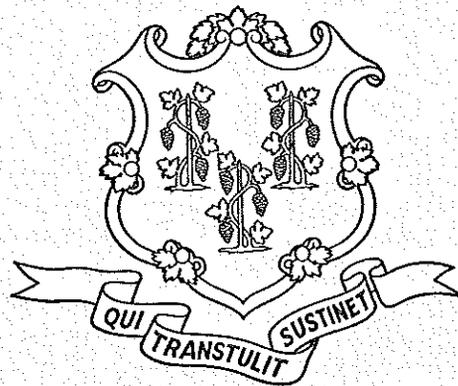


Connecticut General Assembly



Legislative Program Review and Investigations Committee

SUNSET REVIEW

Board of Examiners of Psychologists

Vol. I-18

January 1, 1980

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

The Committee is composed of twelve members, three each appointed by the Senate President Pro Tempore and Minority Leader, and the Speaker of the House and Minority Leader.

This is the first of five annual reviews emerging from the first round of "Sunset" research.

1978-80 Committee Members

Senate

William E. Curry, Jr., Co-chairman
Wayne A. Baker
Lawrence J. DeNardis
Marcella C. Fahey
Nancy L. Johnson
Michael L. Morano

House

Astrid T. Hanzalek, Co-chairman
Robert J. Carragher
Dorothy S. McCluskey
Richard E. Varis
Elinor F. Wilber
Muriel Yacavone

