

BOARD OF BEHAVIORAL SCIENCES INITIAL STATEMENT OF REASONS

Hearing Date: October 22, 2013

Subject Matter of Proposed Regulations: Continuing Education

Section(s) Affected: Amend Sections 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, and 1887.14 of Division 18 of Title 16 of the California Code of Regulations. Add Sections 1887, 1887.2, 1887.3, 1887.4, 1887.41, 1887.42, 1887.43, 1887.11, and 1887.15 to Division 18 of Title 16 of the California Code of Regulations.

Introduction

The Board of Behavioral Sciences (Board) licenses marriage and family therapists (LMFTs), educational psychologists (LEPs), clinical social workers (LCSWs), and professional clinical counselors (LPCCs). Under current law and regulations, licensees of the Board must complete 36 hours of continuing education (CE) as a condition of biennial license renewal.

Currently, Board regulations allow the Board to approve providers of CE coursework. Approved providers must ensure that the content of coursework offered is relevant to the practice of the Board's licensees, must ensure that the coursework is related to direct or indirect patient care, and must ensure that instructors meet specific qualifications.

Identification of the Problem

Over the past several years, a number of concerns have been raised regarding the Board's approval of continuing education providers. In response, in November, 2011, the Board voted to form a two-member committee to review and discuss the Board's current CE approval process, and to research other possible models of continuing education approval programs.

The CE committee met several times in 2012 to discuss the following concerns, and to propose solutions to them:

1. Board Approval Method for Continuing Education

Problem. Currently, the Board has no authority to approve individual CE courses. Instead, it may only approve CE providers. This has created concern, as once a provider was approved by the Board, the provider could change its coursework. The coursework, under current Board regulations, must only be related to direct or indirect patient care, potentially opening the door for CE providers to offer courses that contain unproven, unethical, or discriminatory content, and the Board having no recourse as long as the content relates to directly or indirectly treating patients.

Many Boards within DCA accept courses provided through "sponsors" approved by specified accrediting entities. These accrediting entities establish stringent requirements for CE provider applicants, including administrative and financial accountability, program development and implementation criteria, and established performance measures for determining program effectiveness. Many of these accrediting entities also perform periodic reviews of approved "sponsors."

By accepting CE from “sponsors” approved by an accrediting entity, boards are not involved in the approval or maintenance of the CE “sponsors.” Rather, the board relies on the accrediting entity’s high standards to ensure the quality of CE provided to licensees, and to insure that unproven, discriminatory, or unethical coursework is not offered.

Proposed Solution and Necessity. The proposed amended language would remove the Board’s authority to directly approve CE providers. This language establishes the Board’s authority to accept CE credits from providers who have been approved or registered by a Board recognized “approval agency” or by an organization, institution, association or entity that has been recognized by the Board as a continuing education provider. Essentially, this change in the regulation will entrust the review and approval of CE providers, coursework and instructors to professional associations and other entities recognized by the Board. These entities have extensive experience and expertise administering and approving continuing education programs.

2. Review of Coursework/Content

Problem. Courses and content offered by a CE Provider are not currently Board approved; a provider is approved based on the content of courses and qualification of instructors presented in the initial application package. Providers are not required to inform the Board of any changes in courses offered or any new courses added. Providers are also not required to inform the Board of any new instructors. This sets up a loose standard for types of coursework that a provider could offer in the future, with the potential for a provider to offer unproven or unethical coursework and the Board either not learning of it, or not having authority to disapprove of it as long as the content relates to direct or indirect patient care.

Proposed Solution and Necessity. Under the newly proposed language, the Board will not be directly approving CE providers. However, the suggested language will give the Board the authority to audit coursework and providers. The ability to audit is necessary, because in the event the Board receives a complaint about CE courses that contain unethical or unproven content, the Board will now have the authority to investigate and take action, if warranted, to ensure its licensees are not taking such courses for Board CE credit. The approving agency and the provider must be able to deliver the specific coursework and provider material when requested by the Board. This language will also give the Board authority to revoke the approving agencies’ Board recognition if they fail to ensure that the providers that they approve meet the requirements of the Board.

