

ALASKA LEGISLATIVE COMMITTEES DO NOT

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would do no harm. Why the double standard? Hogan's thesis is that licensing incurs harmful side effects, while registration "provides few of the negative side effects created by traditional licensure." (p. 371) Therefore, he argues, registration may be judged by the lower standard. Because, according to Hogan, licensing does not assure that only competent practitioners provide services, it does not justify the negative side effects it is alleged to create. However, the cogent measure of licensure is whether or not it improves the quality of services delivered, and whether or not it does so better than any other mechanisms. Hogan's recommended alternative, registration, must be judged by this same cogent standard. Because his discussion ignores an appropriate criterion for the effectiveness of licensure, it evades a valid assessment of this procedure.

Hogan has found no direct empirical research bearing on the relationship of licensure to level of competence of mental health practitioners. With respect to the effect of licensure on the level of competence in other fields, he states, "Only two studies have been found." One study found that "licensure did not significantly improve the quality of output" of personnel in the clinical laboratory field. The other "found that dental services were improved in states with stiff licensing requirements." (pp. 286-7) By relegating these studies to a footnote, Hogan confirms their impertinence to mental health practice.

He cites empirical studies to demonstrate "that practitioners are not as competent as the public would think.: (p. 254) (These studies refer to medical, not mental health practitioners.) However, these studies say nothing at all about the central issues, viz, is licensing more effective than other regulatory procedures in selecting competent practitioners.

The "less direct arguments and evidence" (p. 254) Hogan cites on the

issue of competence are these:

1) "The existence of obviously irrelevant requirements indicates that some of the standards being used are not related to the quality of professional practice." (p. 254) In his discussion of the use of paraprofessionals he identifies some of these "^{se "o} obviously irrelevant requirements." (p. 254) "Many requirements are ^{unr} unrelated to ability, especially citizenship, residency, age and other personal requirements." (p. 277) Here again, he invents a straw man. Has anyone ever claimed that citizenship is related to "quality of professional practice"? Age, residency, citizenship requirements are the result of political decisions by state legislators. He fails to explain how such political decisions invalidate the concept of licensure as a useful regulatory procedure or why it is necessary to abandon licensure to be rid of politically imposed requirements.

2) "Perhaps the most glaring indication that licensing laws are ineffective in protecting the public is their failure to reassess periodically whether a practitioner is still competent." (p. 254) This speaks only to an area in which the procedure may be improved, not to how well this procedure serves the public as compared to proposed alternatives. The need to maintain competence throughout one's professional career is not an issue unique to licensure as a regulatory procedure. Again, the correct question is whether it is more feasible to monitor continued competence under licensure than under other regulatory procedures. Hogan fails to address this question here, or in his discussion of his proposed alternative, registration.

3) "...there is no evidence that licensing requirements measure significant factors. The emphasis on educational degrees, for instance, assumes that such degrees are a valid and reliable measure of competence." (p. 255)

The data Hogan cites in support of his assertion of the irrelevance of academic training do not withstand scrutiny. A few examples are illustrative:

a) "Academic grades predict nothing but future grades." (p. 255) This does not mean, as Hogan concludes, that the training which is graded is not relevant or essential to professional practice. (The grades may not predict who among the competent will be more or less competent.²) Without the training, none is likely to be competent. If the grades in medical school do not predict who will be a better or a poorer surgeon, it does not follow that surgical training is unnecessary. b) "A Labor Department study found correlations between years of education and job performance in only three of twenty cases involving ten occupational groups in two labor markets." (p. 255) What kind of correlations between what education for which jobs? How does a finding about unspecified occupational groups lead to the conclusion that academic training is not relevant for mental health practitioners and, therefore, if licensing requirements include academic training they are making unnecessary, irrelevant demands?

4) "...licensing examinations have not been shown to have any correlation with the skills needed to practice therapy or any other professional endeavor effectively." Hogan is here referring to the written examination. His assumption that the licensure examination is primarily intended as a measure of competence is a widely held misperception, at least as it pertains to psychology. The psychology licensure examination is generic with some specialty questions and is intended to confirm that the examinee has comprehended the substance of doctoral program training, and that such comprehension

²In a group as homogeneous with respect to intellectual ability as graduate students, the range of academic performance may be so restricted as to reduce the possibility of obtaining significant correlations. Bergin, A.E. & Jasper, L.G., Correlates of Empathy in Psychotherapy, J. of Abnormal Psychology, 1969, V 74, p. 480)

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is demonstrable independent of the institution which granted the doctoral degree. Thus the licensing examination is an external procedure authenticating what the applicant has mastered of both generic and specialty training. Competence in the application of that training is monitored in two ways: a) by close supervision of clinical practicum courses in one's specialty, required during doctoral training; b) by senior professionals independent of the degree-granting institution who supervise a required post-doctoral work experience.

5) Selection and grading criteria are unrelated to empathic ability.

He states that "A general consensus exists that empathic ability is the critical and most important criterion of therapeutic competence." (p. 160)

This statement discloses that Hogan has not read the literature critically. In the most extensive and intensive investigation, done by the individual who devised the best known system of measuring empathy, the relationship between empathy and outcome can at best be characterized as complex and ambiguous.³ One study directly addressing this question, which found no relationship whatever between empathy and outcome, is not cited.⁴ A recent review of this subject states: "Relevant clinical observations have also cast doubt on the universal applicability of the principle that the greater the degree of genuineness, empathy, and warmth, the greater the benefit to all patients. It has been noted, for example, that schizophrenic patients may be more harmed than helped by a therapist's premature display of warmth, and that an excessively empathic statement may provoke anxiety and

³Rogers, C.R., Gendlin, E.T., Kiesler, D.V., Truax, C.B., The Therapeutic Relation and Its Impact, Madison: University of Wisconsin Press, 1967.

