



# NZPB Decision Guidelines Relating to Part 2 of the HPCA Act

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With thanks to the Pharmacy Council, whose work provided the foundation of this document.

## Preamble

The following decision guidelines have been developed to capture experience and legal opinion gained and to assist the New Zealand Psychologists Board and its delegates make fair, reasonable, and lawful decisions. The guidelines cover the decision options available and provide generalised agreed decision criteria and defined thresholds where applicable. The guidelines can be applied to assist in determining what should be recommended in an individual case, but (in keeping with the requirements of Administrative Law) *they should not be applied inflexibly or without proper consideration of the merits of each unique case.*

These guidelines should be communicated (in an appropriate manner and to the extent necessary) to the person(s) concerned, at his or her request, whether before or after (preferably before) the taking of an action concerning the person. Decision makers should consult and communicate with those who may be affected, provide opportunity for adversely affected persons to be heard and/or make submissions regarding a proposed (adverse) decision, and fully consider what they have to say before making a final decision. Reasonable information about decisions (including reasons, factors considered, and material relied upon) should be provided.

*A recipient is less likely to feel aggrieved if it is clear that his or her arguments were considered, and reasons are provided.*

### What benefits will result from applying these decision guidelines?

- Decisions will be more fair, consistent, and reasonable;
- Decision-making processes will be more transparent;
- Decisions will be well-positioned to withstand judicial review;
- Decision makers who have certain limited statutory powers will make their decisions knowing the context of those decisions in terms of the entire HPCA Act;
- The legislation will be more consistently applied;
- More efficient and cost effective processes will be employed;
- It will be easier to achieve a consensus where differing views exist within committees and/or the Board;
- Decisions will fit the practice of psychology;
- Despite varying membership, committees and the Board will have the benefit of previous committee/Board decisions.

### On-going development of the decision guidelines

The Health Practitioners Competence Assurance (HPCA) Act 2003 is still relatively new and the legal precedents, case law, and body of experience for decisions are still emerging. Our experience is still limited to a relatively small number of cases. These decision guidelines will therefore be revisited on a regular basis to expand them and refine them as additional experience is gained.

### What decisions do these guidelines cover, and what won't they cover?

#### 1. HPCA Act Sections which apply:

Part 2: Registration of, and practising certificates for, health practitioners.

#### 2. Decision makers (and advisors) whose decisions (and/or recommendations) will be covered:

The Board's "Part 2" (P2) Committee,

The Board's Registrar and Deputy Registrar (Registration),

The Psychologists Board (governance body).

### 3. What won't the decision guidelines cover?

Guidelines can only provide general considerations and some specific criteria to assist in decision making. They cannot be expected to cover the full range of complexity that will exist in actual cases.

## General Considerations For All Decision Makers

### Decisions must at all times:

- Focus on protecting the health and safety of members of the public;
- Be consistent with the requirements of the HPCA Act;
- Be in accordance with the Board's statutory authority (where an express statutory power is being exercised);
- Be within the decision maker's powers (either expressed or implied);
- Observe the rules of natural justice;
- Be reasonable, properly considered, and based on all relevant and reliable information;
- Be in accordance with any relevant Board policy, unless there are compelling reasons for departing from the policy (in which case extreme caution is necessary);
- Be consistent with previous decisions where that is possible and appropriate. If the decision is a departure from a previous approach, there should be a good reason for that deviation;
- Be made in a way that is fair to all parties;
- Be reasonable for the purpose of achieving the desired outcome (least intrusive, but guarantees safety of public);
- Balance the purpose (protection of the public) with any disadvantage caused;
- Avoid irrelevant considerations;
- At all times be made by decision-makers who are impartial, and have no interest in the decision being made;
- Be made only after all relevant information is before the decision-maker. There must be no pre-determination;
- Be backed up with reasons that must be supplied to the affected parties;
- Contain sufficient detail to enable those affected by the decision to properly understand it.
- Be consistent with what can reasonably be expected of a competent psychologist engaged in the practice of psychology.
- Be made within a time which is reasonable having regard to the matters at stake.

