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TITLE 868 STATE PSYCHOLOGY BOARD

LSA Document #03-60

To: The Honorable Jerry Denbo, Chairperson
Administrative Rules Oversight Committee

From: Shelly Mazo, Director
Indiana State Psychology Board
Health Professions Bureau

Re: LSA #03-60- Restricted Test List
Date: November 19, 2003

Cc: Lisa Hayes, Executive Director HPB
Susan Gard, Deputy, Office of the Attorney General

Notice of Delay

On behalf of the Health Professions Bureau, Indiana State Psychology Board, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the Board has determined there is a possibility that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

Reasons for Delay

The Board published its notice of intent to adopt a rule for the captioned document on April 11, 2003 (26 IR 2395). The proposed rule was published on August 1, 2003 (26 IR 3741). As mandated by Indiana Code 25-33-1-3, the Indiana State Psychology Board is required to promulgate rules to establish, maintain, and update a list of restricted psychology tests and instruments containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than

1. a psychologist licensed under IC 25-33-1-5.1;
2. an appropriately trained mental health provider under the direct supervision of a health service provider in psychology endorsed under IC 25-33-1-5.1(c);
3. a qualified physician licensed under IC 25-22.5;
4. a school psychologist who holds a valid:
 - (A) license issued by the professional standards board under IC 20-1-1.4-2; or
 - (B) endorsement under IC 20-1-1.9;practicing within the scope of the school psychologist's license or endorsement; or
5. a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.

The final version of the rule was published on the Indiana State Psychology Board web page in October of 2002. Written comments, submitted on a form that could be downloaded from the web page, were accepted until December 30, 2002. The Board scheduled the date for public hearing on September 19, 2003. On that date, however, State government was dedicated to public mourning for the late Governor Frank O'Bannon, and the hearing was cancelled. A change in notice of public hearing was submitted to the Indiana Register on October 29, 2003 for publication on the December 2003 edition of the Register. The new date of the hearing is January 23, 2004. Because of the circumstances that necessitated rescheduling, the Board has developed grave concern that the hearing, subsequent review by the Office of the Attorney General, and approval by the Governor will not take place by April 1, 2004. If that did happen, the Board would have to begin the rulemaking process again.

The Board expects the rule to be heard by the Governor by **May 21, 2004**.

This notice is being forwarded to the Administrative Rules Oversight Committee as a precaution, and is being submitted in a timely

manner. December 11, 2003 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.

Your understanding of these circumstances is greatly appreciated. We look forward to receiving your response. If you need additional information please do not hesitate to contact me at 234-2007. Thank you.