

AMERICAN PSYCHOLOGICAL ASSOCIATION APPROVAL
OF SPONSORS OF CONTINUING EDUCATION FOR
PSYCHOLOGISTS:

Policies and Procedures Manual

August 2012



AMERICAN
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ASSOCIATION

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PREFACE

This document is the most recent revision of the document originally entitled *APA Approval of Sponsors of Continuing Education for Psychologists Criteria and Procedures Manual*, first approved by the American Psychological Association Council of Representatives in January 1987.

Changes to the policies and procedures of the *APA Approval of Sponsors of Continuing Education for Psychologists* contained in this manual are recommended by the Continuing Education Committee and require approval by the Board of Educational Affairs, the Board of Directors, and in some cases the Council of Representatives. Amendments with broad or major policy implications require approval by the Council of Representatives. Amendments to general policies and procedures may be approved by the Board of Directors on behalf of the Council of Representatives. Interpretation and implementation of the policies and procedures are based on the discretion and exercise of professional judgment of the Continuing Education Committee.

This revision is effective as of August 2012 and supersedes all previous versions.

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CONTINUING EDUCATION COMMITTEE

Structure of the Continuing Education Committee

The Committee is composed of members appointed by the APA's Board of Educational Affairs (BEA), with nominations solicited openly by means of the nomination process as specified in the APA Association Rules. In appointing members, BEA seeks individuals who have expertise and experience in continuing education planning, administration, and evaluation, and who broadly represent the major fields of psychology, various geographic regions, and represent a diversity of experiences and backgrounds. Members of the Committee serve a three-year term, with at least two new members appointed each year. Each member may serve no more than two consecutive terms. In the event that a member of the Committee is unable to complete his/her term, the Chair of BEA, in consultation with the Chair of the Committee, may appoint a member to complete the term. The Committee reports to the Board of Educational Affairs and operates as a part of the governance structure of the American Psychological Association.

Continuing Education Committee and the APA Approval of Sponsors of Continuing Education for Psychologists

The Office of CE Sponsor Approval was created by APA to facilitate psychologists' access to CE programs offered by organizations that have come under careful review and that meet the APA standards as set forth in the *APA Standards and Criteria for Approval of Sponsors of Continuing Education for Psychologists (Standards and Criteria)*. The APA Continuing Education Committee (hereinafter referred to as the Committee) is responsible for the approval of continuing education providers as APA approved sponsors of continuing education.

The work of the Committee in connection with sponsors of CE is kept confidential, with the following exceptions: (a) when information is shared, as needed, with APA's legal counsel; (b) when disclosure is legally advisable or required; (c) when the APA determines that information should be disclosed in connection with allegations by or about an applicant or APA's review of an applicant; or (d) when approved confidential minutes of the Committee's meetings are made available to the Board of Educational Affairs, the Executive Director of the Education Directorate, the APA Executive Officer, the Board of Directors, or the relevant CE Office or other APA staff and the Committee's Chair determines that further dissemination is appropriate. Aggregate data based on routine reports from APA-approved sponsors may occasionally be used to provide general information about the activities of the *APA Approval of Sponsors of Continuing Education for Psychologists*.

Conflict of Interest

Committee members must exercise good faith and should avoid participating in decisions where potential or actual conflict of interest exists, and comply at all times with the CEC Conflict of Interest Policy.

The decision regarding whether a member should be recused from participating in a given decision belongs to the Chair or the Committee. Any Committee member who is aware of circumstances that he or she believes could pose a conflict of interest either for themselves or for another Committee member should inform the Chair of the Committee of the underlying facts and his or her assessment of the appropriate resolution of the potential or actual conflict. If the Committee member who has the potential or actual conflict advises the Chair that he or she wishes to be recused from the decision-making process, the Chair will honor the member's decision and the recusal will be noted in the minutes. If the Chair becomes aware of a Committee member's actual or potential conflict and the Chair is uncertain about the appropriate resolution, the Chair shall refer the matter to the full Committee for resolution. If it is determined that there is an actual or potential conflict of interest regarding a Committee decision, the member will be recused during discussion and decision making. The minutes of the meeting will reflect any decision regarding a potential or actual conflict of interest. When there is any doubt in the member's mind as to whether a conflict exists or may appear to exist, the member should refer the issue to the Committee or Committee Chair. In addition to recusal, a Committee member may abstain from voting on a matter at any time.