3. Self-Study Versus Online Learning

Problem. In 2003, the Board amended the definition of CE courses found in 16 CCR Section 1887 to include courses offered through online education, which was previously included in the definition of a “self-study course.” This change allowed licensees to effectively gain all CE hours through online means, while self-study courses are limited to 18 hours. There has been much confusion for staff and licensees taking online courses (unlimited amount of hours credited) and how they differ from self-study courses (18-hour limit).

Proposed Solution and Necessity. The committee conducted extensive discussions regarding the definition and applicability of self-study versus online learning. It was decided that self-study limitations should be removed, as there are many effective self-study tools in existence. Often, they come in the form of online learning. Online learning is now a mainstream learning tool that is now often used in place of classroom learning, and is considered effective in the education industry. In addition, the Board designated approval agencies of CE courses have extensive experience in education methods, and therefore the Board agreed that any self-study courses they

allow will meet strict quality specifications. The amended language would now allow a licensee to gain their required CE credits through any course format.

4. CE Credit for Examination Development

Problem. Examination development is an integral part of the Board's licensure program and it is imperative that the Board continues to have a competent and committed pool of subject matter experts (SMEs). In fiscal year 2011-12 the Board facilitated approximately fifty-seven examination development workshops. Currently, the Board does not give CE credit for SME participation in examination development; however, both the Dental Board and Psychology Board give CE credit for participation in examination development.

Proposed Solution and Necessity. Under the proposed language, licensees will be able to obtain up to six hours of CE credits every renewal period for participating in a Board examination development workshop, attending board enforcement case review training, acting as a subject matter expert for board enforcement case reviews, or participating in a professional association's ethics review committee process. This CE credit may only be applied to the law and ethics portion of the CE requirement.

This change was determined to be necessary as it has been used effectively by other Boards within DCA to encourage participation in the examination development and enforcement review processes. It also acknowledges and provides credit for the extensive work, which involves review of licensing law and ethical standards of their professions, which licensees undertake when they participate in one of these processes.

Specific Changes and Factual Basis/Rationale:

The changes proposed by this regulatory package are as follows:

1. **Amend Sections 1887, 1887.2, 1887.3, 1887.4, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.13, 1887.14 , and 1887.15– Phase out the Board's Current Continuing Education Provider Approval Program**

Proposed Change: These sections comprise the Board's current continuing education provider approval program. Transition language has been amended in to these sections, in order to allow the Board to transition to the new continuing education program. The transition language, and reason for each, is described below:

- **Phase in of new continuing education program:** Six months after the OAL effective date of the regulation package. This delayed phase in is needed to give time to allow CE providers who wish to apply to a Board recognized approval agency time to gather the information they need to submit it to an approval agency for approval. The Board expects that after six months, these applicants will have had time to submit their application and obtain approval, and therefore licensees should be able to take courses under the new program at that time.
- **Board ceases accepting applications for Board-issued CE provider number:** effective the date this regulation package goes into effect. Once this regulation is approved, the Board will no longer be an approver of CE, and therefore should not be approving new providers.

- **Board ceases renewal of Board-approved CE provider numbers:** January 1, 2015. The Board agreed that some delay in ceasing renewal was necessary in order to give providers some advance notice that renewals had ceased. This gives providers with an upcoming renewal some lead time to apply for approval with a Board recognized approval agency.
- **Board allows Board approved CE providers to continue to provide CE until expiration.** Once a provider renews for the last time prior to January 1, 2015, they may continue to provide CE courses until their Board issued CE provider number expires. A provider number is valid for two years. This phase out is necessary because providers have paid a fee to have a valid CE provider number for two years. Operationally, the Board does not have the resources to refund all CE providers at a pro-rated rate. In addition, this allows providers plenty of lead time to apply for approval at a Board recognized approval agency, and fulfills the expectation of two years of ability to practice that the provider expected when he or she renewed the provider number.
- **Phase out language added to Sections 1887.4, 1887.7, 1887.8, 1887.9, 1887.10, and 1887.11.** Language has been added at the beginning of each of these sections stating “This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.” This allows these older sections, which will no longer be needed under the new CE approval program, to remain active while there are still Board-approved CE providers in existence. The last chance for these providers to renew is January 1, 2015, and they will phase out as they expire over the next two years. Once all of these providers expire, these sections will no longer be needed. This language was necessary to make sure that as long as Board approved CE providers exist, standards remain to ensure they are meeting certain guidelines to ensure public protection, including having standards that instructors must meet, allowing the Board to revoke the provider number for disciplinary action, and having advertising guidelines.

