

**ADMINISTRATIVE RULES FOR PSYCHOANALYSTS
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PART 1. INTRODUCTION

1.1 The Purpose of Regulating Psychoanalysts

The Secretary of State has been given certain powers by Vermont law, the purpose of which is to protect the public health, safety, and welfare by setting standards, certifying applicants, and regulating certified psychoanalysts and their practices.

1.2 Laws That Govern Regulation of Psychoanalysts

Certification is governed by a specific state law that establishes responsibilities for setting standards, issuing certificates, and regulating the profession. The law is the Psychoanalysts Act, 26 V.S.A. §§ 4051-4062. In addition, the Director is obligated to comply with several other state laws such as the Administrative Procedure Act, 3 V.S.A. §§ 801-849, the Open Meeting Law, 1 V.S.A. §§ 310-314, the Law of Professional Regulation, 3 V.S.A. §§ 121-131, and the Access To Public Records Law, 1 V.S.A. §§ 315-320. These laws set forth the rights of an applicant, certified psychoanalyst, or member of the public. The complete text of these laws is available at most libraries and town clerks' offices. "Vermont Statutes Online" are also available on the Internet at <http://www.leg.state.vt.us>.

PART 2. INFORMATION FOR APPLICANTS FOR INITIAL CERTIFICATION

2.1 Applications

Applications and information about certification requirements are available from the Office of Professional Regulation. An applicant shall submit a fully completed application form with all supporting documentation and the fee to the Office. The Director of the Office of Professional Regulation reviews applications only after the fully completed application and documentation are received, including evidence of any required education, supervision, or training.

Certifications renew on a fixed biennial schedule: November 30 of the odd-numbered years. Initial certifications issued within 90 days of the renewal date will not be required to renew and pay the renewal fee. The certificate will be issued through the next full license period. Applicants issued an initial certification more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee.

2.2 Psychoanalyst Certification

Qualifications for certification are set forth in 26 V.S.A. § 4057. Applicants for psychoanalyst certification shall have:

- (1) **Degree requirement:** A master's (or equivalent) degree in any discipline,
and
- (2) **Psychoanalysis institute requirement:** A graduate certificate or doctoral degree in psychoanalysis from a government-chartered psychoanalytic institute, accredited by a national psychoanalytic association.

2.3 Certification Denials, Hearings, and Appeals

If the Director intends to deny an application for certification, the Director shall send the applicant written notice of the decision by certified mail. The notice shall include a statement of the reasons for the action and shall advise the applicant that the applicant may file a petition with the Director for review of the Director's preliminary decision within 30 days of the date on which the notice was mailed. The review shall be conducted by an administrative law officer.

After giving the applicant an opportunity to present the application and any additional information, the administrative law officer shall affirm, reverse, or modify the Director's preliminary decision and shall explain the reasons in writing. At the hearing, the applicant has the burden of proving that he or she is eligible for certification. Decisions of the administrative law officer may be appealed to the Washington Superior Court.

PART 3. INFORMATION FOR CERTIFIED PSYCHOANALYSTS

3.1 Certification Renewal

Certifications renew on a fixed biennial schedule: November 30 of the odd-numbered years. Initial certifications issued within 90 days of the renewal date will not be required to renew and pay the renewal fee. The certificate will be issued through the next full license period. Applicants issued an initial certification more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee. Before the expiration date, the Office will mail a renewal application and notice of the renewal fee. Certification will expire automatically if the renewal application and fee are not returned to the Office by the expiration date.

3.2 Reinstating Certification

If a certificate has expired because it was not renewed on time, the certificant may apply for reinstatement and pay a late fee and the renewal fee for the current renewal period.

If a certificate has lapsed for five or more years, the Director may revoke the person's right to renew certification after giving the person notice and opportunity for a hearing.

3.3 Change of Name or Address

A certificant is responsible for notifying the Office promptly if he or she changes name, mailing address, or business address. Acceptable documentation of change of name includes a notarized copy of a marriage certificate, instrument of change of name from a probate court, or other court order. Acceptable documentation of change of name also includes a notarized copy of current identification, such as a driver's license or Social Security card, in both the former and present names. The Director may require additional documentation at his or her discretion.

3.4 Continuing Educational Requirements

All persons certified to practice psychoanalysis must earn a minimum of 20 hours of continuing education during the two-year renewal period and must report these hours at the time of license renewal.

The continuing education requirement does not apply for the renewal period during which a person initially obtained certification. It will begin with the first full two-year renewal period.

"Continuing education" means the direct participation of a certified psychoanalyst in a structured educational or supervisory program directly related to competency in psychoanalysis or protection of clients from harm, or both. Continuing education hours are calculated in the following manner:

- (1) one contact hour equals one continuing education hour.
- (2) one semester college credit equals fifteen continuing education hours.
- (3) one quarter college credit equals ten continuing education hours.
- (4) one hour spent in a workshop equals one continuing education hour.

At the time of certificate renewal, each certificant must certify on the Office renewal form that he or she has complied with the continuing education requirements. The Director or the Director's designee may randomly audit certificants to ensure compliance.

A certificant who is audited will be notified in writing by the Director or the Director's designee and will be

required to produce written documentation verifying successful completion of the 20 hours of continuing education during the two-year period at issue.

3.5 Failure to Meet Continuing Education Requirement

A certificant who fails to comply with the continuing education requirement may be required to develop and complete a specific corrective action plan prior to certificate renewal.

3.6 Complaint Procedure

The Director has a procedure for receiving, investigating, and acting on complaints of unprofessional conduct. Copies of the procedure are available from the Office.

3.7 Disclosure of Information

Each certified psychoanalyst shall disclose to each client the following information, printed or typed in easily readable format:

(1) The certified psychoanalyst's professional qualifications and experience, including (A) all relevant graduate programs attended and all graduate degrees and certificates earned, including the full legal name of the granting institution, and (B) a brief description of any special qualifications and areas of practice.

(2) A copy of the statutory definition of unprofessional conduct (26 V.S.A. § 4062).

(3) Information on the process for filing a complaint with, or making a consumer inquiry to, the Director.

Sample information cards are available from the Office.

Disclosure means, at a minimum, (A) posting the information and informing the client where the information is posted, or (B) having the information printed, displaying the printed information in an easily accessible location, and informing the client where the information is displayed, or (C) having the information printed and directly handing a copy of the information to the client.

Not later than the third office visit, the certified psychoanalyst shall present to the client for signature a document stating that the information required to be disclosed in paragraphs (1), (2), and (3) above has been disclosed to the client. The psychoanalyst shall also sign the document and shall retain the signed original. If, by the third visit, disclosure cannot be made or the client declines to sign, the psychoanalyst shall prepare and sign a written statement explaining the omission, which shall be retained in place of the signed copy.

When the client is not able to understand the disclosure, as in the case of an institutionalized person, a minor, or an adult who is under the supervision of guardian, the disclosure shall be made to a suitable parent or guardian.

The Director may audit a certified psychoanalyst's records of information disclosure. Individuals to be audited may be selected at random.

Effective date: March 1, 1998