⁴Garfield, S., & Bergin, A.E., Therapeutic Conditions in Outcome, J. of Abnormal Psychology, 1971, V 77, pp. 108-114.

defensiveness in some neurotic patients."⁵

These reviewers state, "It must be concluded that the unqualified claim that 'high' levels.....of accurate empathy, warmth, and genuineness.... represent the 'necessary and sufficient' conditions for effective therapy.... is not supported."⁶

A further example of Hogan's reading of the literature is provided by his citing a study by Bergin and Jasper that "found virtually no relationship at all between empathic ability and student grade-point averages." (p. 160) This finding is advanced to support his allegation that "little correlation exists between competence and academic grades or degrees." (p. 159) The connecting link between grade-point averages and competence is Hogan's allegation that empathy is the most important criterion of therapeutic competence. What Hogan does not mention is that this same study reports "the failure to find any correlation between empathy scores and outcome ratings."⁷

Hogan's allegation that selection and training procedures focus on cognitive skills to the neglect of personality characteristics does not hold for most current training programs in clinical psychology. (See submission by Dr. Rosalea A. Schonbar describing the program at Teachers College which is illustrative of most current training programs.)

✓ ⁵Parloff, M.B., Waskow, I.E., & Wolfe, B.E., Research on Therapist Variables in Relation to Process and Outcome, p. 244, in Garfield, S., & Bergin, A.E., Eds., Handbook of Psychotherapy and Behavior Change, 2nd edition, New York: Wiley, 1978.

⁶ibid, p. 249.

⁷Bergin, A.E. & Jasper, L.G., Correlates of Empathy in Psychotherapy, J. of Abnormal Psychology, 1969, V 74, p. 480.

The third line of evidence is expert opinion. In this endeavor Hogan is selective about which authorities, and which opinions of these authorities, he gleans as evidence. For example, he states "Roughly a fourth of all medical boards do not believe they adequately screen out inept practitioners." (p. 252) He chooses to believe the judgements of the one-fourth rather than the three-fourths. He quotes Hans Strupp as believing "that only 20% of all therapists are competent." (p. 254) (In a personal communications, dated 7 April, 1981, Strupp has stated, "Obviously, I have no data to show this. I don't know where this figure comes from - perhaps an offhand remark.") Hogan does not know, at least he does not state, whether Strupp is referring to licensed or self-identified therapists. He does not state what level of proficiency Strupp demands for a judgment of competence. Nor does he present Strupp's opinion, which may be considered equally expert, that the way to increase competence is to require higher training, qualification and licensing standards, rather than to discard them (personal communication).

An oft-repeated theme by Hogan in support of many of his allegations, is that academic training is not the appropriate preparation for clinical practice. He cites surveys and studies testifying to the discontent with the professional training provided in doctoral programs at universities. These data refer to training programs extant in the 1950s and 1960s. Hogan acknowledges, if briefly, the "increasing number of changes (that) have occurred in the professional training of clinical psychologists." (p. 147) These include the establishment of schools of professional psychology, both free standing and university affiliated; the emergence of the Psy.D. degree based on a curriculum that "strongly emphasize(s) experiential learning and coursework relevant to psychotherapy;" (p. 147) the promulgation

by the American Psychological Association of "guidelines on recommended standards for psychotherapy education in psychology doctoral programs, including recommendations for departmental structure, faculty, practicum settings, and curriculum," (p. 147) Having recorded these developments, Hogan persists in his allegations of the inappropriateness of doctoral training in psychology.

✓ The two other arguments advanced by Hogan in support of his allegation that licensing fails to protect the public are the inadequate disciplinary enforcement of licensing laws, and the only sporadic prevention of unlicensed practitioners from operating. These arguments speak to the need for better enforcement, administration, implementation of the licensing laws, not to their abolition. Any regulatory procedure needs to be administered properly.

Here, too, Hogan addresses the wrong issue. The issue to be addressed is not how well licensing laws are being administered, but which regulatory procedure lends itself more readily to effective administration and enforcement. In this connection, it will be revealing to compare Hogan's program for administering and enforcing the registration alternative he suggests with that required for effective enforcement of licensing laws.

* { In sum, Hogan provides no persuasive evidence to support his allegation that licensure fails to protect the public interest.

Negative Effects of Licensing: Refutation

In the second phase of his argument, Hogan states that even if licensing does accomplish its avowed purpose, it "has significant negative effects that often outweigh any potential benefits in terms of protecting the public."

(p. 265) According to Hogan, licensure has six harmful effects.

- 1) Exacerbation of shortages in the supply of practitioners

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Hogan provides no direct empirical evidence to support his allegations that licensing exacerbates the shortage in the supply of practitioners. In this section he states at one point that "Empirical research on the effects of licensing are difficult to find." (p. 220) At another point he states "The extent to which licensing plays a role in exacerbating this problem is difficult to determine, but it is probably substantial." (p. 267)

The indirect evidence he cites to support this allegation includes the following.

a) "The fact that licensing standards in a given profession tend to rise over time, although without demonstration that the standards required for minimally competent practice have risen, also indicates that current standards are higher than necessary, and hence unduly restrictive." (p. 268)

Hogan provides no data to show that licensing standards in any of the mental health professions, psychology, psychiatry, social work or nursing, have risen over time. In fact, they have not.

b) Hogan states, "By far the most convincing argument that licensing laws unnecessarily restrict the supply of practitioners in the mental health field is the evidence from preceding chapters that little, if any, relationship exists between requirements for licensure and competent practice.

A fairly large group of professionals agrees that this is the case, and the empirical research tends to bear this out (see earlier chapters and Hogan, 1972)." (pp. 267-8) The analysis of Hogan's "preceding chapters" has disclosed his failure to identify any "empirical research" that has borne this out, along with his selective use of such professional opinion as agrees with his allegations.

