

AMERICAN PSYCHOLOGICAL ASSOCIATION
Policies and Procedures for the Designation of Postdoctoral Education and Training
Programs in Psychopharmacology in Preparation for Prescriptive Authority
Approved by APA Council of Representatives, 2009

A. Policies

The American Psychological Association (APA) shall be responsible for the designation of postdoctoral education and training programs in psychopharmacology for prescriptive authority of psychologists. The purpose of designation is to afford public recognition of education and training programs that meet certain minimum standards and published criteria. In this context, a program is an organized sequence of education and training experiences over time, with a curriculum that requires both didactic and supervised practice components; and the minimal standards and published criteria for designation are those set forth in *Designation Criteria for Postdoctoral Education and Training Program in Psychopharmacology for Prescriptive Authority* (hereafter referred to as the *RxP Designation Criteria*). The process of designation is voluntary, to be initiated by the program seeking to be designated, and shall be governed by the policies and procedures specified in this document.

Authority for conducting this designation process shall be invested in the *APA Designation Committee for Postdoctoral Education and Training Programs in Psychopharmacology for Prescriptive Authority* (hereafter referred to as the *RxP Designation Committee*). Such committee will consist of six members, one of whom is not a psychologist but a representative of the public. The other five members will be psychologists who are APA members and represent the following domains of expertise: psychopharmacology postdoctoral program directors, psychopharmacology science base, prescriptive authority in psychology, prescriptive authority in another health profession, and health care system quality assurance whose areas of expertise includes developmental psychopharmacology and ethnic/cultural factors that can influence psychopharmacological decision-making. Members of the committee will serve staggered 3-year terms, renewable for a second term if so appointed, with total years of consecutive service not to exceed six. Members of the committee will select a chair and vice-chair on an annual basis.

1. Governance Oversight

Governance oversight of the RxP Designation Committee shall be provided jointly by the Board of Educational Affairs (BEA) and the Committee for the Advancement of Professional Practice (CAPP). Their responsibilities in this capacity shall be:

- a) To solicit nominations for appointment to the RxP Designation Committee based on the aforementioned domains of expertise;
- b) To appoint members to the RxP Designation Committee, subject to approval by the Board of Directors;
- c) To ensure that new members of the RxP Designation Committee are trained for the roles and functions to be performed by the Committee;

- d) To oversee the appeals process of the designation program and a review of complaints that may be filed against actions of the RxP Designation Committee;
- e) To establish a fee structure for the designation process, subject to approval of the APA Finance Committee and Board of Directors; and
- f) To oversee the review and comment process for proposed changes to the designation criteria and procedures, consistent with this document.

2. Responsibilities of the RxP Designation Committee

The RxP Designation Committee shall conduct its business in accordance with policies and procedures set forth in this document. It shall be responsible for decisions related to the APA designation of postdoctoral education and training programs in psychopharmacology for prescriptive authority for psychologists. The RxP Designation Committee shall also be responsible for:

- a) Implementing the designation review process and fee structure in a manner consistent with procedures set forth in this document;
- b) Public dissemination of designation decisions, in a manner consistent with procedures set forth in this document;
- c) Maintaining confidentiality of documents and related designation application information, in a manner consistent with procedures set forth in this document;
- d) Conducting periodic public forums and other communications focused on the designation process, including clarification of procedures and criteria;
- e) Performing periodic review of the designation criteria and procedures, to which it may recommend changes in a manner consistent with provisions of this document, of which procedural changes must be confirmed by the APA Board of Directors and criteria changes must be confirmed by the APA Council of Representatives; and
- f) Adoption of implementing regulations and policies to explain, interpret and operationally define the provisions of these policies and procedures.

B. Operating Procedures

1. Application for Designation

Application for designation is initiated by the program seeking designation and is submitted to the RxP Designation Committee, accompanied by an application fee. Its substance shall consist of documentation that demonstrates how the program meets the standards and satisfies the criteria set forth in the *RxP Designation Criteria*. The burden of proof in such documentation rests with the program seeking to be designated. A program may withdraw its application without prejudice at any time prior to a decision by the RxP Designation Committee.

The same process of application applies to programs seeking initial designation and programs already designated seeking renewal of their designation recognition.

2. Application Review Process

APA staff assigned to support the RxP Designation Committee shall provide a preliminary review of the application to ensure that documentation is complete. If documentation is incomplete, such staff are authorized by the RxP Designation Committee to so advise the program and request additional documentation.