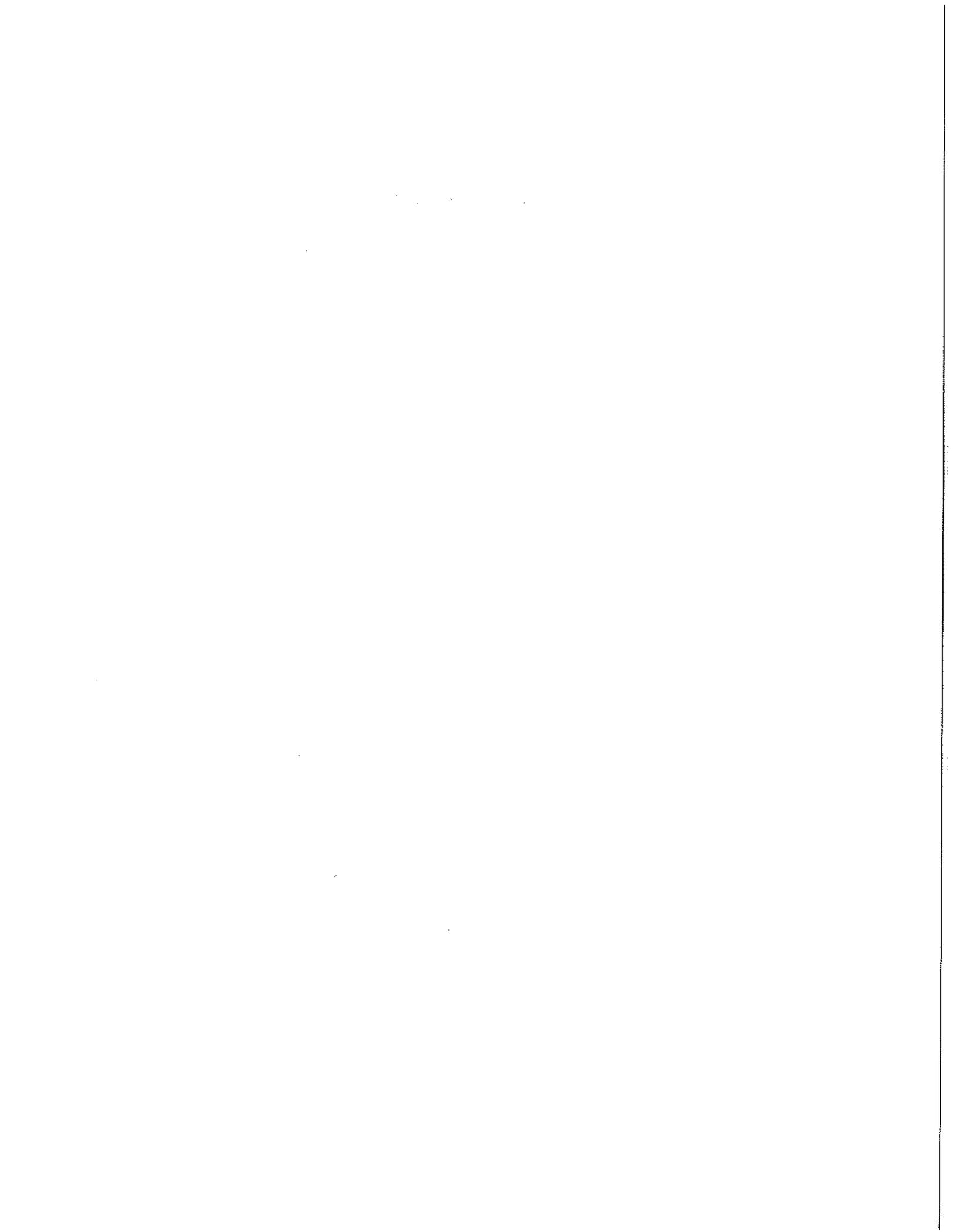
Committee Staff

Michael L. Nauer, Director
Paul S. Rapo, Staff Attorney
George W. McKee, Sunset Coordinator
Elaine A. Anderson, Ph.D., Senior Program Analyst
Randy J. Garber, Program Analyst, Acting Sunset Coordinator
Jill E. Jensen, Program Analyst & Principal Analyst on the Study
L. Spencer Cain, Program Analyst & Principal Analyst on the Study
Catherine McNeill Conlin, Program Analyst
Joanne E. Downs, Program Analyst
Anne E. McAloon, Program Analyst
Lillian B. Crovo, Stenographer
Mary Lou Gilchrist, Committee Secretary

SUNSET REVIEW 1980

BOARD OF EXAMINERS OF PSYCHOLOGISTS

Vol. I-18



BOARD OF EXAMINERS OF PSYCHOLOGISTS

The Board of Examiners of Psychologists was reviewed by the Legislative Program Review and Investigations Committee in compliance with the Sunset mandate of P.A. 77-614. The nine criteria outlined in that act (Title 2c, Chapter 28) provided the basis upon which committee decisions were made. These criteria required legislators to address three fundamental questions in evaluating the boards and commissions slated for 1980 Sunset review:

1. Is regulation of the occupation or profession necessary to protect the public from harm?
2. What is the appropriate level of regulation?
3. Who should regulate the occupation or profession and how should it be regulated?

This board-specific report is supplemental to the Sunset Review 1980 - General Report which contains the background, methods, and recommendations of Sunset Review 1980. To appreciate fully the contents of this board-specific report, it is necessary to review and refer to the General Report, particularly the section "Model Legislation" which provides a single statutory framework to be applied uniformly and consistently to all regulated entities under Sunset review.

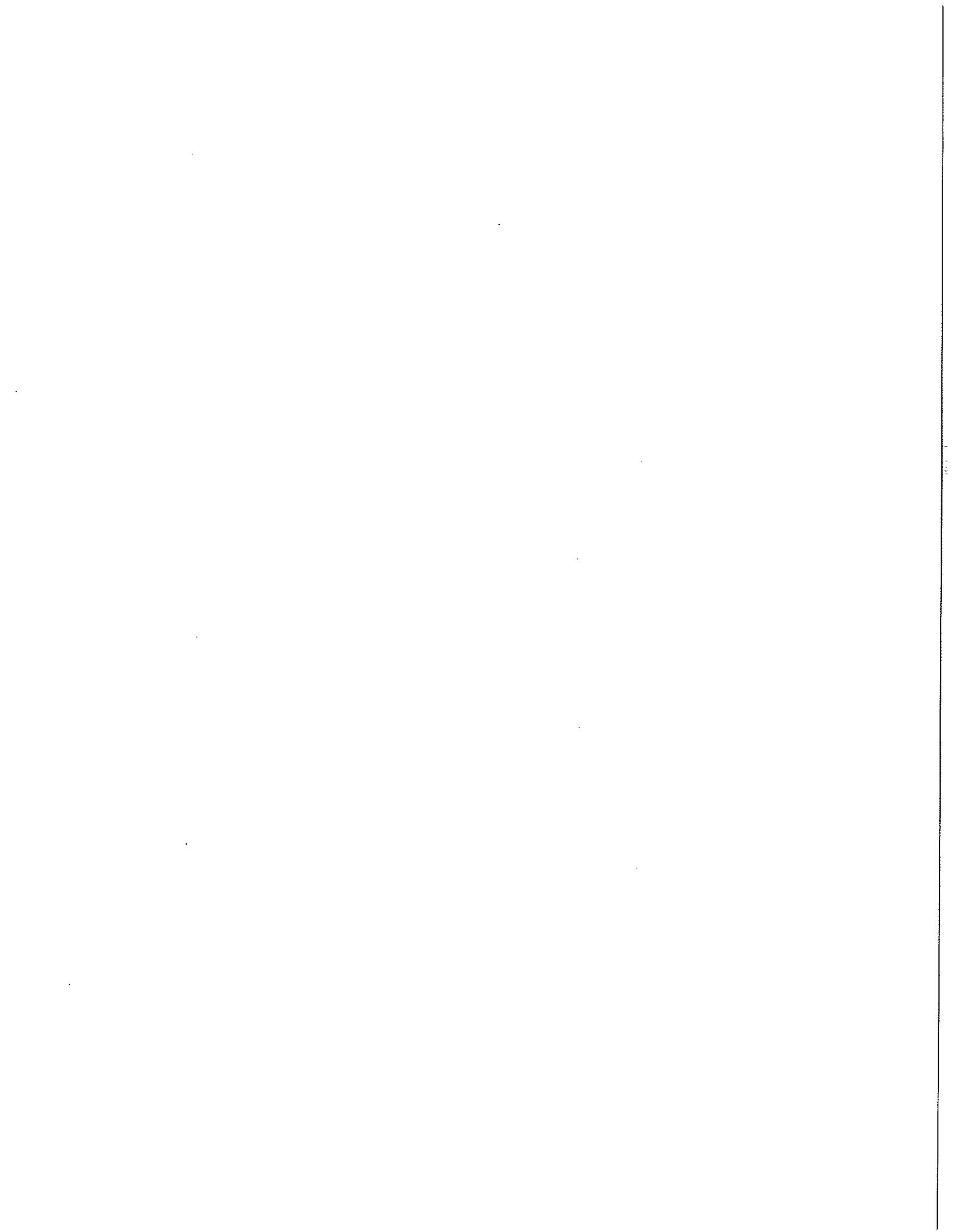
This specific report contains the following sections:

- Description of entity reviewed;
- Recommendations and discussion for entity reviewed; and
- Entity survey and analysis.

SECTION I

DESCRIPTION OF ENTITY

Definition and Background
Structure
Functions
Entry Requirements



Definition and Background

Psychologists receive training in such areas as: learning, motivation, perception, thinking, and human behavior. Psychologists practice in diverse settings, including schools, hospitals, the judicial system, and private practice.

The purpose behind regulation is to ensure, through licensure, that psychologists are initially and continually competent to minimize the possibility of physical and emotional harm.

Psychologists were first regulated in Connecticut in 1945 through a system of certification. The legislature, in 1969, replaced certification with licensure. The use of psychological techniques by others, however, has not been prohibited; only the use of the title "psychologist," "psychology," and "psychological" is restricted by law.

Currently, 504 psychologists are licensed in Connecticut.

Structure

The Board of Examiners of Psychologists issues licenses for both clinical and consulting psychologists. The board is composed of five members appointed by the governor. Three of the members must possess a minimum of five years psychological experience and two must be public members.

Function

The board is charged with adopting entry standards consistent with statutory authority and determining if applicants for licensure meet those standards. The board prescribes the examination with the consent of the Commissioner of the Department of Health Services and is responsible for grading the examination. The board also decides whether persons licensed in other states have met the standards for licensure in Connecticut. In such cases the board may, if it wishes, waive the examination requirement.

Complaints, hearings, and the imposition of sanctions are all within the board's authority. Approval of educational institutions lies with the Department of Education.

Entry Requirements

An applicant for licensure must pass a national examination and a board-prescribed essay examination. To take the