At this point Hogan is well into the strategy noted earlier. Successive allegations rest upon the validity of previous allegations, which he simply

asserts he has convincingly proved.

2) Exacerbation of maldistribution in the supply of practitioners

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Hogan provides no direct empirical evidence that licensing laws exacerbate the maldistribution in the supply of practitioners in the mental health area. He states the "Rigorous empirical verification of the impact of licensing on maldistribution is woefully inadequate...." (p. 273) With respect to the mental health field, he states, "Although the above evidence suggests that licensing laws do exacerbate problems of maldistribution in various professional fields, the question remains whether this is true for the field of psychotherapy. On this no evidence exists apart from the logical arguments provided above." (p. 274) In other words, he has no direct empirical evidence to provide.

The "logical arguments" are essentially one, viz., "The geographic problem has been exacerbated because licensure laws make it difficult for licensed practitioners in one state to obtain a license in another."

(pp. 272-3) This allegation is based on the assumption that if there was reciprocity between states practitioners would move from better served areas to underserved areas. This is a gratuitous assumption. A more likely consequence of reciprocity would be movement from underserved to better served areas, for the same reasons that have caused the better served areas to be reasonably well saturated with practitioners in the first place.

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Hogan states that for psychologists, social workers and physicians, "The existence of maldistribution is probably more a function of therapists being attracted to urban areas where the number of patients is sufficient to earn a reasonable income." (p. 274) This statement would lead one to conclude that any restraint on the movement of practitioners serves to prevent, rather than exacerbate, greater maldistribution in the supply of practitioners. Hogan, however, concludes the opposite, and assumes he has

"proved" his allegation (and bases further allegations upon this "proven" bias).

3) Increased cost of services ϕ

Hogan states, "unfortunately, no studies exist that directly examine the question whether licensing laws in the psychotherapy field influence the cost of services." (p. 276) Again, with respect to increasing the cost of services, he states, "...empirical evidence on the effects of licensing mental health professionals is absent..." (p. 276) Thus, once more, Hogan has, by his own admission, no direct empirical evidence in support of his allegation.

The indirect evidence provided by Hogan is essentially the following.

✓ "If licensing laws contribute to shortages and maldistribution, as argued above, then the law of supply and demand dictates that prices will rise as a result. Thus, the arguments and evidence presented in the two previous sections apply here." (p. 275) His indirect evidence thus turns out to be previous allegations now treated as facts. The weakness of the evidence and "logical arguments" through which Hogan transforms his allegations into facts has been reviewed.

4) Ineffective utilization of paraprofessionals

Hogan states, "In the field of psychotherapy the issue of paraprofessional utilization has been relatively ignored. Although little empirical research has been done, qualitative evidence from other professional fields, especially the health fields, indicates that paraprofessionals are not effectively utilized because of restrictions imposed by licensing laws..." (p. 277) Once again, Hogan says he has no direct empirical evidence to support his allegation. He adds, "It seems

reasonable that the situation in the mental health field is not likely to be substantially different from medicine....Thus problems created for paraprofessionals in medicine will most likely exist in psychotherapy."

(p. 277) Typically, Hogan draws inferences from indirect evidence and then further attenuates the evidence by extrapolating from one profession to another. He claims that the absence of direct empirical research requires the use of indirect data, regardless of how far its significance must be stretched. However, he then converts tenuous evidence into definitive conclusions.

The indirect evidence consists of such assertions as "Few professions make adequate use of paraprofessionals." (p. 277) "...licensing laws and the rules and regulations of licensing boards....seriously restrict the paraprofessional's chance of operating efficiently." (p. 277) "Overly broad definitions of practice for the fully licensed practitioner prevent auxiliaries from performing many tasks of which they are fully capable." (p. 278) Except for references to the opinions of some professionals, he does not identify the criteria by which he judges what use of paraprofessionals is "adequate," when a paraprofessional is "operating efficiently," which tasks paraprofessionals are "fully capable" of performing. Confidence in the validity of these assertions is shaken by Hogan's own statement that "methods of controlling the quality of paraprofessional practice have not yet been adequately investigated." (pp. 372-3)

Hogan states that psychology has "tended to ignore" the problem of "delegation of certain functions to assistants...of the twenty seven states in which practice is restricted to those with a license, only ten have express provisions for delegation to unlicensed assistants." (p. 279) Earlier he declared the opinion of 25% of medical boards who did not

believe they adequately screen out inept practitioners to be significant. Now, he declares that 37% of licensing laws addressing the delegation of authority constitutes "tending to ignore the problem." One gets the impression that his level of significance is attuned to the necessity of his argument.

Hogan cites studies which compare the services of paraprofessionals favorably with those of professionals. One of the most frequently cited studies is one by Strupp, often misinterpreted as suggesting that college professors did about as well as experienced therapists. (Strupp states the correct conclusion to be drawn from his study: "Professional therapists, by virtue of their training and clinical experience, are clearly much better equipped to deal with the vagaries and vicissitudes encountered in the interactions with most patients. However, it does seem fair to conclude that, given a carefully specified and protected context, mature and competent individuals, even in the absence of professional training, can engage appropriate patients in an interpersonal relationship whose outcome is therapeutic."⁸

Also frequently cited is a review by Durlak of studies of the comparative effectiveness of professional and paraprofessional helpers. Hogan refers to Durlak's 1971 report as "probably the most incisive analysis of the literature available." (p. 123) A later report on this subject was presented by Durlak in the Psychological Bulletin.⁹ However, Durlak's review has been sharply questioned in a recent report.¹⁰

⁸Behavior Today, V. 12, No. 15, April 20, 1981, p. 7.

⁹1979, V. 86, pp. 80-92.