Rationale: The Board determined that a transition period is necessary, as this is a major change for CE providers and for licensees. The CE providers will need time to apply to the approval agencies that have been designated by the Board. A transition period will also avoid hardship to licensees, because if the change happened suddenly, there could be a shortage of CE providers while providers who used to be approved by the Board applied for approval at other entities.

Anticipated Benefit: Adoption of this proposed amendment will benefit licensees seeking continuing education courses, and it will also benefit CE providers, as both parties will have a transition period before the new CE requirements become effective. This will allow providers currently licensed by the Board time to register and gain approval for CE programs through a Board accepted approval agency, if needed. It will allow licensees to locate acceptable CE providers and obtain the necessary coursework.

2. Add Section 1887 – Definitions for Board’s New Continuing Education Program

Proposed Change: This section replaces the previous section 1887, which defined terms under the previous continuing education provider approval program. It defines a continuing education “provider” and a continuing education “approval agency”, which are two new terms signifying to licensees that courses from these entities are acceptable toward the Board’s continuing education requirements for licensure.

Rationale: This section is needed in order to establish definitions of entities that are acceptable to the Board to approve CE providers, since the Board will no longer be approving CE providers. As the Board will no longer be approving CE providers, it needed to define terms to refer to these other entities which will be responsible for approving CE providers.

Anticipated Benefit: Adoption of this proposed amendment will benefit licensees and continuing education providers and approval entities, by making it clear which entities are qualified to approve Board-required continuing education coursework.

3. Amend Sections 1887.1 and 1887.2 – Removal of Obsolete Language

Proposed Change: Effective January 1, 2012, the Board's License Educational Psychologist (LEP) licensees were required to complete continuing education to maintain licensure. This was not previously required. Therefore, the Board implemented a transition program, so that LEP licensees renewing right after the continuing education requirement took effect would not be unduly burdened by having to suddenly complete 36 hours of continuing education with very little notice. This proposal would delete the transition language.

Rationale: This amendment is needed because the transition period is over, and therefore the transition language included in these sections is now obsolete.

Anticipated Benefit: Adoption of this proposed amendment will benefit LEP licensees, by removing obsolete language that could potentially be confusing because it no longer applies.

4. Add Sections 1887.2 and 1887.3 – Removal of Self-Study Limitations on Continuing Education Coursework

Proposed Change: These sections replace the previous sections 1887.2 and 1887.3, which limited CE earned through self-study courses to no more than nine hours prior to the first license renewal, and eighteen hours thereafter. The sections remove the hour limitation on self-study courses.

Rationale: The Board determined that it is no longer necessary to limit self-study courses. Online courses are becoming increasingly common, with many universities now offering them. The Board does not limit online coursework that may be obtained through CE. It is very difficult to differentiate between online and self-study courses. Therefore, the Board determined that, if the provider offering the self-study courses can meet the high standards that the Board designated CE approval agencies require in order to offer CE, the self-study should be of high quality and should not be limited.

Anticipated Benefit: Adoption of this proposed amendment will benefit licensees, especially those in rural areas with little access to courses or conferences, by removing the limitation on self-directed study for continuing education.

5. Add Section 1887.3 – Removal of Obsolete Language and Addition of New Methods of Obtaining Continuing Education

Proposed Change: This section replaces the previous section 1887.3, which discussed continuing education course requirements and included an allowance for a licensee teaching a CE course to receive a specified amount of CE course credit.

This new section preserves the credit for teaching a CE course, and also adds additional methods by which a licensee can obtain some CE course credits. It allows a licensee to obtain specified amounts of CE credit for attending the Board's enforcement case review training, acting as a Board subject matter expert for an enforcement case review, participating in a Board examination development workshop, or participating in a professional organization's law and ethics review committee.

This section also removes obsolete language describing the LEP CE transition program that was discussed above.

Rationale: The Board decided this change was needed as it has been used effectively by other Boards within DCA to encourage participation in the examination development and enforcement review processes. It also acknowledges and provides credit for the extensive work, involving review of licensing law and the ethical standards of their professions, which licensees undertake when they participate in one of these processes.