APPLICATION REVIEW

How to Apply

In order to obtain APA approval as a sponsor of CE for psychologists, applicants must submit an application for review by the Committee. The application, along with supporting materials, must be accompanied by a nonrefundable check covering the appropriate application fee. Applicants who would like assistance in completing the application may write or call the APA Office of CE Sponsor Approval. Upon request, Sponsor Approval System staff will review draft applications and provide feedback to applicants assuming that a draft is received at least one month in advance of the application deadline. Review of draft applications by staff does not imply or in any way assure an approval decision by the Committee. The draft application and all subsequent communications should be forwarded to: Office of CE Sponsor Approval, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242. For application and renewal fees, please see the relevant sections of our website.

The Committee reviews applications for approval twice a year, and application deadlines are twice each year.

The Committee meets on a regular basis to consider applications. Renewing applicants and new applicants will be informed of the Committee's decision following the meeting in which their application was considered. Any adverse decisions of the Committee are by majority vote. The Committee may also take action without an in-person meeting by majority vote; in such actions any Committee member shall have the right to request a conference call regarding the vote.

Consideration of Applications

The Office of CE Sponsor Approval encourages applications from applicants that have a commitment to continuing education for psychologists, provided that the applicant's mission, basic

tenets, and program offerings are and remain consistent with APA policy. Applicants that offer CE that is relevant to the field of psychology and involve doctoral-level psychologists in all aspects of program planning and development are welcome to apply. Approval will be based on a program's compliance with the *Standards and Criteria*. The Committee may deny approval if it determines that the applicant's mission, basic tenets or program offerings are not consistent with APA policy or an applicant is not in compliance with the *Standards and Criteria*. If the Committee determines that any noncompliance is minor (or otherwise immaterial) or that full compliance will be achieved imminently, it may exercise its professional judgment to provide Approval.

In addition to the information and materials supplied by the applicant, the Committee reserves the right to consult other sources of information as appropriate. Committee members may consider this information, as well as their professional knowledge and experience, in the exercise of their professional judgment. If the Committee relies on sources of information other than those supplied by the Applicant, Applicants will be notified and given an opportunity to respond before a final decision is made to deny or terminate approval. Under special circumstances, the Committee may exercise its discretion to request a site visit with the cost of this visit borne by the sponsor. The Committee is not, however, required to request a site visit. If the Committee requests a site visit, the Committee shall designate one or more persons to participate in the site visit, including a member or members of the Committee or other designees. The manner and timing of the site visit shall be determined by the Committee or the Committee Chair.

TYPES OF COMMITTEE ACTION

Two-Year Approval

Two-year Approval is granted to first time applicants whose applications meet the standards and criteria as outlined in the *Standards and Criteria* manual. At the end of this approval period, sponsors must reapply for continuation of approval by submitting a full application. During this approval period, sponsors will be required to address any concerns noted by the Committee at the time approval was granted (see Application Review Responses below). At the end of the two-year approval period, sponsors may apply for a five-year approval period. Any courses offered during the approved two-year period are expected to remain in compliance with the *Standards and Criteria*.

Five-Year Approval

Five-year Approval is granted to applicants who have successfully completed a two-year approval period and submitted an application that meets the *Standards and Criteria*. Applicant must also have satisfactorily addressed any concerns noted by the Committee at the time of the last previous approval, and the application shall reflect any required changes. A full renewal application must be submitted at the end of every five-year period. Any courses offered during the approved five-year period are expected to remain in compliance with the *Standards and Criteria*.