Once the application is judged to be complete, APA staff will post a public notice of the application on the APA website, affording opportunity for third party comment over a period of 90 days. If third-party comment is received, its substance will be shared with the applicant program for comment.

At the time that public notice is given of the application, APA staff also will forward the application to the RxP Designation Committee for its review. The following guiding principles shall govern the Committee's review process:

- a) All designation decisions by the RxP Designation Committee will be made at a scheduled meeting, the time and place of which will be made public to the applicant program and other interested parties at least 30 days in advance.
- b) A quorum of the RxP Designation Committee, two-thirds of its members, must be present at a scheduled meeting to make a designation decision about a program. Decisions of the committee reflect a majority view of its voting members.
- c) All information provided by the applicant program to the RxP Designation Committee and the RxP Designation Committee's discussion of an applicant program during the process of decision making shall be confidential, limited to committee members, their support staff, and others as may be permitted by APA fiduciary policies.
- d) Should a member of the RxP Designation Committee be in actual or potential conflict of interest with respect to a program under review, that member will be recused during discussion and decision making on that program.

- e) The RxP Designation Committee will review documentation provided by the applicant program, including its application and any communication with the RxP Designation Committee and any information about the program from collateral sources to which the program has had an opportunity to reply. The RxP Designation Committee will assume that information and materials provided by the applicant program before the final decision will constitute the complete basis on which the program wishes its status to be determined.
- f) A high degree of professional judgment will be exercised by the RxP Designation Committee in making a decision about how and the extent to which a program meets the standards and satisfies the criteria for designation.

3. Application Review Decisions

- a) *Initial application* -- Following full review of a program's initial application for designation, the RxP Designation Committee may make one of the following decisions:
 - i. It may *defer* a final decision, pending receipt of additional or clarifying information from the program in regard to one or more of the criteria.
 - ii. It may *grant designation for a 3-year period*, noting criteria with which the program is expected to demonstrate stronger compliance by the end of that period and requiring an interim report midway during the 3-year period on program outcomes and any major changes in the program.
 - iii. It may *grant designation for a 5-year period*, requiring annual reports during the 5-year designation period on program outcomes and any major changes in the program.
 - iv. It may *deny designation* of the program that fails to demonstrate sufficient compliance with the designation standards and criteria.
- b) *Renewal application/Revocation* -- Following full review of a designated program's application for renewal of designation or after a review of a designated program based on evidence of material non-compliance with the criteria, the RxP Designation Committee may make one of the following decisions:
 - i. It may *defer* a final decision, pending receipt of additional or clarifying information from the program in regard to one or more of the criteria.
 - ii. It may *grant designation for a 3-year period*, noting criteria with which the program is expected to demonstrate stronger compliance by the end of that period and requiring an interim report midway during the 3-year period on program outcomes and any major changes in the program.

- iii. It may *grant designation for a 5-year period*, requiring annual reports during the 5-year designation period on program outcomes and any major changes in the program during that time.
- iv. It may *grant probationary designation for a time certain*, noting the criteria with which the program must demonstrate stronger compliance for continued designation recognition.
- v. It may *revoke designation* of a program on probationary designation status that fails to demonstrate sufficient compliance with the designation criteria for continued recognition, subject to the provisions of Section B(5).
- vi. In cases in which the RxP Designation Committee becomes aware of a material violation of the criteria by a designated program during its term that warrants revocation without probation, subject to the provisions of Section B(5).

4. Adverse Decisions

The following decisions of the RxP Designation Committee are considered adverse:

- a) Denial of designation for an initial applicant program.
- b) Probationary designation for a previously designated program.
- c) Revocation of designation for a previously designated program, either at renewal or for cause between renewal applications as provided in Section B(5).

Prior to making any of these adverse decisions, the RxP Designation Committee will defer making a decision and provide written notice to the program noting specific criterion-related concerns it has about the program's compliance with the designation standards and criteria. Such notice will afford the program an opportunity to "show cause" for why an adverse decision should not be made by supplementing the record of documentation before a final decision is made. The program will be allowed a 30-day period in which to reply to the RxP Designation Committee's written notice, and may only supplement the record with evidence of adherence to the criteria at the time during which the application was being reviewed.

5. Withdrawal or Removal from Designation Status

A program may voluntarily withdraw from designation at any time by advising the RxP Designation Committee of its intent in writing.