¹⁰Nietzel, Michael T. and Fisher, Stuart G., Effectiveness of Professional and Paraprofessional Helpers: A Comment on Durlak, Psychological Bulletin, 1981, V. 89, No. 3, 00. 555-565.

With focused, abbreviated training, paraprofessionals can and do provide useful, circumscribed services. Some services, e.g., negotiating bureaucratic red tape, selective interviewing or counseling, under supervision, may be more effectively and economically rendered by paraprofessionals than by professionals. This more efficient task distribution does not at all bear on the training needs of professionals who must be capable of independent unsupervised practice, discriminating diagnostic judgments, recognition of complex and critical problems and how to address them or refer them.

The profusion of citations by Hogan about the use of paraprofessionals should not obscure the fact that, even if they support his allegation, they do not support his conclusions. (If licensure is to be rejected as a regulatory procedure because of negative side effects, these side effects must be irremediable. Hogan himself identifies the remedies: career ladders and delegation of authority. He has identified ten licensing laws which provide for delegation of authority. The most recent legislative proposals submitted by the New York State Psychological Association provide for a career ladder. It can be done.)

5) Inhibition of important innovations in professional practice, training, education and organization of services

Hogan provides no evidence, either direct or indirect, to support his allegation that licensure inhibits innovation in the mental health area. Even he concedes that he cannot validly extrapolate to the mental health field what he believes he has discovered in other areas. His concession, though grudging, is clear. "In the mental health field, professional education and training has not been hindered by licensing laws nearly as much as in medicine, at least within particular professions. Thus, in psychology the basic requirement for licensure

is generally a doctorate in a subject that is primarily psychological in nature from a program approved by the state board. To date, boards have not required that programs be APA approved, and specific courses are not required in most laws. Also on the positive side, most state laws regulating psychology, social work, and marriage and family counseling have not attempted to take a restrictive stance toward organizational developments in the field. Thus, practitioners are not generally subject to legal restrictions for participating in comprehensive prepaid group practices." (p. 280) But, having said this, he is undeterred in treating as fact that licensing inhibits innovation in the mental health area.

6) Discrimination against minorities, women, the aged, and the poor

Hogan states, "The extent to which licensing laws are responsible for the absence of these groups from the profession is difficult to determine. Only two studies bear even indirectly on this matter.... Neither of these studies provides conclusive evidence of licensing's involvement in discrimination...." (p. 281) Once again Hogan admits he has no direct evidence to support his allegation. Once more he finds "it is necessary to turn to an indirect and somewhat qualified approach." (p. 281) The sum and substance of this indirect approach is that "the reliance of licensing laws on academic credentials, which are less frequently possessed by the poor, minorities, women and the elderly, has a deeply pernicious and discriminatory effect..." (p. 282)

Pearlman reports the following data on academic credentials in psychology awarded to men and women.¹¹

¹¹ Pearlman, S., From the Baccalaureate to the Doctorate in Psychology, Interim Report No. 3, September, 1980 to the Committee on Manpower of the New York State Education Department's Commissioner's Task Force on Professional Education in Psychology.

Bachelor's Degree Recipients in the U.S.,
with Declared Major in Psychology

| <u>Academic Year</u> | <u>% Men</u> | <u>% Women</u> |
|----------------------|--------------|----------------|
| 1970-71 | 55.3 | 44.7 |
| 1971-72 | 53.6 | 46.4 |
| 1972-73 | 52.2 | 47.8 |
| 1973-74 | 49.5 | 50.5 |
| 1974-75 | 47.3 | 52.7 |
| 1975-76 | 45.6 | 54.4 |
| 1976-77 | 43.3 | 56.7 |
| 1977-78 | 41.1 | 58.9 |

In New York State

| | | |
|---------|------|------|
| 1976-77 | 38.4 | 61.6 |
| 1978-79 | 34.0 | 66.0 |

Psychology Master's Degrees in the U.S.

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|---------|------|------|
| 1970-71 | 62.8 | 37.2 |
| 1971-72 | 61.6 | 38.4 |
| 1972-73 | 59.8 | 40.2 |
| 1973-74 | 60.2 | 39.8 |
| 1974-75 | 57.1 | 42.9 |
| 1975-76 | 53.3 | 46.7 |
| 1976-77 | 51.9 | 48.1 |
| 1977-78 | 47.9 | 52.1 |

In New York State

| | | |
|---------|------|------|
| 1976-77 | 44.4 | 55.6 |
| 1978-79 | 43.0 | 57.0 |

Psychology Doctoral Degrees in the U.S.

| | | |
|---------|------|------|
| 1970-71 | 76.0 | 24.0 |
| 1971-72 | 75.2 | 24.8 |
| 1972-73 | 71.0 | 29.0 |
| 1973-74 | 70.5 | 29.5 |
| 1974-75 | 69.1 | 30.9 |
| 1975-76 | 68.3 | 31.7 |
| 1976-77 | 64.1 | 35.9 |
| 1977-78 | 62.6 | 37.3 |

In New York State

| | | |
|---------|------|------|
| 1976-77 | 56.5 | 43.5 |
| 1978-79 | 53.0 | 47.0 |

There is not as much data, particularly over time, on academic credentials awarded to members of ethnic minorities. The Information Center on Education of the New York State Education Department reports that ethnic minorities received the following percentages of all academic degrees awarded in psychology in two recent years in New York State.

| | <u>Bachelor's</u> | <u>Master's</u> | <u>Doctorates</u> |
|---------|-------------------|-----------------|-------------------|
| 1976-77 | 8.7% | 29.1% | 12.4% |
| 1977-78 | 15.4% | 17.2% | 18.0% |

In a letter to Senator Edward Kennedy (June 12, 1979) the American Psychological Association reported the following information about the situation nationally. "In 1977, approximately 5% of psychologists were members of ethnic minorities. Data from the Ear Doctorate Survey of the National Academy of Sciences (1978) show that 7% of the persons earning their doctorate in psychology in 1976-77 were ethnic minorities. A 1976-77 survey of 103 graduate departments with an APA-approved doctoral clinical program found that 10.7% of the students were ethnic minorities. By contrast, a sample of 25 graduate departments involved with the APA Minority Fellowship Program found that 15.5% of the students were ethnic minorities."