One-Year Approval

One-year Approval may be granted to applicants who have completed, at a minimum, a two-year approval period but do not meet all of the *Standards and Criteria*. This is a matter within the Committee's professional judgment based on the extent of any noncompliance, the duration of the noncompliance, prior opportunities to address the noncompliance, and any other circumstances that may be relevant. After one year, sponsors must reapply with attention given to the specific concerns indicated by the Committee at the time of one-year approval. Other than as set forth above, one-year approved sponsors retain the benefits, rights, and responsibilities of two- or five-year approved sponsors. Any courses offered during the approved one-year period are expected to remain in compliance with the *Standards and Criteria*.

Other than as set forth above, one-year approval may be granted at any point in the approval cycle after the initial two-year approval is completed (i.e., at any time a reapplication is required, either after the initial two-year period or after a five-year approval period). After one-year of approval, a second one-year approval may be granted if issues of concern remain. One-year approval may be granted only twice consecutively for any approval cycle. Should the sponsor not adequately remedy any concerns after the second one-year of approval, further approval will be denied.

Deferral

In limited instances the Committee may defer action on an application if more information is needed to allow the Committee to make a decision about the applicant's compliance with the *Standards and Criteria*. In such cases the Committee may request necessary information from applicants, with a specified deadline for response in order to allow the committee to review the response at the next regularly scheduled meeting of the Committee.

The purpose of a deferral is to allow the Committee to request clarification on procedures or to seek additional information on programs or materials submitted by the applicant. New procedures adopted subsequent to a deferral will not be considered during the Committee's review of the response to deferral. If the requested information is not forthcoming by the specified deadline or is not satisfactory to address the Committee's concerns regarding compliance with the *Standards and Criteria*, a new applicant will be denied and a renewal applicant will be terminated. Any request for approval at a later time will require a new application.

Denial

Applicants who do not demonstrate that they meet the *Standards and Criteria* will not be approved. The reasons for denial will be described in writing to the applicant. A decision to deny can be made at any stage of the application or renewal process. Applicants denied approval may reapply or request reconsideration. An applicant must complete a request for reconsideration before a formal appeal may be requested (see Procedures for Reconsideration and Appeal of Decisions). Applicants will not be denied approval based on information from external sources without the applicant having been given an opportunity to respond to such information.

TERMS OF APPROVAL

1. APA-approved sponsors must conform to the *Standards and Criteria*.

Approved sponsors agree to conduct CE activities in conformance with the *Standards and Criteria*. Sponsors in violation of the standards and/or criteria set forth therein will be subject to probation or termination of approval.

2. Sponsors must pay scheduled fees.

Nonpayment of fees will result in probation and, ultimately, in termination of approval. New applications will not be reviewed or activated until appropriate fees are paid.

3. Application Review Responses

Successful applicants will receive a review report subsequent to the decision of approval. The Review Report will include comments and concerns noted by the Committee at the application review. Sponsors must respond to all concerns noted on the review report within the time frame set forth in the report. Failure to provide satisfactory responses to review reports in a timely manner may result in probation and, ultimately, in termination of approval.

4. Annual Report

Approved sponsors must submit yearly Annual Reports pursuant to deadlines set forth. The Annual Report must include a list of all activities offered by the sponsor to psychologists for credit in the previous year, a promotional piece for each corresponding program, and a list of such programs planned for the upcoming year. Sponsors who have not offered any programs are still required to submit an Annual Report. Staff may make inquiry into programs or activities that appear to be in violation of the *Standards and Criteria*. Failure to submit a complete Annual Report in a timely manner and/or failure to comply with the *Standards and Criteria* will result in probation and, ultimately, in termination of approval

5. Approved sponsors may cosponsor programs with other organizations. To the extent that Approved Sponsors engage in cosponsor arrangements, approved sponsors are responsible for ensuring the cosponsored program's compliance with the *Standards and Criteria*.

CHANGES IN APPROVAL STATUS

APA-Approved Sponsors May be Reassessed

Approved sponsors may be reassessed under the following circumstances:

1. Failure to comply with the Terms of Approval outlined in these Policies and Procedures.
2. Substantial changes in a sponsor's goals, activities or administration.
3. Indications or a complaint that a sponsor's CE activities fail to meet the requirements of the *Standards and Criteria*.
4. The planning, evaluation and other procedures followed by the sponsor are substantially inconsistent with those described in the sponsor's application.