Anticipated Benefit: Adoption of this proposed amendment will benefit licensees by allowing them an interactive, hands-on approach to stay current on law and ethics and enforcement issues. It will benefit the Board and professional associations by providing an incentive for licensees to participate in their examination development and discipline programs. It will also benefit the public by allowing licensees to obtain real-life training in law and ethics matters. Finally, it will benefit LEP licensees by removing obsolete language that is no longer effective and therefore is potentially confusing.

6. Add Section 1887.4 – Continuing Education Course Content

Proposed Change: This section replaces the previous section 1887.4, which required providers to ensure the content of their courses were related to the practice of the profession of their target audience, and be related to direct or indirect patient care.

Many concerns have been raised over the past several years about the requirement that CE content must simply be related to direct or indirect patient care. The concerns are that this is overly broad, and opens the door to courses covering subjects which contain content of questionable relevance, or unethical practices, but allows the Board no authority to reject such practices as long as they fall under the broad guidelines of direct or indirect patient care. Therefore, this new section outlines more detailed requirements for continuing education course content.

Rationale: During the CE committee process, the Committee worked extensively to outline new course criteria that would eliminate the danger of unproven or unethical courses being offered. They felt that new criteria were necessary in order to be more specific about course content requirements. Some of the new, more specific, key course requirements are as follows:

- The course must be based on methodological, theoretical, research or practice knowledge base;
- Has been supported using established research procedures; and
- Is related to ethical/legal policies, guidelines, and standards that impact each related practice.

Anticipated Benefit: Adoption of this proposed amendment will benefit consumers, because it ensures that Board licensees will not be studying unsupported or unethical practices as part of their Board required continuing education. It will also benefit licensees, as they will not unknowingly be taking CE courses that advocate unethical practice methods that are not backed up by research.

7. Add Section 1887.41 – Board Recognized Approval Agencies

Proposed Change: This new section adds language and criteria for an entity to be a Board-recognized approval agency. It lists several entities that are recognized by the Board to approve CE providers. It also establishes strict criteria that must be met to become a Board-recognized approval agency. This new section also adds language giving the Board the authority to revoke its approval of the entity as a CE provider, if the entity is not complying with the Board's requirements.

Rationale: The Board did extensive research into the continuing education approval process of each of the named entities, in order to determine their level of expertise with continuing education, and to determine whether or not they had strict standards for CE providers. The entities listed were thought to have the highest standards and a strong expertise in the continuing education business. The Board used the approval processes of these entities as a guide to create the new criteria to be a recognized approval agency, so that there were strict standards of approval in place for a new entity to be added to the list in the future. Some of these criteria are as follows:

- The entity is an organization that represents a licensed health care profession;
- The entity has a documented code of ethics; and
- The entity has the capacity to evaluate the courses of its providers. This will help eliminate the possibility that CE courses will contain unproven or unethical content.

It also clearly establishes authority to revoke the approved status if the agency is not in compliance, which was not a component of the Board's previous CE program. This was necessary because the Board learned from the previous CE program that it was not always able to take action if it learned a provider was teaching inappropriate content for CE credit, as long as the content taught was related to direct or indirect patient care.

Anticipated Benefit: Adoption of this proposed amendment will benefit consumers by ensuring that entities that will be approving CE courses have strict guidelines and criteria in place, and that the Board has authority to take action if the criteria are not being met.

8. Add Section 1887.42 – Responsibilities of Board Recognized Approval Agencies

Proposed Change: This new section adds language outlining the responsibilities of a Board-recognized approval agency. These responsibilities include evaluating each CE provider, responding to complaints from the Board, and conducting periodic reviews of courses.

Rationale: The responsibilities were designed to ensure public protection from unethical or ineffective practices. They ensure that entities that will be approving CE courses have clear responsibilities, and authority to review providers' courses and take action if providers are not in compliance with course content requirements. These responsibilities were formulated based on feedback from the public and stakeholders, and by extensive research Board staff conducted on quality control measures of various agencies that already approve CE providers.

Anticipated Benefit: This proposed change will benefit consumers by helping to eliminate the possibility that CE courses will contain unproven or unethical content.