At any time between full application reviews of a designated program, the RxP Designation Committee may likewise remove a program's designation status if it has reason to believe that the program is either (a) no longer in operation or (b) is in significant violation of material responsibilities expected of a designated program.

In either of these instances, the RxP Designation Committee will provide written notification to the program of its intent and the basis for such, affording the program a 30-day period in which to reply before final action is taken.

6. Notification of the Program

Within 30 days of the end of its meeting at which a program designation decision is made, the RxP Designation Committee will provide written notification of its final decision to the program seeking initial or renewed designation recognition. The written notice will document not only the decision, but any designation criterion issues about which the committee has concerns or encourages the program to address further for stronger compliance with the designation standards and criteria. The notification will indicate likewise the date by which an application for renewal of designation recognition will be due.

7. Appeals of Decisions

If the RxP Designation Committee's decision was adverse, as defined in this document, the program will have a 30-day period upon receipt of the decision letter in which to appeal that decision. The appeal must specify the grounds on which it is made, which must be either a procedural violation or substantive error by the RxP Designation Committee in its review of the program. If the program elects to appeal a decision, it will do so by filing a written letter of appeal to the APA President, to be forwarded for action to the APA body responsible for oversight of the designation process, jointly, BEA and CAPP.

Within 30 days of receipt of a program's letter of appeal by the APA, by joint action the BEA and CAPP will provide to the program a list of six potential appeal panel candidates, licensed health service provider psychologists with prior experience on appeals panels within APA, other professional groups, or in educational settings, no one of whom will have had affiliation with the program or with the review of the program's designation application. APA staff assigned in support of the RxP Designation Committee will determine the willingness of the potential panel members to serve and check for any potential conflicts of interest among the potential panelists.

APA shall forward the list of potential appeal panel members to the program. Although potential panelists are screened for conflict of interest with the program that is appealing the adverse action, the appellant program also should avoid selecting panel members whom the program feels may have actual or perceived conflicts of interest and should advise APA of any such perceived conflict. Within 15 days of receipt of the list of potential appeal panel members, the appellant program will select three from that list to serve as its appeal panel. If the appellant program fails to do this within the allowed time period, the BEA and CAPP, jointly, will select a 3-person appeal panel from the list.

8. Scope and Conduct of Appeal

An appeal is not a *de novo* review, but a challenge of the decision made by the RxP Designation Committee based on the evidence before that committee at the time of its decision. The RxP Designation Committee's decision should be affirmed unless (a) there was a procedural error and

adherence to the proper procedures would dictate a different decision; or (b) based on the record before it, the RxP Designation Committee's decision was plainly wrong or without evidence to support it. Accordingly, the appeal panel should not substitute its judgment for that of the RxP Designation Committee merely because it would have reached a different decision had it reviewed the matter originally.

The procedural or substantive issues addressed by the appeal panel will be limited to those stated in the program's appeal letter. In addition to the RxP Designation Committee's decision letter and the program's letter of appeal, only the materials that were before the RxP Designation Committee at the time of its decision may be considered by the panel unless introduced to demonstrate a procedural error. If an issue requires a legal interpretation of the RxP Designation Committee's procedures, the issue may be resolved by APA legal counsel.

The appeal panel will convene a hearing at the APA on a scheduled date agreeable to the appellant program and RxP Designation Committee, each of which may be represented at the hearing. APA's legal counsel will also attend the hearing to assure compliance with the designation procedures and may resolve legal or procedural issues or advise the appeal panel regarding those issues.

If separate legal counsel accompanies the appellant program to the hearing, it is with the understanding that they recognize the proceedings are not a judicial forum, but a forum to review the RxP Designation Committee's decision in terms of procedural violations or substantive error.

9. Decision and Report of the Appeal Panel

The RxP Designation Committee's decision should be affirmed unless (a) there was a procedural error or adherence to the proper procedures would dictate a different decision; or, (b) based on the record before it, the RxP Designation Committee's decision was plainly wrong or without evidence to support it.

The appeal panel has the options of:

- a) Upholding the RxP Designation Committee's decision;
- b) Reversing the RxP Designation Committee's decision with an explanation of the basis for reversal; or,
- c) Remanding the matter to the RxP Designation Committee for reconsideration of its decision in light of the panel's ruling with regard to procedural violations or substantive errors.

The report of the appeal panel will state its decision and the basis of that decision based on the record before it. The report will be sent to the APA president within 30 days of the hearing. Copies of the letter will be sent to the appellant program, BEA and CAPP, the RxP Designation Committee and its assigned APA staff.