What these data indicate is that the existence of licensure does not obstruct solutions to the real problems of the representation of women and ethnic minorities in psychology. The impressive advances in the representation of women that the data cited above reveal were accomplished while licensure was in effect. These problems need to be addressed directly, without making licensure a scapegoat. The letter from APA to Senator Kennedy adds, "These figures suggest that advances are

being made. From a figure of only 5% in the professional pool, to 7% of recent doctorates, to 11% in training demonstrates a clear positive trend. It will obviously take some time for the pipeline to empty into the professional market with sufficient impact. Provided national policy and priorities continue to support these efforts, significant positive effects will be clearly demonstrated over the next 10 to 15 years."

* [Hogan has not provided the evidence to support his allegations about the harmful effects of licensure.

Registration as an Alternative to Licensing: Evaluation

The third phase of Hogan's argument states that "...even if the net benefits of licensing outweigh the costs, an argument can be made that equally beneficial alternatives are available at less cost." (p. 252)
He presents his recommended alternative as follows:

Registration Laws: The most preferable method of regulation is licensing through registration. Any person desiring to practice as a psychotherapist should be required to register with the state. The registration fee should be nominal, and practitioners should not have to meet any educational, experiential, or other prerequisites before being granted the right to practice. They would, however, have to provide the state with their name, address, and other information related to their intended field of practice, such as relevant experience and academic training, the methods they intend to use, the goals of treatment, their fees and a statement of ethical beliefs. The registration laws would be administered by a board of registration that would also be responsible for disciplinary enforcement.

✓ Laws Requiring Full Disclosure: Because a consensus does not exist on standards of professional practice, a critical method of protecting the public is to provide clients with sufficient information to decide for themselves what services they decide to purchase. To further this, state governments should enact laws requiring practitioners to disclose to any client as exact a description as possible of their practice and background. This would include the information provided to the state, as described above, and might also include other information such as proposed length of

treatment and what results are to be expected. This should also include information as to how dissatisfied clients can file complaints with the state registration board...

Client Evaluations: Because at least some aspects of a professional's practice are subject to direct evaluation by a client, such as client satisfaction, laws should be enacted to require practitioners to distribute to clients evaluation forms regarding the services rendered by professionals. These evaluations would be voluntarily made at the termination of the professional-client relationship and would be submitted to the state disciplinary body. Room would be made on the evaluation form for specific criticisms, as well as positive comments. The evaluation form would be designed for computer usage to provide future clients with a concise summary of past client evaluations. A sufficient number of negative comments or ratings would bring about a disciplinary inquiry or hearing...Client anonymity would need to be protected, although some clients might indicate a willingness to discuss their evaluations with either their therapist or potential clients of that therapist. Potential abuses of this system would have to be carefully monitored, especially with regard to who had access to the data." (pp. 361-2)

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Some questions about the regulatory procedure Hogan recommends need to be answered.

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1. Full disclosure

a) Among the items each registrant would be required to submit is his or her academic training, so that the consumer may judge its relevance and adequacy for providing the services the consumer seeks. Hogan's oft-repeated allegation is that licensing boards have failed at this task. If these boards, which consist of people considered to be best qualified to do this job, and who have devoted much time and study to accomplish it, cannot (according to Hogan) do it satisfactorily, why should one expect the consumer to become instantly expert at this task?

b) Other information to be disclosed at the time of registration is the methods the practitioner intends to use and the goals of treatment. This information can have meaning only in relation to a specific client, for it depends on the personal strengths and weaknesses the client

presents, the problems the client wishes to address, the goals the client wishes to achieve. Any general statement of methods and goals, one that does not refer to the unique issues presented by a specific client, will be of insignificant usefulness in selecting a psychotherapist.

2. Client evaluations

a) If the evaluations are voluntarily made, who is likely to be motivated to make a report, with what effect on the sample of a practitioner's clients?

b) Who evaluates the evaluations? Will it be possible to differentiate those complaints that reveal bad practice from those that represent disappointment, psychopathology, negative transference or pique?

c) Is such a system likely to promote defensive practice to an even greater degree than do malpractice suits?

d) What potential for mischief and harassment is presented by such information available to any self-declared potential client? Hogan hints at this problem when he states "Potential abuses of this system would have to be carefully monitored, especially with regard to who had access to the data." (p. 362) If according to Hogan, this data would be available to potential clients to enable them to evaluate providers, anyone wishing access to the data would merely have to declare himself or herself a potential client. What monitoring system would he devise that would eliminate, or even diminish, the potential for abuse?

3. Administration

a) What would be the dimension of the administrative structure necessary

for such a regulatory procedure? How large a staff would be required to register all self-identified practitioners, accumulate the personal data submitted by each registrant, amass, evaluate, summarize and disseminate the client evaluations, implement a pro-active program of disciplinary enforcement? Such a bureaucracy would dwarf the current administrative requirements for licensure. If, as Hogan asserts, states have not provided for adequate administration of the existing laws, can it be expected that they will provide the much more extensive administrative structure necessary to implement the registration procedure he recommends?

b) Similarly, if the disciplinary structure for licensure is deemed by Hogan to be insufficient, why should one expect the much more complex and comprehensive structure necessary for a registrative procedure to be implemented more sufficiently?

c) If Hogan's recommendation to adopt registration as the preferred regulatory procedure were to be extended to all groups presently regulated - lawyers, physicians, cosmetologists, barbers, etc. - including the personal file and client evaluations he proposes, what would be the extent of the bureaucracy it would generate and the nature of the society it would create?