9. Add Section 1887.43 – Responsibilities of Continuing Education Providers

Proposed Change: This new section adds language describing persons or entities that may provide continuing education coursework. It specifies several organizations, which represent Board licensees that are directly recognized by the Board as being able to provide CE courses without being approved by an approval agency.

This section also outlines the responsibilities of an entity providing CE coursework, including ensuring the courses meet certain criteria, ensuring courses do not discriminate against any group, ensuring courses are consistent with ethical standards of the approval agency or organization, and ensuring courses do not promote any discriminatory modes of treatment. In addition, this section gives an approval agency and the Board the right to audit course material.

Rationale: There are several existing entities which represent Board licensees that have a long history of offering continuing education courses. These entities have established high standards for their continuing education course content, even though they may not be approved by a Board designated approval agency. The Board determined it was necessary to recognize this select group of providers as being allowed to offer CE coursework if they maintain their high standards. These amendments also give the Board the authority to review courses and have a means of recourse if the courses are not meeting Board requirements. This is something previous CE regulations did not allow, which had been problematic because if there was a complaint about a course, there was no recourse as long as it was related to direct or indirect patient care.

Anticipated Benefit: Adoption of this proposed amendment will protect consumers by ensuring that entities providing CE courses meet certain criteria, and will not be advocating harmful or discriminatory methods of treatment. It also gives the Board the authority to review providers' courses and take action if providers are not in compliance with requirements. This will help eliminate the possibility that CE courses will contain unproven or unethical content.

10. Add Section 1887.11 – Records of Course Completion

Proposed Change: This section replaces the previous section 1887.11, which requires upon completing of a CE course, the CE provider to issue a licensee a record of course completion containing certain information.

The old section 1811 adds language stating it is only applicable to CE providers who hold an active board-issued CE provider number. In other words, it is only applicable to the providers who were approved under the old CE system, while their numbers are expiring. This was necessary because there will be several providers with a Board-issued CE provider number, who will be able to renew until January 1, 2015. These providers will then be able to offer CE while their numbers are valid for two additional years. Therefore, the Board still needs to ensure they meet the same standards that they have been required to meet in the past, while this old CE program is phasing out.

The new section 1811 preserves all provisions of the previous section 1887.11, but adds a new requirement that the record of course completion must contain the approval agency provider information, or name of the Board recognized provider offering the course.

Rationale: This amendment updates the CE record of course completion requirements to be consistent with the new regulations. Instead of requiring the provider number of the Board-approved provider, which will no longer exist, the regulations have been revised to require the approval agency provider identification, or name of the provider that is recognized by the Board.

Anticipated Benefit: Adoption of this proposed amendment will benefit licensees, by making it clear what information is required to be on a record of course completion, and ensuring that the required items listed in regulations are consistent and current with the new CE regulation program.

11. Add Section 1887.15 – Transition Period for Continuing Education Program

Proposed Change: This section adds language specifying certain details of the CE program transition period, including the date on which the Board will no longer accept CE provider applications, when the Board will cease CE provider renewals, and the time period during which Board licensees may submit CE credits from discontinued providers.

Rationale: A transition plan is needed to phase out the old CE program and phase in the new one. Without this, CE providers will not have adequate opportunity to pursue an approval from a Board recognized approval agency. This could lead to a supply shortage of CE courses, resulting in licensees not being able to obtain the CE courses they need to renew their licenses.

Anticipated Benefit: Adoption of this proposed amendment will benefit CE providers, because it will give them time to apply for the approval they need from a Board recognized approval agency. It will benefit licensees by ensuring an adequate supply of CE providers remains available.

12. Form Incorporated by Reference

Proposed Change: This proposed rulemaking makes changes to one form that is incorporated by reference that is currently used by the Board:

- Section 1887.7: Continuing Education Provider Application, Form 1800 37A-633 (Rev. 03/10). The new revision date is 1/11. No material changes were made to this form, however, the formatting of the instructions was changed slightly, and the instructions had been placed on Board letterhead.

Rationale: The changes to this form are not material, and are for clarity and consistency purposes only.

