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Dear Senator Gerratana, Representative Ritter and Members of the Public Health Committee,

I am writing to you concerning Representative Srinavasan's bill, HB6267, which proposes a task force to specifically study the Department of Public Health's investigation and hearing process as well as oversight of mental health professionals involved in the family court system.

I am greatly concerned regarding the motivation for the proposed "study" but, more importantly, the potential adverse consequences from this activity on the ability of DPH to investigate claims by consumers, adjudicate these claims, due process for professionals for whom accusations may be made, and any disruption in the ability for DPH to provide for the protection of consumers as a result of this task force.

First, by way of background, I am licensed psychologist with board certification in clinical neuropsychology. I have practiced in Connecticut for 20 years. I have served on the Board of Examiners in Psychology since 2010. I previously served on the Psychiatric Security Review Board from 2007 to 2010.

With respect to consumer protection regarding the professional behavior regarding psychologists, it is important to first note that the filing of a complaint is very easy and accessible for an aggrieved consumer. The complaint process is also open to individuals who may have not been the direct recipient of psychological services but have become aware of behavior causing concern. However, spurious complaints are not uncommon. This is particularly true in the context of medico-legal evaluations that involve high stakes for a party (custody, civil damages, disability status). Many such evaluations may result in an individual who perceives themselves as a "loser" when their specific goals or agenda have not been successful. Irrespective of the motivation of any complainant, it has been my experience that accusations of professional misconduct are treated with the seriousness and concern that is deserved.

A critical component of the investigation of a complaint is the determination of whether professional misconduct has occurred. This determination has been appropriately largely deferred to a peer review process that relies on individuals familiar with existing standards for professional conduct. DPH maintains a cadre of psychologists who volunteer their time and expertise to assist with this process. These individuals are provided with information regarding the nature of the complaint as well as relevant records and asked to make a determination if a professional or ethical standard has been violated. In many circumstances, this may also involve the review of psychological testing data. Additionally, depending on the nature of the psychological work that is being reviewed, the specific specialty of work may require the review of a psychologist with particular relevant expertise. The process of completing a peer review of another psychologist's work can be time consuming and protracted as additional information is sought to assist in the review process.

A critical component of the peer review process is for the reviewer to be anonymous to the individual being investigated. Fear of repercussions, potentially professionally (including counter claims of misconduct) as well as potential civil suits were the reviewer to be identified, would likely result in a significant drop out of the limited number of psychologists who are willing to volunteer their time to serve in this capacity. I have spoken with several colleagues who have clearly indicated that they would not be willing to complete peer reviews under circumstances in which their identity was provided to either the complainant or the psychologist being reviewed.

I am highly concerned that any "study" may result in a breakdown of the current investigation process. I believe the potential to be high for a task force, particularly with an explicit agenda to review specific cases, will result in individuals unwilling to complete peer reviews of their colleagues (not only in psychology but likely across other disciplines). This would bring the investigative process to a halt and instead place the process solely in the hands of DPH administrators without the expertise to evaluate the merit of discipline specific complaints. In effect, DPH would then need to request formal hearings on every complaint made regardless of the absence of any merit to a complaint. As such, a single individual would be able to make endless baseless complaints against a psychologist that would effectively cripple them from practicing in order for them to respond to each complaint, as well as require extensive expansion of DPH resources to handle the increased volume of hearings. The tremendous burden that would occur from disrupting the current investigative and adjudication process should be carefully considered as you weigh the costs and benefits of the proposed study.

While I do not support that individuals involved in custody matters should have some special grievance procedure or rights beyond those of any other consumers of psychological services, I strongly suggest that if a task force is established that safeguards be put in place. This should include the following:

1. Individuals who have made complaints regarding mental health professionals would be precluded from serving on the task force. If the goal is an objective study of the complaint process, the potential for bias with those who have been previously involved in either "successful" or "unsuccessful" complaints is quite high.
2. The scope of any information gathering on specific cases for review by the task force be limited. This should include the redaction of any identifiers in peer reviews (of both the reviewer and the individual about whom the complaint has been made). Further, explicit protections for the privacy of children and/or parents information contained in psychological reports should be established.
3. There is also high potential for the misuse or misinterpretation of psychological test data obtained in the course of an evaluation. Psychologists are ethically bound to guard against misuse of test data such that no test data should be made available to non-psychologists as part of the study process.
4. It should be clearly established that the "study" is not an opportunity for double jeopardy. That is, the process cannot involve the reinvestigation of previously closed claims of misconduct. I suggest that the Attorney General's office be consulted on this issue.
5. In light of the rhetoric that has posted on the internet in various venues by proponents of this study, I suggest that any release of information from this study be done by the chair of the taskforce and any members of the taskforce be precluded from making public statements regarding confidential information obtained in the course of their review.

Thank you for considering my thoughts on this matter. Please let me know if you have any questions regarding the above.

Sincerely,

Howard Oakes, Psy.D., ABPP-CN