Under any of these circumstances, the sponsor may be reevaluated and a decision as to continuation of approval will be made. Reassessment may result in probation or termination of approval.

APA-Approved Sponsors May be Placed on Probation

If an approved sponsor's activities do not meet the *Standards and Criteria*, or if a sponsor fails to comply with the Terms of Approval as outlined in this manual, the sponsor may be placed on probation. The reasons for and length of the probationary period will be described in writing to the sponsor. Although retaining approval status, the sponsor's activities will be closely monitored during this period.

At the end of the period of probation, the sponsor must provide documentation of compliance with the issues raised in the notification-of-probation letter. If such documentation is not provided, approval will be terminated. If approval is terminated, the sponsor must submit a new application in order to regain approval status.

PROCEDURES FOR RECONSIDERATION AND APPEAL OF DECISIONS

Except as set forth in this Section, the following decisions made by the Continuing Education Committee are considered adverse decisions for which the sponsor or applicant (“sponsor/applicant”) may request reconsideration by the Committee or formal appeal in accordance with the procedures outlined below:

1. Denial
2. Termination of Approval

A sponsor/applicant is not entitled to a Request for Reconsideration by the Committee or a formal Appeal pursuant to these Policies and Procedures if the Denial or Termination of Approval is based on a failure to pay fees or provide materials requested by the Committee in a complete and timely manner. Instead, if the Denial or Termination of Approval is based on either of those grounds, any

request for reconsideration shall be submitted to the Chair of the Committee and the decision by the Chair shall be final and is not appealable.

A Committee decision of Denial or Termination of Approval shall be transmitted to the sponsor/applicant in a notification letter. The letter of notification shall include the basis for the adverse decision and inform the sponsor/applicant of the right to request reconsideration of the decision by the Committee.

A request for reconsideration is required prior to formal appeal. If the Committee votes to uphold its adverse decision following the request for reconsideration, the sponsor/ applicant will then have the right to request an appeal of the decision.

A written request for reconsideration or appeal that is filed on time by a sponsor/applicant shall stay the adverse decision until the reconsideration or appeal hearing by an appeal panel is completed. The approval status of the organization during the process of reconsideration or appeal shall remain as it was prior to the adverse decision.

Request for Reconsideration

If reconsideration of an adverse decision is desired, a written request for reconsideration (and the basis for requesting reconsideration) shall be submitted to the Office of CE Sponsor Approval within 30 days following the date of receipt of the notification letter describing the basis for the adverse decision.

Reconsideration shall be based *only* on the information before the Committee at the time of its initial decision. If the sponsor/applicant seeks to submit revised information in response to Committee concerns (e.g., changes in the organization or programs since the initial decision), a new application must be filed and a request for reconsideration will not be entertained. The reconsideration will occur at the next regularly scheduled meeting of the Committee and shall be at no additional cost to the sponsor/applicant. If, following the reconsideration, the Committee upholds its initial decision; the sponsor/applicant may request a hearing before an appeal panel.

Appeal

1. Filing an Appeal

A sponsor/applicant may challenge an adverse decision within 30 days of receipt of written notice of the Committee's adverse decision on reconsideration. The appeal must be based only on the grounds that the Committee's decision was arbitrary, capricious or otherwise not in accordance with the *Standards and Criteria* and the Policies and Procedures of the Committee. The request for appeal shall include a statement of reasons for appealing the decision of the Committee. Any issue not specified in the request for appeal will not be considered on appeal. The appeal should be addressed to the President of APA. A nonrefundable appeal fee will be charged to the appellant, such fee to be submitted with the appellant's letter of appeal. If no

timely request is received, the decision of the Committee shall be considered final.