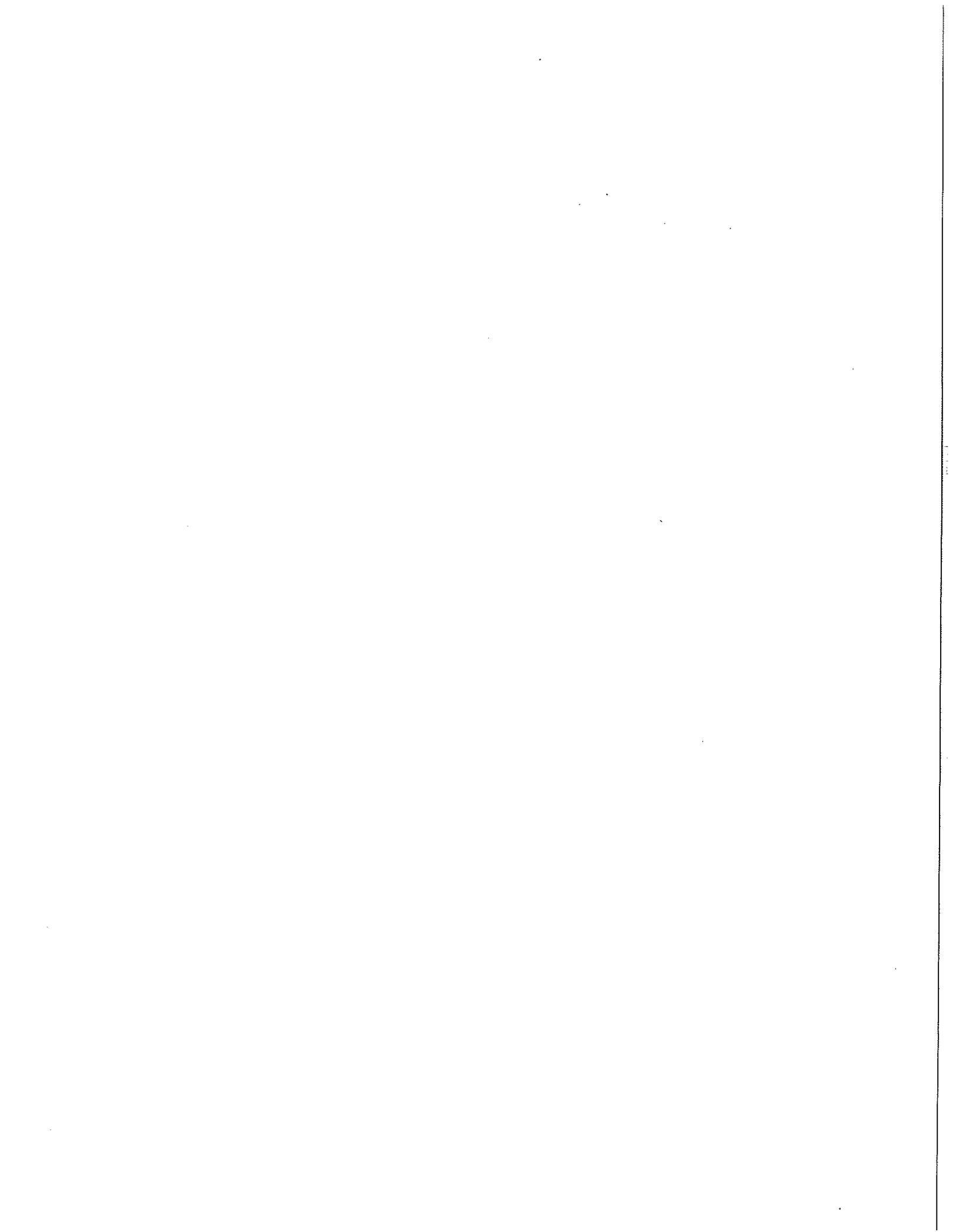
examination an applicant must:

- be at least 18 years of age;
- be of good moral character;
- have received a doctorate with a primary emphasis in psychology;
- have at least one year of post-doctoral experience approved by the board; and
- have not failed the examination within the previous six months.

Applicants are required, by regulation, to declare an area of psychology in which they intend to practice. Those specifying clinical practice must complete a one year clinical internship approved by the board.

SECTION II

RECOMMENDATIONS AND DISCUSSION



Recommendations for the Regulation
of Psychology (Chapter 383)

1. Continue licensure of psychologists.

Licensure has been found to be the most appropriate and necessary level of regulation for the profession of psychology.

2. Eliminate the distinction between consulting and clinical licenses.

The board and Committee staff have found the distinction too fine and extremely difficult to implement.

3. Continue the Board of Examiners of Psychologists.

Retention of this board is necessary to provide the professional expertise needed in the entry and enforcement function of licensure.

4. Amend Chapter 383 to include Model Legislation standards, procedures, responsibilities, appropriate repealed sections and all other relevant sections.

Model Legislation addresses and ameliorates previous and potential concerns about regulatory procedures and policies. By providing a single regulatory framework for all boards under the aegis of the Department of Health Services (DOHS), the Model Legislation insures consistency, objectivity and uniformity in the execution of regulatory functions. Specific areas of concern in the psychology board and the solution offered by the Model Legislation are listed below.

a. Powers and Duties of the Department of Health Services -

Professional board members and others expressed concern about the perceived unilateral control and authority by this single agency after Executive Reorganization. Model Legislation delineates the Commissioner's powers and duties relative to the regulatory boards and provides mechanisms for countervailing powers and board input where necessary.

b. Powers and Duties of the Boards - *Critics of the boards prior to Executive Reorganization maintained that they had too much authority and lacked a necessary system of checks and balances in their powers and duties. After Executive Reorganization, however, board members and other professionals in particular believed that the board's regulatory role was overly diluted*