### Questions to Apply:

#### *Is this a valid application?*

- Is the application complete (including full payment of any fee)?
- Has the identity of the person who is making the application been established?
- Has/Have all required information/documents been received? (Refer to relevant checklist.)
- Does the applicant actually intend to practise within New Zealand?
- Is the evidence provided by the applicant accurate and reliable?
- Does this applicant owe the Board any monies for any reason?
- Has the applicant fulfilled any outstanding conditions?

#### *Is the applicant fit for registration? (Refer s16 checklist)*

#### *Does the applicant have the qualifications that have been prescribed for the scope of practice? (Refer checklist.)*

#### *Is the applicant competent to practise within the scope of practice? (Refer checklist.)*

## Specific Criteria/Thresholds

### Definitions:

**1500-hour internship (start/finish times)** When assessing the number of hours of internship an applicant has completed, the starting point is when the student has actually commenced practising (under appropriate supervision but semi-independently) as a psychologist; the finishing point is when his or her placement contract ends. Internships normally occur toward the end of a student's academic training, and can be differentiated from "practica" both by the degree of independence afforded the student and by the timing of the placement in relation to the core academic training. For New Zealand trained applicants, all 1500 hours must have been completed while the student was registered as an Intern Psychologist.

**Competent practitioner** is one who is able to safely, effectively, and consistently demonstrate the core competencies prescribed by the Board.

**Competent registering authority** means an authority operated or officially endorsed by government, and independent of stakeholder groups.

**Equivalent Qualification(s)** means:

- Formal academic qualifications from an appropriately accredited institution of higher learning that are *at least* equivalent to the *minimum* qualification(s) required for the intended scope of practice, and/or
- Evidence of competent professional performance that has been completed under appropriately structured supervision and that has been formally and rigorously assessed by an appropriate method.
- Applications for registration and vocational scopes are granted on *complete qualifications* and not a mix of individual papers.
- The qualification shall be publicly identified and labeled as a psychology program; such a program shall specify in pertinent institutional catalogues its intent to educate and train psychologists to engage in the activities which constitute the practice of psychology.
- Masters degrees in Education and Post Graduate Diplomas in Educational Psychology (Board-accredited) will, for the purposes of registration, be considered to be equivalent to Masters degrees in Psychology where their content is sufficiently Educational Psychology in nature.
- The program shall have an identifiable body of students in residence at the institution who are enrolled in that program for a qualification.
- There shall be an identifiable full-time psychology faculty in residence at the institution, sufficient in size and breadth to carry out its responsibilities, employed by and providing instruction at the home campus of the institution.
- Candidates must provide the Board with conclusive, clear, and reliable evidence that they possess such qualification(s).
  - Specifically;
    - **For an academic qualification:** the candidate must provide evidence of an equivalent level of achievement in terms of the Board's prescribed core competencies for that qualification.
    - **For practicum/internship:** the candidate must provide evidence that they have graduated from a structured, supervised, and formally evaluated professional practice programme of at least 1500 hours that has been approved by the Psychologists Board or an equivalent competent registering authority for psychologists.

**Evidence** may include;

- Official transcripts (original or certified copy) showing that appropriate courses were successfully completed at a Board-accredited (or approved overseas) institution.
- We accept *certified copies* of degrees and diplomas from registrants but if there are any concerns about a registrant's academic qualifications, then confirmation will be sought from the University that the registrant was a student and what qualification that person graduated with.
- Verifiable evidence of at least 1500 hours of formally evaluated professional performance completed under appropriately structured supervision.
- A verifiable resume, and/or employer statements.
- The results of an examination conducted by the Board or an accredited agency.
- In order to **evidence past experience** as part of an application, applicants need to provide a job description, job title, and a report or letter from their current supervisor.

The Board reserves the right to decide what evidence is or is not acceptable for its purposes.