In the event that a decision is remanded to the RxP Designation Committee for Reconsideration, that committee will review the facts of the appeal panel report and render a final decision consistent with those facts within 30 days of its receipt of the appeal panel report.

10. Effective Date of Designation

The effective date of a program's designation status is the date of the last day of the RxP Designation Committee meeting at which the final decision was made. If an appealable decision is not upheld by the appeal panel, but rather is remanded to the RxP Designation Committee for reconsideration, the effective date will be the date on which the RxP Designation Committee makes its final decision after reconsidering the facts presented by the appeal panel.

11. Public Notice of Designation Status

The RxP Designation Committee will make public its final decisions on a program's designation status within 30 days of the program's effective date of designation. Decisions to deny designation on initial application for such recognition will not be subject to public notice. All other designation decisions will be published, including voluntary withdrawal by the program from the designation process. The RxP Designation Committee will maintain an updated listing of designated programs on the APA website, available to psychologists and the general public. For designated programs, the notice will provide contact information about the program, its initial and most recent effective date of designation status, and the year in which its next full review for renewal of designation is scheduled.

12. Complaint Against a Designated Program

A complaint may be filed against a designated program only in regard to matters of the program's alleged noncompliance with the one or more of the standards and criteria set forth in the *RxP Designation Criteria*. It may not be filed to adjudicate disputes between individuals, either students or faculty, and programs other than as indicated above. To be reviewed by the RxP Designation Committee, a complaint must:

- a) Be signed and filed in writing within six months of the alleged violation or within six months of learning of the alleged violation;
- b) Specify the grounds on which the complaint is filed;
- c) Indicate any prior or concurrent actions taken to address the issue with the program; and,
- d) Grant permission to send the complaint in its entirety to the program.

Complaints addressed to the RxP Designation Committee will be acknowledged in writing by APA staff assigned in support of that committee within 30 days of receiving such communication. Staff will forward the complaint to the program requesting its reply in writing within 30 days of receiving the complaint. The complainant may be asked to respond in turn to information provided by the program, but will not receive a copy of the documentation provided

by the program. The RxP Designation Committee will review the complaint and accompanying materials, at which time it may take such action as it deems appropriate, including an adverse decision as defined in Section B(4) subject to the procedures previously referenced in Sections B(4) and B(6). Following its resolution of the complaint, the RxP Designation Committee will inform the complainant and the program of its decision.

In addition to processing received complaints, the RxP Designation Committee reserves the right to independently pursue any inquiry or complaint that comes to its attention.

13. Responsibilities of a Designated Program

A designated program is responsible to the RxP Designation Committee in the following ways:

- a) Timely submission of applications for designation and interim reports;
- b) Timely remittance of fees charged to applicant and designated programs; and
- c) Appropriate public representation of its designation status.

14. Consultation on the Designation Process

In addition to periodic public forums on the process of designation by the RxP Designation Committee, as described in Section A(2)(d) among the functions of that committee, consultation about the designation process (*i.e.*, policies and operating procedures) will be provided by APA staff assigned in support of the RxP Designation Committee.

Members of the RxP Designation Committee, during their service on that committee, will refrain from engaging as individuals in direct professional consultation with education and training programs on matters related to their development either as designated programs or in preparation for application to be recognized as a designated program. Members of the RxP Designation Committee will also refrain from consulting with any program reviewed during their tenure on the Committee for a period of three (3) years.

15. Changes to the Designation Criteria and Procedures

On the basis of its experience, the RxP Designation Committee may propose changes to the criteria and procedures by which the designation process is governed. When such changes are proposed, they shall be sent with a rationale for discussion to the joint oversight body of BEA and CAPP. Should the proposed changes be considered appropriate for further review and action, BEA and CAPP will ensure that they are circulated widely within the APA, as well as to designated programs, for review and comment. Public notice of such proposed changes also will be made on the APA website for other third party review and comment. At least a 90-day period should be allowed for such review and comment period.

Upon completion of the review and comment period, BEA and CAPP, in consultation with the RxP Designation Committee, will decide on the appropriate next steps based on comments

received. The proposed changes may be modified consistent with feedback and, if so, re-distributed within and outside the APA for review and comment again, as done before. For any proposed procedural changes to be approved for implementation, such action must be taken by the APA Board of Directors and for proposed criteria changes, such action must be taken by the APA Council of Representatives.