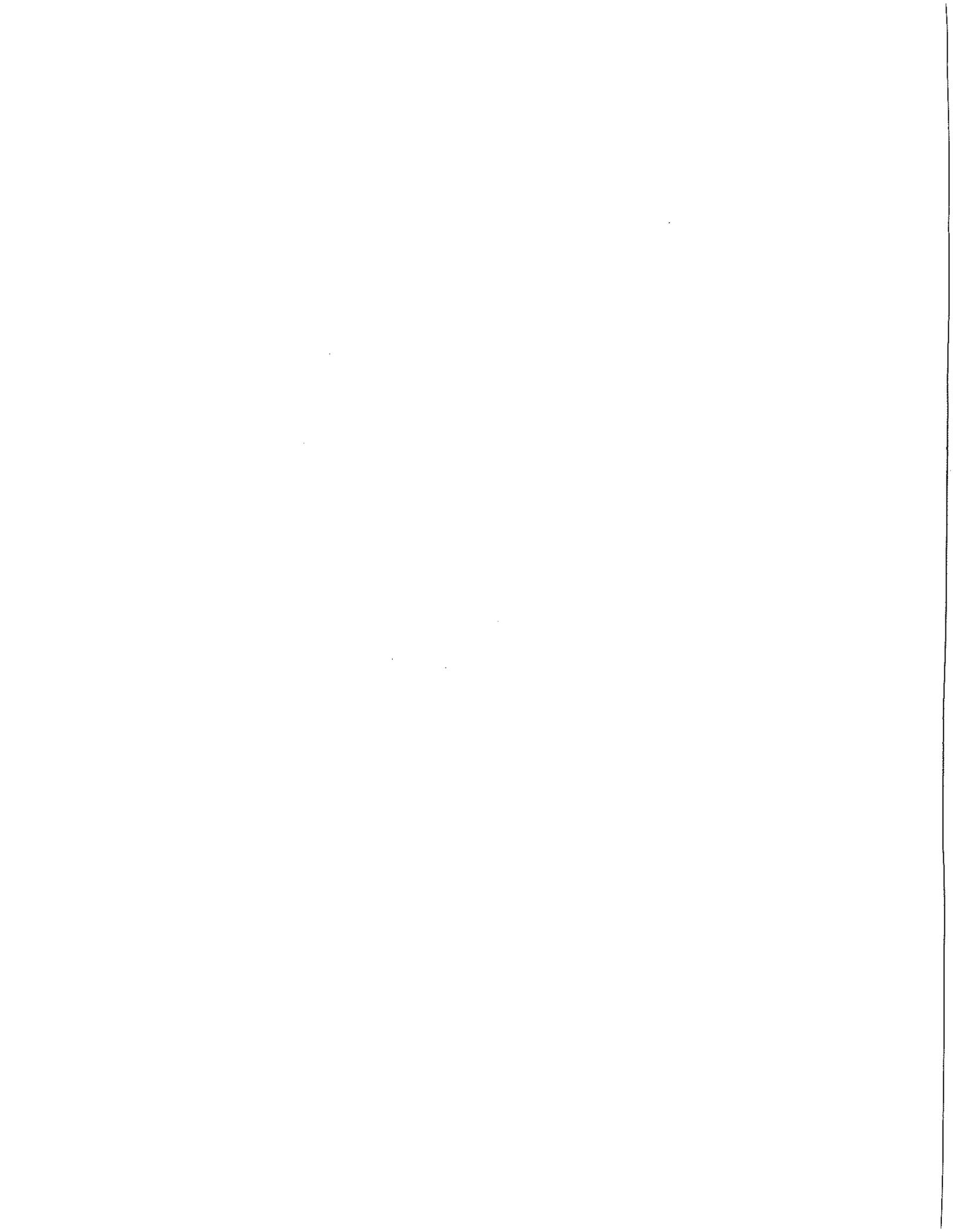
and not clearly specified with respect to the Department of Health Services.

Model Legislation delineates the board's powers and duties and provides mechanisms to insure professional expertise and input where necessary.