**Good standing**<sup>1</sup> means:

In regard to a practitioner's standing with the **New Zealand** Psychologists Board, good standing means:

- there are no current investigations, reviews, or remediation programmes in progress or under contemplation in relation to the practitioner;
- there is no history of adverse disciplinary findings against the practitioner;
- there is no legal barrier to the practitioner's registration or to the issuance of a practising certificate, including no disciplinary, competence, criminal, fitness, or health reasons that would inhibit registration or the issuance of a practising certificate (e.g., none of sub-sections 27(1)(a,b,c,e) apply to the practitioner);
- there are no fees, fines, costs, or expenses owed to the Board by the practitioner.

In regard to a practitioner's standing with any **overseas** regulatory authority, good standing means:

- there are no current investigations, reviews, or remediation programmes in progress or under contemplation in relation to the practitioner;

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<sup>1</sup> Applications for restoration to good standing are considered by the Board's Parts 3 & 4 Committee. Refer to the NZPB Decision Guidelines Relating to Parts 3 & 4 of the HPCA Act for details.

- there is no history of adverse disciplinary findings against the practitioner;
- there are no other legal barriers to the practitioner's registration or to the issuance of a practising certificate, including no disciplinary, competence, criminal, fitness, or health reasons that would inhibit registration or the issuance of a practising certificate.

**Intern Psychologist** applies to practitioners registered in the "Intern Psychologist" scope of practice.

**Trainee Psychologist** applies to practitioners registered in the "Trainee Psychologist" scope of practice.

#### Fees:

- The full fee is payable for each application made by an individual.
- The only fees chargeable are those formally gazetted by the Board.

## General Registration Criteria

### Competence

- Applications from persons who have not practised in the three years immediately prior to the date of application will be assessed on a case-by-case basis, and in accordance with the Board's current "**Return to Work**" policy. The Committee will normally require a plan for a safe return to practice and/or evidence of continued competence.

### Fitness

- Registration applicants with **criminal convictions** will be considered on a case-by-case basis. It should be noted that:
  - The Board will not be bound by decisions made by educational institutions in respect of enrolling a student or addressing the effect of convictions imposed during a course of study.
  - All such applicants will be given the opportunity to make a written submission and to be heard in respect of their convictions.
  - Without limitation, the Board will consider the following:
    - The nature and seriousness of the offence(s).
    - The applicant's age at the time of the offending.
    - The time that has elapsed since the conviction(s).
    - The number of convictions.
    - Any patterns of offending.
    - Character references lodged with the application.
    - The extent to which the conviction(s) may reflect adversely on the applicant's fitness to practise.
    - The extent to which the conviction indicates the applicant may pose a risk to the health and safety of the public.
  - There is no guarantee that on successful completion of a degree leading to registration that an applicant would be admitted to the Register as every case is considered on an individual basis, taking into account the above criteria. The Board must be guided by the HPCA Act and assure itself that the applicant is fit to be entered onto the Register.
- It is a requirement that a person whose first **language** is not English and/or whose formal qualifications were not taught and achieved in English must reach the Board's standard which is: 7.5 (overall) in the IELTS Academic test, with no section score less than 7.0.

### Scopes of Practice

- Applications for registration in the **Intern Psychologist** scope of practice coming from students enrolled in a non-accredited course of study must include details of their proposed internship arrangements. Such applications will be assessed on a case-by-case basis.
- We accept **TTMRA applications** for registration in the **Intern Psychologist** scope of practice for Australian students who can prove they are registered in a similar scope of practice with the Australian registration board. Subject to payment of the usual fee, they will be granted registration under the Intern Psychologist scope of practice with the annotated condition that they practise only at a named place under the close supervision of a named supervisor.

- **Intern Psychologists** applying for registration in the Psychologist scope of practice or a vocational scope of practice may be admitted on the basis of a written submission from the Head of Department or Head of School (from a Board accredited tertiary educational institution) indicating their eligibility for conferral or awarding of their qualification.
- In considering applications for the vocational scopes or practice, successful completion of a “**Supervision to Registration**” (S2R) programme may be considered but there must also be supporting evidence of a directly related academic qualification. If that qualification’s content is not substantially related to the scope applied for, then the applicant does not meet the required standard.
- Applicants for a **vocational scope** of practice who were previously registered **overseas** and who have completed an S2R programme may be granted a vocational scope of practice if and only if they also meet the grand-parenting criteria.