Hogan states, "Although registration does not initially prevent unqualified people from practicing, it does make provision for preventing those who have a record of harming clients from continuing to practice. Thus, some people will be injured by the quack and the charlatan. The thesis of this book, however, is that this danger is less than the risks entailed in more restrictive forms of licensing, where substantial harm results because persons in need of services are unable to afford or find help." (p. 372)

Hogan's thesis does not withstand a careful analysis of his arguments and his evidence. The case for his thesis is based upon the assertion of impertinent criteria, and the citation of "evidence" of shadowy relevance. It rests upon unwarranted extrapolations, selective surmise and loose logic. It is, at best, a pyramid of conjecture.

Hogan has not proved that licensing fails to protect the public. His allegations of harmful effects of licensure are not sustained. He most certainly has not demonstrated that registration, rather than licensure, will better "protect the public's health, welfare, safety and morals."

Discussion and Recommendations

What has been shown is that Hogan has not proved that licensure has failed in achieving its purpose. This does not prove that it has succeeded. It is correct to say, as Hogan does many times, that there is little, if any, empirical research that bears directly on this issue. What does one do in such a situation?

The approach that has evolved in our society is to proceed on the best judgment of those who are deemed to know the most, however much or little that may be, about the issue. In this instance it includes the judgment of educators about training, of practitioners about good practice, attorneys general and other legal authorities about disciplinary enforcement, consumers and legislators about public interest considerations. The regulatory system that is presently in place is the result of this approach.

Concurrently, studies should be undertaken to provide information about the effectiveness of our present regulatory procedures and how it may be increased. These studies should evaluate not only the present

procedures but alternate regulatory systems. This part of the responsible and orderly evolution of a social policy has not been put into place. Psychology is committed to such a program of evaluation and urges the legislature to provide for its implementation. We pledge our support and cooperation in such an endeavor.

Does this mean that the status quo should prevail until all the data are in? Not at all. Decisions will continue to be made based on the best judgment of relevant authorities. As the data come in, they will enable these authorities to improve their judgments.

Does it mean that the state should withhold official status - certification or licensure - from any group except those presently recognized as mental health providers? Not at all. Until new information dictates otherwise, groups should be granted such status based upon the best criteria we have thus far arrived at, viz., the criteria that the currently recognized groups were required to meet. These may be summarized as follows.

- 1) Its activities should be based upon a comprehensive body of knowledge (not a narrow technique).
- 2) It should have a demonstrated competence for advancing and expanding this body of knowledge through systematic investigation and research.
- 3) It should have training programs that are accredited by the state or by agencies recognized by the state.
- 4) It should have a code of ethics.
- 5) It should have a system of accountability that includes standards of practice and peer review.

Based on these criteria, psychology supported the certification of social workers. It will support other groups, when they meet these criteria.

Statement of all A
President

For those who would deregulate society in general and professional practice in particular, there is little that can be said in favor of a psychological Board of Examiners and the continued licensure of psychologists. Like attorneys, morticians, veterinarians, and certain other professionals, psychologists only rarely make decisions which truly have life and death consequences. Why not let the marketplace and peer pressure alone decide who may practice law, veterinary medicine, psychology and other professional disciplines? This question, both philosophical and practical, is being asked widely and at many levels. It has an immediate appeal and on the face of it seems to promise a great deal: less government intrusion in people's lives, wider availability of professional services at lower cost, an emphasis upon self-reliance rather than reliance upon government, etc.

The broad philosophical question "What should be the purpose(s) of government and to what lengths should it go in fulfilling such purpose?" will not be explored in any depth here and those who embrace a radical libertarian philosophy will see little merit in our arguments. We take the position that regulation of these professions is a proper role for state government, that such regulation can and should serve to protect the public, that professionals have an obligation to police their own ranks and should have mechanisms available by which to do so, and that a professional board of examiners is critical to the accomplishment of these tasks.

We do not intend a point-by-point rebuttal of all the various charges contained in the recent Division of Legislative Audit report other than to point out that the Division appears to have begun with the premises that professional regulation is not a proper activity for state government, and now is a good time for the Alaskan government to begin getting out of such affairs. Working from these premises, it has resurrected old charges, given credence to transparently self-serving complaints of disgruntled applicants, and failed to seek or accept information which might support the record of hard work and solid results turned in by the current Board of Examiners.

Overburdened in the extreme, understaffed, composed of too

few members and funded for only a few meeting days each year, the Board has made remarkable progress in overcoming a legacy of administrative indifference, legislative uncertainty, constant pressure and an overwhelming backlog. In the face of impossible and sometimes contradictory demands, the Board has made excellent progress, deserving better than the one-sided evaluation conducted by the Division.

A measure of the inadequacy of the Division investigation is that at no point was the state psychological association contacted for comment, licensed psychologists weren't surveyed, and no apparent consideration was given to the carefully prepared and closely reasoned July 7, 1981 letter of Board member, Dr. Delys-Baglien. In it she responded at length to an Interim Letter from Mr. Dan Allen which in all significant respects paralleled the final Division report. It is evident from an examination of the final report that her letter was ignored. Dr. Delys-Baglien and the Board are well able to respond to specific criticisms of Board policies and actions and will continue to do so. We would like to point out some pragmatic reasons for working to improve, not eliminate, the regulation of psychological practice in Alaska.

It is well known that the vast majority of health care costs are now paid by government, insurance companies, and other third party payors. This situation holds equally true for the payment of treatment services provided by psychologists. Almost universally, the payors have chosen to hold down costs and protect consumers by reimbursing only licensed psychologists. Similarly, the 1981 Alaska legislature recognized a need to protect the public when it required licensure of psychologists involved in SB-100 involuntary commitment proceedings.