- c. Business Practices - The Committee found that regulation of business practices and statutory restrictions on business practices were not relevant to ensuring and enforcing minimum standards of competence. Such business practices are recommended for statutory repeal (See Model Legislation - Business Practices).
- d. Entry Requirements - The Committee found that the psychology statutes governing entry requirements contained certain qualifications not relevant to determining an applicant's competence. Such requirements--good moral character, minimum age of 18-- are recommended for deletion. Model Legislation also provides for an intensive review and revision of entry requirements by the board and the Department of Health Services to bring them in conformance with the principles outlined in the Model Legislation and the current state of the art in the practice of psychology.
- e. Renewal Standards - The Committee found that standards for licensure renewal required review and revision to bolster the enforcement of continued competence. Model Legislation (Required Reports) provides for such updating.
- f. Grounds for Professional Discipline - The Committee found a great variance among the statutes in this area. Model Legislation provides grounds for professional discipline which are focused on the delivery of service and quality of care rendered by the practitioner. Application of these grounds to all regulatory boards under the aegis of the DOHS insures a rational and uniform basis for peer review and imposition of disciplinary sanctions.
- g. Receiving and Processing Complaints - An area of considerable controversy, mechanisms for receiving and processing complaints in the Model Legislation are delineated to provide the professional board with necessary information and input at appropriate stages, while maintaining the separation of powers and duties necessary in this regulatory aspect.
- h. Disciplinary Sanctions - Model Legislation explicates a range of disciplinary sanctions and requires consistency and uniformity in their application.

SECTION III

ENTITY DATA AND ANALYSIS



ENTITY DATA AND ANALYSIS

Section 2c-6 of Connecticut's Sunset Law mandates that the entity reviewed demonstrate a "public need for (its) reestablishment" and that "it has served the public interest and not merely the interests of the persons regulated." All boards, commissions and departments evaluated in Sunset Review 1980 received a questionnaire which addressed the nine statutorily specified Sunset criteria.

This questionnaire, the primary instrument used to evaluate the entity's "burden of proof," was followed by staff interviews with key board members and members of the professional associations for further clarification and amplification:

The following section contains the questionnaire sent to the Board of Examiners of Psychologists. Where appropriate, Committee staff has edited the agency response without altering or diluting the argument. Committee staff then analysed the agency response. Because of the methodological constraints posed by Sunset evaluation and implementation of Executive Reorganization occurring simultaneously, manageable quantitative data were difficult to obtain. Qualitative analysis, based on relevant information and data derived from a variety of sources, was used primarily in the Committee staff comment. This annotation appears in italics below the agency response.

1. WOULD THE TERMINATION OF LICENSING REQUIREMENTS FOR YOUR PROFESSION SIGNIFICANTLY ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE? PLEASE EXPLAIN.

- a. The termination of licensing for psychologists would deprive the public of knowing whether or not persons representing themselves as psychologists actually possess the proper qualifications and skill to conduct psychological evaluation, counseling, individual and group therapy, industrial and management consultation, family counseling, personnel selection, etc.
- b. Such public agencies as courts and the Department of Vocational Rehabilitation and Medicaid require the assurance of skill and quality provided by the licensing board, and, in many cases, require the services of a licensed psychologist because there is no better criterion.
- c. Most health insurance companies reimburse policyholders for psychotherapy only when the therapist is either a licensed physician or a licensed psychologist. Licensing provides an objective criterion of a basic level of competence to provide service to the public.

The committee staff concurs that the termination of licensing requirements would have an adverse effect upon public health and safety. Licensing distinguishes the competent and trained psychologists from the vast variety of non-licensed counseling services. Additionally, a high degree of public confidence is required of licensed practitioners by consumers of psychological services.

2. COULD THE PUBLIC BE ADEQUATELY PROTECTED BY ANOTHER STATUTE, OFFICE, OR PROGRAM? IF SO, WHICH ONE(S)?

- a. We are not aware of any other statute, office or program which would protect the public as a substitute for the licensing act for psychologists.
- b. Approximately 50 states currently have licensing laws for psychologists.

Current regulatory structure in Connecticut provides for professional expertise and peer review in the entry and enforcement of standards through a professional/public board. The board structure is necessary to tap professional expertise when needed.

3. COULD THE PUBLIC BE ADEQUATELY PROTECTED BY A LESS RESTRICTIVE METHOD OF REGULATION THAN THE CURRENT LICENSING REQUIREMENTS, SUCH AS CERTIFICATION OR REGISTRATION? PLEASE EXPLAIN.

We do not believe the public would be adequately protected by a less restrictive method. The certification law for psychologists, in effect before the current licensing law, was not adequate to regulate the profession nor protect the public. That act only stated that an individual could not hold himself out as a "certified psychologist" if he was not certified. There was no restriction on the use of the word "psychologist" as such, so that law was of very limited usefulness as far as the general public was concerned.

Prior to 1969, the state used certification as a method of regulation for psychologists. Since the enactment of P.A. 69-597, the state has used licensure to regulate the profession and has restricted use of the terms "psychology," "psychologists" and "psychological" to licensed practitioners. The law does not, however, restrict certain professions such as physicians, social workers and counselors from applying psychological principles in the course of work.

