisor or in the supervision plan requires submission of a new supervision plan on the prescribed board form.

240.12(3) *Duration.* The provisional license is effective for two years from the date of issuance. A provisional license issued for purposes of completing a predoctoral internship can be used for purposes of completing a postdoctoral residency until the provisional license expires. The provisional licensee shall submit a completed supervision plan on the prescribed board form, signed by the licensee’s supervisors, prior to beginning the postdoctoral residency. A change in supervisor or in the supervision plan requires submission of a new supervision plan on the prescribed board form. A provisional license may be renewed one time for a period of two years upon submission of the following:

- a. A provisional license renewal application;
- b. A provisional license renewal fee; and

c. A current supervision plan as required in these rules.
This rule is intended to implement Iowa Code section 154B.6.

ITEM 12. Amend subrule 240.13(7) as follows:

240.13(7) Late renewal.

a. The license shall become late when the license has not been renewed by the expiration date on the renewal. The licensee shall be assessed a late fee as specified in 645—subrule 5.16(3).

~~a. b.~~ To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

~~b.~~ No continuing education shall be required.

ITEM 13. Rescind rule 645—240.14(17A,147,272C) and adopt the following **new** rule in lieu thereof:

645—240.14(147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

240.14(1) Submit a reactivation application on a form provided by the board.

240.14(2) Pay the reactivation fee that is due as specified in 645—Chapter 5.

240.14(3) Provide verification of the license from the jurisdiction in which the applicant has most recently been licensed sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

- a. Licensee's name;
- b. Date of initial licensure;
- c. Current licensure status; and
- d. Any disciplinary action taken against the license.

240.14(4) Provide verification of a current active license in another jurisdiction at the time of application or verification of completion of continuing education taken within two years of the application. If the license has been inactive for less than five years, the applicant must submit verification of 40 hours of continuing education, and if the license has been inactive for more than five years, the applicant must submit verification of 80 hours of continuing education.

This rule is intended to implement Iowa Code section 147.11.

ITEM 14. Amend rule **645—241.1(272C)**, definition of "Licensee," as follows:

"Licensee" means any person licensed to practice independently as a psychologist in the state of Iowa and does not include persons with provisional licenses.

ITEM 15. Adopt the following **new** subrule 241.2(6):

241.2(6) No hours of continuing education are required to renew a provisional license.

ITEM 16. Amend subrule 241.3(2) as follows:

241.3(2) Specific criteria.

a. For the second license renewal, licensees shall obtain 6 hours of continuing education pertaining to the practice of psychology in either of the following areas: Iowa mental health laws and regulations, or risk management.

b. For all renewal periods following the second license renewal, licensees shall obtain 6 hours of continuing education pertaining to the practice of psychology in any of the following areas: ethical issues, federal mental health laws and regulations, Iowa mental health laws and regulations, or risk management. For all board members ~~appointed to a first term beginning May 1, 2013, or later~~, a maximum of 2 of these hours may be obtained by providing service as a member of the board as follows:

(1) One hour of credit for attendance and participation at a minimum of three regular quarterly board meetings during the license biennium, or

(2) Two hours of credit for attendance and participation at a minimum of six regular quarterly board meetings during the license biennium.

c. Effective July 1, 2014, a A licensee may obtain the remainder of continuing education hours of credit by:

(1) Completing training to comply with mandatory reporter training requirements, as specified in 645—subrule 240.13(4). Hours reported for credit shall not exceed the hours required to maintain compliance with required training.

(2) Attending programs/activities that are sponsored by the American Psychological Association or the Iowa Psychological Association.

(3) Attending workshops, conferences, or symposiums that meet the criteria in subrule 241.3(1).

(4) Completing academic coursework that meets the criteria set forth in these rules. Continuing education credit equivalents are as follows:

1 academic semester hour = 15 continuing education hours

1 academic quarter hour = 10 continuing education hours

(5) Completing home study courses for which a certificate of completion is issued.

(6) Completing electronically transmitted courses for which a certificate of completion is issued.

(7) Conducting scholarly research, the results of which are published in a recognized professional publication. In order to claim such credit, the licensee must attest to the hours actually spent conducting research, demonstrate that the research is integrally related to the practice of psychology, explain how the research advances the licensee's knowledge in the field, and provide the published work.

(8) Preparing new courses on material that is integrally related to the practice of psychology and is beyond entry level. In order to claim such credit, the licensee must: attest that the licensee has not taught the course in the past or that the licensee has not substantially altered the course content; request a specific amount of continuing education credit; describe how the course is integrally related to the practice of the profession and advances the licensee's knowledge in the field; and supply a course syllabus that supports the licensee's request for credit.

(9) Presenting to other professionals. A licensee may receive credit on a one-time basis for presenting continuing education programs that meet the criteria of subrule 241.3(1). Two hours of credit will be awarded for each hour of presentation.

d. A combined maximum of 30 hours of credit per biennium may be used for scholarly research, preparation of new courses, and presentations to other professionals.

ITEM 17. Amend subrule 242.2(1) as follows:

242.2(1) Failure to comply with the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association, as published in the December 2002 edition of *American Psychologist* and including amendments effective January 1, 2017, hereby adopted by reference. Copies of the Ethical Principles of Psychologists and Code of Conduct may be obtained from the American Psychological Association's website at www.apa.org.

ITEM 18. Amend subrule 242.2(26) as follows:

242.2(26) Failure to report a change of name or address within 30 days after it occurs. Name and address changes may be reported on the form provided by the board at: www.idph.state.ia.us/licensure hhs.iowa.gov/licensure.

ITEM 19. Adopt the following **new** definition of "Test materials" in rule **645—243.1(154B)**:

"*Test materials*" means the test questions, scoring keys, protocols, and manuals that do not include personally identifying information about the subject of the test.

ITEM 20. Adopt the following **new** subrule 243.4(3):

243.4(3) *Release of test materials.* A licensee shall not disclose test materials to any person, except for another licensed psychologist who has been designated in writing by the subject of a psychological

test to receive the records associated with the psychological testing of the subject. A licensee shall not disclose test materials in any administrative, judicial, or legislative proceeding.

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