2. Appointment of an Appeal Panel

Within 60 days of receipt of the sponsor/applicant's letter of appeal, the Office of CE Sponsor Approval will provide the sponsor/applicant with a list of three (3) potential appeal panel candidates from a list of potential panel members designated by the APA Board of Educational Affairs. None of the appeal panel candidates will have had a prior connection with the sponsor/applicant or with the approval process related to the sponsor/applicant. Panelists need not have a particular specialty or be from a particular geographic location. Within 30 days, the sponsor/applicant may challenge any of the designated panelists for good cause (e.g., conflict of interest, bias, or other prejudicial infirmity). If the sponsor/applicant shows good cause why a named panel candidate is unacceptable, an alternative will be selected as a replacement in the same manner as the initial three (3) panelists. The replacement may also be challenged for due cause. This procedure will be used until three (3) acceptable panelists have been selected. If the sponsor/applicant does not notify the Office of CE Sponsor Approval of any objections within 30 days, the Board of Educational Affairs will designate these three members to serve on the appeal panel. The Board of Educational Affairs will designate one of the three panelists as chair of the appeal panel. The Board of Directors of APA will also be informed of the Appeals Panel's composition.

3. Appeal Hearing

An appeal hearing, requested in conformity with these procedures, will take place within ninety (90) days of the designation of the panel, unless that is impractical, in which case the hearing will be scheduled at the earliest practical date thereafter. The appellant shall be notified of the time and place of the hearing.

The appeal panel will convene a hearing via conference call at a date and time acceptable to all parties. In addition to the three members of the appeal panel, the appeal hearing will be attended by one or more sponsor/applicant representatives, one or more representatives from the Committee, and staff of the Office of CE Sponsor Approval. Separate legal counsel also may accompany either party.

In exceptional circumstances and at the discretion of APA, an in-person hearing may take place. If an in-person hearing is conducted, the appellant shall pay any expenses incurred in sending its representative (including counsel) to an in-person hearing. In addition, the appellant shall pay one-half of the expenses incurred by APA in the conduct of the hearing. Those expenses shall include travel, hotel accommodations, and meals for the three Appeals Panel members, counsel for the Appeals Panel, and a representative from the Committee.

4. Scope and Conduct of Appeal

An appeal is not a *de novo* hearing, but a challenge of the decision of the Committee based on the evidence before the Committee at the time of its decision. The Committee's decision should not be reversed by the appeal panel unless such decision was arbitrary, capricious or otherwise not in accordance with the *Standards and Criteria* and the procedures of the Committee. Accordingly, the appeal panel should not substitute its judgment for that of the Committee merely because it would have reached a different decision had it heard the matter originally. If an issue requires a legal interpretation of the Committee's procedures or otherwise raises a legal issue, the issue may be resolved by APA Legal Counsel instead of the appeal panel.

The procedural and substantive issues addressed by the appeal panel will be limited to those stated in the appellant's appeal letter.

Only the facts or materials that were before the Committee at the time of its decision and information properly submitted as part of a request for reconsideration may be considered by the panel. The panel will be provided with only documents and information considered by the Committee in making its decision, the letter that notified the sponsor/applicant of the Committee's decision (and denial of the request for reconsideration), the letter of appeal, a written brief submitted by the sponsor/applicant, and a reply brief submitted by the Committee. The letter of appeal and written briefs shall not refer to information or materials that were not before the Committee. Any additional information supplied by the sponsor/applicant in the written briefs cannot describe new components of the sponsor/applicant or changes made subsequent to initial review/action. Any such new information will not be considered by the appeal panel. All materials from the appellant, including its brief, must be provided at least 45 days before the date of the appeal hearing. All materials from the APA, including its reply brief, must be provided at least 15 days before the date of the appeal hearing.

When Legal Counsel for appellant attends and participates in the hearing, it is with the understanding that he/she recognizes the proceedings are not a judicial forum, but a forum to review the Committee's decision in terms of procedural violations or substantive error.

APA's Legal Counsel will also attend the hearing. In addition to advising APA, the counsel has responsibility to assure compliance with the APA Approval of Sponsors of Continuing Education for Psychologists: Policy and Procedures Manual ("Policy and Procedures Manual") and may resolve legal or procedural issues or can advise the panel. Additional counsel may also appear at the hearing on behalf of the Committee.