In 1979 the Governors Mental Health Advisory Council, a citizen group composed primarily of consumers, passed and later reaffirmed the following resolution:

Whereas the consuming public has a right to expect that individuals providing psychological treatment are professionally licensed qualified psychologists and psychological associates and;

Whereas many insurance providers require that psychologists be licensed for the payments of benefits and;

Whereas the judicial system and certain federal agencies such as federal disability certification programs require the participation of licensed psychologists and;

Whereas the present board, the Alaska Board of Psychologists and Psychological Associate Examiners, provides professional licensing standards under the existing statutory scheme AS 08.86.230.

Be it resolved that the Mental Health Advisory Council supports the continuation of a Board of Psychologists and Psychological Associate Examiners.

The points they raised in 1979 are equally valid in 1982 and the Alaska Psychological Association strongly supports the continuation and improvement of current statutory provisions for the regulation of psychological practice. The professional Board of Examiners is an essential component of this effort. We pledge ourselves to work with the Alaska Legislature, the Division of Occupational Licensing, and professionals throughout the state to continue to improve the quality, availability and accessibility of professional psychological services throughout Alaska.

For those who would deregulate society in general and professional practice in particular, there is little that can be said in favor of a psychological Board of Examiners and the continued licensure of psychologists. Like attorneys, morticians, veterinarians, and certain other professionals, psychologists only rarely make decisions which truly have life and death consequences. Why not let the marketplace and peer pressure alone decide who may practice law, veterinary medicine, psychology and other professional disciplines? This question, both philosophical and practical, is being asked widely and at many levels. It has an immediate appeal and on the face of it seems to promise a great deal: less government intrusion in people's lives, wider availability of professional services at lower cost, an emphasis upon selfreliance rather than reliance upon government, etc.

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*Michael Hoag, Ph.D.
Clinical Psychologist*

Handwritten signature or initials

TO: Rick Cotti
Division of Occupational Licensing
Pouch D
Juneau, AK 99811

DATE: January 4, 1982

FILE NO:

TELEPHONE NO:

SUBJECT: Psychologist Licensure



FROM: R. Steven Harrison, Ph.D.
Regional Supervisor (SCR0)
Division of Mental Health &
Developmental Disabilities

Enclosed are my comments concerning Chapter 10 and 12 from The Regulation of Psychotherapists. I have also included some comments about the Licensure of Psychologist in Alaska.

I disagree with many of the points raised by the author especially as they relate to psychologist. I have a disadvantage in that I did not have access to the complete text and therefore missed definitions and the development of key ideas. However, I feel that I am familiar enough with the therapy field to comment on the author's conclusions.

It is important to realize that this article deals with psychotherapy and that while it has some application to the psychologist licensing process, it is felt that the application is limited. This is because psychotherapy as dealt with in the article includes the counseling or helping relationship that occurs between any helper and the person who desires that service. This lumps all helpers into one category and all clients into another. The author does state that many professions practice psychotherapy and goes on to list "psychology, social work, and marriage counseling". I would add that school counselors, physicians (psychiatrist), crisis line workers, alcohol counselors, psychiatric nurses, pastors, and others provide "psychotherapy" as defined in this article. Thus, I feel that the author is creating a straw man when he claims that the process of psychotherapy is being regulated. Many people can and do provide counseling or therapy without regulation. Pastors and social workers are two examples of groups in Alaska which provide a considerable amount of therapeutic service with virtually no regulation. At this time, individuals can and do offer counseling or psychotherapy through growth centers, counseling centers, walk-in, or other centers that are not regulated by license requirements. Thus, they can not do in other countries' psychiatric

Thus, in the maze of helping professions, licensing provides the public with a guide to a professional who has an identified level of training and possesses a knowledge of the therapeutic process.

The author makes many statements that are controversial and not necessarily accepted by the professional community. One such statement is, "Empirical evidence indicates that those in the helping professions bring about similar results no matter what techniques are used, no matter what the purpose of their method is, and irrespective of type of academic training." Several examples from what actually occurs in practice appears to contradict that statement: (1) practitioners in the field often seek consultation from those who have a higher level of training, (2) beginning therapist soon realize that there are specific therapeutic interventions that are more effective with one problem than another, and (3) the professional with additional training has more resources with which to address a given problem and is not limited to one treatment method for all clients.

In discussing the changes that occur in therapy the author makes the following statement.

Contrary to much professional opinion, however, the effectiveness of therapists is more determined by the presence of certain personality characteristics and interpersonal skills than technical abilities, diagnostic skills, and theoretical knowledge. Specifically a therapist's ability to empathize, to be warm and caring, and to be genuine appear necessary for successful work. While diagnostic ability (as traditionally defined), technical skills, ability to use various methods of treatment, and theoretical knowledge are undoubtedly relevant to the highest levels of competence, little evidence exists that they are essential for minimal competence, or that their absence will lead to significant harm.

This is another example of a very biased view point. A person who spends four to six years studying human behavior and practicing therapy techniques under supervision, and then completes a year of supervised internship working in various clinical settings, is obviously better prepared to provide therapy than someone who is merely personally "warm and caring". It is felt that when a client pay \$50 to \$70 per hour for a service that is expected to be therapeutic,

he can expect more than a warm, caring and emphatic person. Very often individuals with only these prerequisites exacerbate the problems of those that they are attempting to help.

The author often makes statements to the effect that "academic training is not particularly helpful in preparing competent practioners". I totally disagree. Since psychology is a relatively new field, there's a large amount of research being done and new advances being made that a competent therapist needs to be aware of. Academic training provides a background in the science of human behavior, the skills necessary to critically analyze new research and methods of therapy, and the reference material to use in future practice. Most of the institutions that offer a Ph.D. in psychology provide a mixture of academic courses and practicum experience.