4. DOES YOUR BOARD OR COMMISSION HAVE THE EFFECT OF INCREASING THE COSTS OF GOODS OR SERVICES TO THE PUBLIC EITHER DIRECTLY OR INDIRECTLY? PLEASE EXPLAIN THE BASIS FOR YOUR ANSWER.

We are unaware of any evidence which would indicate that our board has the effect of increasing the cost of services to the public. The state reimbursement fee schedule for psychologists in private practice remained unchanged from October, 1973 to the Fall of 1978.

Studies indicate that increasing entry standards result in higher cost for consumers of the regulated services. Also, increasing the educational investment necessary for licensure will raise the cost of services provided by the professional.¹

5. IF YOUR BOARD HAS THE EFFECT OF INCREASING COSTS, IS THE ADDITIONAL COST JUSTIFIED THROUGH PUBLIC BENEFITS ATTRIBUTABLE TO THE ACTIONS OF THE BOARD? PLEASE EXPLAIN.

As noted under No. 4, we do not believe our board has the effect of increasing costs.

Benefits that accrue to the public through licensing are those associated with the protection of public health and safety. The requirement that a level of competence is met before an individual is allowed to practice minimizes danger to the public.

¹ Walter Gellhorn, "The Abuse of Occupational Licensing," The University of Chicago Law Review, Vol. 44, Fall 1976, pp. 6-27.

6. IS THE EFFECTIVENESS OF YOUR BOARD OR COMMISSION HAMPERED BY EXISTING STATUTES, REGULATIONS OR POLICIES, INCLUDING BUDGET AND PERSONNEL POLICIES. IF SO, PLEASE BE SPECIFIC IN YOUR ANSWER.

We feel our board is hampered as follows:

- a. Until the new reorganization act, our board consisted of five professional members and no public members. The new act requires a board of five, with three professional and two public members. We welcome the addition of public members, but are firmly convinced that the work of the board requires more than three professional members. Public members are not able to devise and evaluate essay examinations nor to evaluate the dossiers of many candidates to determine if the candidate meets the presently determined criteria to qualify as either a clinical or consulting psychologist. The board feels unanimously that the work load is such that three professional members could not possibly handle the job. (We feel it is essential that the national objective examination be supplemented by an essay question to determine how well the candidate can cope with situations in actual practice.)
- b. The volume and complexity of work of the board require more than a part-time clerk from the Department of Health. We need a technically trained person (not necessarily a psychologist) on at least a half-time basis to serve as an executive secretary to the board in a position to satisfactorily answer the many inquiries that are received.
- c. We do not believe that any other state makes the distinction between "clinical" and "consulting" psychologists. This distinction in the present law is extremely difficult to administer and was inserted as part of the original law over the objections of psychologists. The present board and the previous two boards are unanimous in feeling that the law should cover "psychologists" as a total group and that the distinction between clinical and consulting should be eliminated. This would not represent any loosening of standards, but would eliminate the need of making the very fine and difficult decision between "clinical" and "consulting" (i.e., "all other" psychologists).

- d. The current law needs careful review of its wording to close such loopholes as the failure to prevent individuals who are not trained in psychology from offering psychological type of services to the public. The present law continues to fail to provide monitoring of the performance of the psychological professional function by individuals, regardless of what term they use to describe themselves.
- e. We will seek changes in the regulations as, for example, achieving a more precise definition of the education requirement and to eliminate an experience requirement which currently might possibly discriminate against women with children.
- f. We are interested in seeking a statutory basis for (1) adding continuing education requirements as a condition of renewal licensing and (2) suspending the licenses of individuals who are incapacitated or incapable of normal fulfillment of their professional responsibilities.

It is recommended that the distinction between a clinical and consulting psychologist be terminated. The current law, as previously discussed in question no. 3, is the best method for assuring the protection of the public safety while not restricting the use of psychological principles by competent individuals. Disciplinary procedures and grounds are to conform with the Model Legislation. Finally, the Sunset report will recommend that all boards and commissions under review this year evaluate standards governing their profession. Specifically, each board must review the standards governing the profession and propose recommendations consistent with the Model Legislation and spirit of the 1979 Sunset Report.

7. WHAT STATUTES AND REGULATIONS IMPINGE DIRECTLY ON THE OPERATIONS OF YOUR BOARD? PLEASE LIST OR ATTACH COPIES.

- a. General statutes of Connecticut and supplements to the general statutes, Sections 20-186, 20-187 and 20-187a and 20-188 to 20-191 inclusive, and 20-191a, 20-191b and 20-192 to 20-195 inclusive. Also Section 52-146c. Copy is attached.
- b. Rules of Practice, Board of Examiners of Psychologists of Connecticut. Copy is attached.