At the hearing, the sponsor/applicant's representative shall first present arguments regarding issues raised on appeal. The Committee's representative shall then make the Committee's presentation. (The sponsor/applicant and the Committee may decide what role, if any, counsel shall have in their presentations.) The Appeal Panel may address questions, as appropriate, to either the sponsor/applicant and/or the Committee. Neither the sponsor/applicant nor the Committee shall have the right to question each other directly, although either can raise issues or

suggest questions that the Appeal Panel will have the discretion to explore. Following the initial presentations, and any questions by the Appeal Panel, the sponsor/applicant and then the Committee shall be allowed closing statements. The appeal panel may depart from this format should considerations of fairness so require.

The burden of proof shall lie with the sponsor/applicant.

5. Decision and Report of the Appeal Panel

The Committee's decision should be affirmed unless such decision was arbitrary, capricious or otherwise not in accordance with the *Standards and Criteria* and the procedures of the Committee. The appeal panel shall have the power to grant full or conditional approval, to deny approval, to terminate approval, or to order further proceedings of the Committee. The decision of the appeal panel shall be by majority vote.

The report of the appeal panel will state its decision and the basis of that decision based on the evidence before the panel. The report of the panel will be addressed to the President of APA and sent within 30 days of the hearing. Copies will be provided to the sponsor/applicant, the Chair of the Continuing Education Committee, the Chair of the Board of Educational Affairs, and the Office of CE Sponsor Approval. The appeal panel decision may also be shared with the full Continuing Education Committee, Board of Educational Affairs, or the APA Board of Directors in certain circumstances.

COMPLAINT PROCEDURES

In the event that the Office of CE Sponsor Approval receives an inquiry and/or becomes aware of activity that may relate to a potential violation of the *Standards and Criteria*, the following will be used to address the potential violation (hereby referred to as a complaint):

1. The APA Office of CE Sponsor Approval staff will notify the Chair of the Continuing Education Committee (CEC) of the complaint; the nature of the complaint may be further clarified as necessary with the complainant.
2. The sponsor named in the complaint will be informed in writing of the nature of the complaint as it relates to the potentially relevant criteria and given the opportunity to respond within a specific time period.
3. Under these procedures, an approved sponsor is informed when an organization or individual brings a complaint against it. Once the sponsor has been informed of the complaint, withdrawal by the sponsor from the Office of CE Sponsor Approval shall be deemed termination of approval.
4. Upon review of the response from the sponsor, APA staff may request any additional information as needed.
5. The APA Office of CE Sponsor Approval staff will review the complaint and the response from the sponsor, and attempt to resolve any concerns with the sponsor. If the complaint cannot be resolved at this level, the staff will refer the complaint to members of the CEC

- who are designated to review complaints.
6. In the event of a complaint related to program content, a subcommittee of APA members with relevant expertise may be appointed to serve in a consultative role to the CEC to determine whether or not the course content is based on data, theory, and/or research that is reasonably relied upon in the profession.
 7. Following consultation, if appropriate, with the subcommittee of APA members, the subcommittee of the CEC will report its recommendations for action to the committee as a whole.
 8. The CEC will make a determination of action to be taken regarding the complaint and will notify the APA Office of CE Sponsor Approval.
 9. The APA Office of CE Sponsor Approval, on behalf of the CEC, will forward a response to the sponsor that may include any of the following:
 - a) an educative letter, with documentation to the file. This may include a no-fault letter, a letter clarifying and explaining the criteria and issuing a warning, or a sanctions letter,
 - b) a reduction of the current approval period,
 - c) loss of specific sponsorship privileges, e.g., ability to cosponsor programs or offer homestudy, or
 - d) loss of approval status.
 10. The complainant will be notified by the Office of CE Sponsor Approval of any final action related to the complaint.
 11. In addition to processing received complaints, the CEC reserves the right to independently pursue any inquiry or complaint that comes to its attention.
 12. In considering renewal applications, the CEC may take into account the significant number or nature of complaints, and especially of unresolved complaints.