## Accreditation And Specific Qualifications

### Criteria for evaluating the academic credentials of New Zealand trained applicants

(Refer also to the Board’s prescribed qualifications for each scope of practice and to the current list of Board-accredited training programmes.)

- When considering an application for full registration it is the accreditation status of the programme at the time the student graduated from that programme that is relevant. (Support will be offered to students from a programme that has recently lost accreditation).

### Criteria for evaluating the academic credentials of overseas trained applicants<sup>2</sup>

The following criteria will be used in evaluating the academic credentials of overseas candidates for registration as psychologists.

The applicant must have obtained a graduate degree with a major in psychology from:

- A government-approved or government-authorized, appropriately accredited, degree-granting institution of higher education.

OR

- An institution of higher education in Canada or the United States regionally accredited by one of the following accreditation bodies:
  - Middle States Association of Colleges and Schools. (msache.org)
  - New England Association of Schools and Colleges. (neasc.org)
  - Higher Learning Commission (hlcommission.org) (formerly North Central Association Commission on Accreditation and School Improvement).
  - Northwest Association of Schools and Colleges. (nwccu.org)
  - Southern Association of Colleges and Schools. (sacs.org)
  - Western Association of Schools and Colleges. (wascsenior.org/senior)
- OR
  - An appropriately accredited university in another country that has been recognized or authorized by a competent registering authority of that jurisdiction and has been assessed by the Board as likely to impart the prescribed core competencies.<sup>3</sup>

That in assessing their eligibility for registration as a psychologist in New Zealand the Board may take into account an **overseas applicant’s** registration status and practice experience in another jurisdiction(s).

### Criteria for evaluating doctoral level qualifications for inclusion on the Register

The Board will use the following criteria to evaluate a registrant’s doctoral level qualifications. Qualifications that do not satisfy these criteria will not be included on the Board’s Register. At all times when practising as a psychologist, registrants should only refer to themselves as “Doctor” if their doctoral level qualifications have been assessed and included on the Register by the Board. (Refer Code of Ethics for Psychologists Working in Aotearoa/New Zealand, 2002: Principle 3.1.1)

1. The candidate must have obtained a doctoral level degree from:
  - a) A government-approved university in New Zealand

<sup>2</sup> **BEWARE:** There are sham accreditation bodies operating, such as the “European Council for Distance and Open Learning (ECDOL)”.

<sup>3</sup> For North American jurisdictions, see [www.kspope.com/licensing](http://www.kspope.com/licensing)

OR

b) An institution of higher education in Canada or the United States regionally accredited by one of the following accreditation bodies:

- Middle States Association of Colleges and Schools. ([msache.org](http://msache.org))
- New England Association of Schools and Colleges. ([neasc.org](http://neasc.org))
- North Central Association Commission on Accreditation and School Improvement. (Note name change 2001 from NCA.) ([ncacihe.org](http://ncacihe.org))
- Northwest Association of Schools and Colleges. ([nwccu.org](http://nwccu.org))
- Southern Association of Colleges and Schools. ([sacs.org](http://sacs.org))
- Western Association of Schools and Colleges. ([wascsenior.org/senior](http://wascsenior.org/senior))

OR

c) A Doctoral programme accredited by the American Psychological Association or the Canadian Psychological Association,

OR

d) A university in another country that has been recognized/authorized by an appropriate, competent, equivalent regulatory authority of that jurisdiction.

AND

2. The registrant's doctoral level degree must be specifically identified in its title as a degree in psychology, or it is stated in the transcripts (or other documentation acceptable to the Board) that the degree is from an appropriately accredited psychology programme. A doctoral degree in another field may be considered equivalent to a doctoral degree in psychology where its content is sufficiently psychological in nature.

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