Anticipated Benefit: No material benefit expected; changes were made for consistency with other forms.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

- **Analysis of creation/elimination of jobs:** There are currently 2,604 Board approved CE providers. The Board has determined that this regulatory proposal may eliminate certain continuing education providers, and jobs contained by those providers, if those providers are unable to gain approval by one

of the Board's designated CE approval agencies. However, the majority of these providers are expected to be able to obtain approval from a Board recognized approval agency.

- **Analysis of creation/elimination of businesses.** This proposal is not expected to lead to the creation of any new businesses. This proposal may lead to the elimination of an unknown number of some existing businesses within the state, if they are not able to gain approval by one of the Board's designated CE approval agencies. However, the majority of these businesses are expected to be able to obtain approval from a Board recognized approval agency.
- **Analysis of expansion of business:** This proposal is not expected to lead to the expansion of new businesses within California. This regulation requires businesses wishing to provide continuing education for Board licensees to go to a Board-recognized approval agency for approval, instead of going to the Board for approval as they have been required to do in the past. The change in method of approval is not expected to cause business expansion.
- **Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:** The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by ensuring that the psychotherapists who are treating the public will not be studying unsupported, discriminatory, or unethical practices as part of their Board required continuing education. The proposal will have no effect on worker safety or the State's environment.

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, and that while it may eliminate some CE providers who cannot obtain approval from a Board recognized approval agency, it will not eliminate a significant number of jobs or occupations. This proposal does not impact multiple industries.

Effect on Small Businesses: Many of the Board's CE providers may be considered small businesses. It is expected that many of them will be able to obtain approval to offer CE courses from a Board recognized approval agency. However, if some of these businesses are not able to obtain approval, they will no longer be able to offer CE courses. However, nothing precludes them to continue to offer courses; licensees will just not be able to count those courses toward their CE requirement. Therefore, it is expected that this proposed action may affect an undetermined amount of small businesses, however the majority of these businesses should be able to obtain approval to offer CE courses from a Board recognized approval agency.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal may eliminate certain continuing education providers, and jobs contained by those providers, if those providers are unable to gain approval by one of the Board's designated CE approval agencies. However, the Board has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs, businesses, or the expansion of businesses in the State of California.

Occupations/Businesses Impacted: This proposed regulation will impact psychotherapists who are licensed by the Board. It will ensure that they will not unknowingly be taking CE courses that advocate unethical practice or practice methods that are not backed up by research.

Reporting Requirements: Reporting requirements may vary depending on which approval agency a CE provider seeks approval from, as different approval agencies may have different reporting requirements. This proposal does contain a provision that requires approval agencies to do the following:

- Maintain a list of the names and addresses of persons responsible for each provider's CE program;
- Provide the Board with names, addresses, and responsible party of each provider upon request;
- Respond to complaints from the Board, providers, or licensees concerning the activities of its approved course providers; and
- Conduct periodic reviews of its provider's courses to determine compliance with the Board's requirements, and report the findings to the Board if requested to do so.

In addition, the proposal contains a provision that requires providers of CE coursework to do the following:

- Furnish each licensee a record of course completion containing specified information;
- Maintain records of completion for their CE courses four years; and
- Submit required materials to their approval agency or to the Board if requested for a course audit.

Comparable Federal Regulations: None

Benefits: The benefits will be increased public protection by ensuring that the psychotherapists who are treating the public will not be studying unsupported, discriminatory, or unethical practices as part of their Board required continuing education.

Underlying Data

None

Business Impact

This proposal will not have a significant adverse economic impact on businesses. Some current CE providers may not be able to obtain approval from a Board recognized approval agency. If this happens, they can choose to redesign their program so that they can obtain approval, or they will no longer be able to offer CE courses.

It is expected that many of the Board's current CE providers will be able to obtain approval to offer CE courses from a Board recognized approval agency.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

This regulation mandates the use of specific technologies or equipment. Such mandates or prescriptive standards are required for the following reasons:

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the BBS would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Not adopt the regulations. This alternative was rejected because the Board has identified areas of concern related to its current continuing education program. Through an extensive committee process in which stakeholders had significant input, the solutions presented in this proposal were formulated, and have been determined to be the best method of providing consumer protection.

2. Adopt the regulations. The Board determined that this alternative is the most feasible because it corrects several issues that have been raised with the Board's current continuing education program, and puts in place a system where course providers are held to a high standard to ensure their course content is not unproven or discriminatory.