8. TO WHAT EXTENT HAVE QUALIFIED APPLICANTS BEEN PERMITTED TO ENGAGE IN THE PROFESSION(S) OR OCCUPATION(S) LICENSED BY YOUR BOARD? PLEASE COMMENT ON WAITING PERIODS, DELAYS, PAPERWORK, ETC.

Qualified applicants, before being licensed in Connecticut, are permitted to engage in the profession as long as they do not use the title "psychologist" and may obtain third party payments as long as they practice under the supervision of a licensed psychologist. Examinations are given every April and October and the entire application process takes no more than two to three months, if the applicant is prompt in having references, transcripts, etc. sent to the board. The completed files of all current applicants are reviewed by the board at least one month prior to the examination and all who have satisfied the statutory requirements are admitted to that examination, receiving at least three weeks notice before the examination date.

Candidates licensed in states whose requirements are at least equal to Connecticut's are licensed by waiver of examination in a matter of one or two months. Reduction in the number of professional board members would cause a delay in reading essay examinations and in candidate evaluation.

The committee staff has found no indication that the board's application procedures have caused lengthy delay. Most delays were found to occur when the applicant failed to submit the necessary information for board decision.

9. WHAT ACTIONS HAS YOUR BOARD OR COMMISSION TAKEN TO INSURE COMPLIANCE WITH FEDERAL AND STATE AFFIRMATIVE ACTION POLICIES AND TO ENCOURAGE ACCESS BY WOMEN AND MINORITIES INTO YOUR PROFESSION?

Up to this time, the board has not advertised nor actively sought out applicants for licensure. There are women and minorities in the Connecticut State Psychological Association and all of such persons are periodically informed of licensing activities and are also in a position to encourage persons whom they think are qualified to apply for licensure.

Both objective and essay examinations are scored only by code identification so there is no opportunity for personal discrimination in the examination process. See also response to 6e.

10. WITHIN THE PAST FIVE (5) YEARS, WHAT CHANGES IN STATUTE, RULES OR REGULATIONS HAS YOUR BOARD OR COMMISSION RECOMMENDED WHICH WOULD BENEFIT THE PUBLIC AS OPPOSED TO LICENSEES?

The only change in the last five years has been the adoption of the Rules of Practice indicated under No. 7.

The board, with the assistance of the Department of Health Services, promulgated regulations concerning its operations, structure and rules of practice. The regulations, in both form and substance, are in compliance with the requirements for rule making established by the Uniform Administrative Procedures Act.

11. WHAT HAS YOUR BOARD OR COMMISSION DONE TO ENCOURAGE PUBLIC PARTICIPATION IN THE FORMULATION OF YOUR RULES, REGULATIONS AND POLICIES?

The Connecticut State Psychological Association has a Liaison Committee with the Board of Examiners and the Committee's input is actively sought. They had input to the formulation of the Rules of Practice cited above. The dates and places of all board meetings are public and the new regulations, when proposed, were submitted for public reaction. See also (12) below concerning complaints.

By following the procedures set forth in the Uniform Administrative Procedures Act, the board received public input through the publication of its regulations in the Connecticut Law Journal and by the review process of the Regulations Review Committee.

While the board does indicate that all meetings are open to the public, the previous conduction of meetings in a restaurant may not be considered an appropriate public forum.

12. WHAT HAS BEEN YOUR PROCESS THROUGH DECEMBER 31, 1978 TO RESOLVE PUBLIC COMPLAINTS CONCERNING PROFESSIONALS REGULATED BY YOUR BOARD OR COMMISSION?

When a complaint is received, it is discussed at the next succeeding board meeting and a board member assigned responsibility for investigating the complaint and he/she keeps the board informed as to status until the matter is resolved. We seek the consent of complainant and subject to contact other sources for information. Hearings may be called to give the complainant and the subject of the complaint an opportunity to present their cases. As needed, the opinion of the Attorney General's Office is sought.

The complaint process followed by the board has been found to be fair and efficient. The Model Legislation will formalize the complaint process and provide uniformity with other boards under the aegis of the Department of Health Services.

13. WITHIN THE PAST FIVE (5) YEARS, WHAT STATUTES, RULES, OR REGULATIONS HAS YOUR BOARD OR COMMISSION PROPOSED OR ADVOCATED TO PROTECT YOUR PROFESSION FROM THE LICENSURE OF UNQUALIFIED PERSONS?

None have been proposed other than Rules of Practice cited above.