Another point that should be made when applying this article concerning "psychotherapy" to the Regulation of Psychologists is that psychotherapy is only one of the many activities in which psychologist engage. Some of these activities include: psychological testing and evaluation; consultation to various companies, groups and agencies; administration, education, research, prevention activities, as well as individual, family and group therapy. A skill such as psychological evaluation is definitely not something one can do by being "warm and caring". Since evaluations that are performed by psychologists directly affect the lives of individuals as they impact in the criminal justice system, educational system, court system and other agencies and institutions; it is important that clinicians performing these evaluations have adequate training. The same rationale applies to the abilities of psychological consultants. The agencies and companies which utilize consultant services can expect a certain level of training and expertise from a licensed psychologist. This is important since recommendations made by consultants often impact the lives of those working for the company or agency. There are several other points that the author makes that I feel are in conflict with my experience as a psychologist. However, these do not directly apply to psychologist licensure.

The main reason for licensure is the protection of the public. By licensing psychologists, it is possible to set very specific requirements for entry into the field. This provides guidelines to individuals who wish to become clinicians as well as guidelines for individuals who wish to secure a therapist with specific training. Currently the profession of psychology requires a high degree of education and training in mental health and emotional processes. A doctoral program in clinical psychology requires four to six years of vigorous academic and practicum experience and one year in a full time supervised internship at a clinic, hospital or training center. Because of this training, psychologists are recognized as fully qualified to diagnose and treat mental disorders and can offer a much needed service to the public through mental health centers, private practice or other helping agencies.

Like Alaska, some states are reviewing the process of psychology licensure. However, through the years licensure of psychologist has gained acceptance and by 1977, all 50 states and the District of Columbia had enacted laws regulating the practice of psychology. Most states established the following criteria for licensure: (1) a doctoral degree from an accredited university, (2) two years of supervised experience, and (3) a successful written and oral examination.

The public is further protected by the ethical standards to which psychologist adhere. Psychology as a profession has been very active in the development of ethical standards under which psychologist practice. The standards that were adopted by the American Psychological Association have also been incorporated by most states in the regulations that pertain to the licensure of psychologists.

In the mental health system of Alaska, licensure has been important in several ways: (1) the Alaska licensing requirements have provided guidelines to the local boards in the selection of psychologists, (2) licensed psychologists are able to bill third party payers which increases the financial resources of the mental health center and helps the center secure the required matching funds, (3) the protection of the confidential information gained through the client-therapist relationship, (4) the legal and ethical standards to which psychologists adhere as well as sanctions for violation of those standards.

While I am in favor of the continued licensing requirement for psychologists, I would like to see some changes in the procedure. One area that should be addressed is the local portion of the examination. There are several factors which make Alaska unique as a state in which to practice psychology, and testing for knowledge of these factors would enhance awareness of these issues by licensed psychologists. Some potential areas of examination are: the commitment laws of the state; laws, regulations and ethical considerations unique to Alaska; and a thorough knowledge of Alcohol and Drug Abuse and the accepted methods of treatment.

These are some of my thoughts concerning the licensing of psychologists. If I can be of assistance in the review process please contact me.

IN THE _____

BY THE RULES COMMITTEE
REQUESTED BY THE GOVERNOR

June?

BILL NO. _____
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - SECOND SESSION

For an Act entitled: "An Act relating to the practice of psychology and providing for an effective date."

*Section 1. AS 08.86.150(1) is amended to read:

(1) he holds a doctoral degree with primary emphasis on psychology from an accredited school with an approved program;

*Sec. 2. AS 08.86.180(a) is amended to read:

Sec. 08.86.180. Practice of psychology. (a) Unless he is licensed under this chapter, a person may not practice psychology, or offer to practice psychology, or represent to the public that he is a psychologist or that he practices psychology. A person represents himself to be a psychologist when he holds himself out to the public by a title or description of services incorporating the words "psychology," "psychological," "psychologist," "psychometry," "psychometrics," "psychometrist," "psychological counseling," "psychological counselor," ["PSYCHOTHERAPY," "PSYCHOTHERAPEUTIC," "PSYCHOTHERAPIST,"] "psychoanalysis," or "psychoanalyst," or when he holds himself out to be trained, experienced or qualified to render services in the field of psychology.

*Sec. 3. AS 08.86.180(b)(3) is amended to read:

(3) a qualified member of another profession, such as a social worker, drug or alcohol abuse counselor, or pastoral counselor, in doing work of a psychological nature consistent with his training and consistent with the code of ethics of his profession, if he does not hold himself out to the public by a title or description of services incorporating the words "psychology," "psychological," "psychologist," "psychometry," "psychometrics," "psychometrist," ["PSYCHOTHERAPIST,"] "psychoanalysis," "psychoanalyst" or represents himself to be trained, experienced or qualified to render services in the field of psychology;

*Sec. 4. This Act takes effect immediately in accordance with AS 01.10.070(c).

A PERFORMANCE REVIEW OF THE
BOARD OF PSYCHOLOGIST AND
PSYCHOLOGICAL ASSOCIATE EXAMINERS

August 12, 1981

Audit Control Number
08-121-1054-R

| | |
|--|-------------------|
| Commissioner, Department of Commerce and Economic Development | Charles R. Webber |
| Deputy Commissioner, Department of Commerce and Economic Development, Acting | Lois Cook |
| Deputy Commissioner, Department of Commerce and Economic Development | Vacant |

Members of the Board of Psychologist
and Psychological Associate Examiners

| | |
|-------------|-------------------------|
| Chairperson | Pam Delys-Baglien, Ph.D |
| Member | Dorothy Whitmore, Ed.D |
| Member | James Greenough, Ph.D |
| Member | Paul E. Turner, Ph.D |
| Member | Charles C. Bovee, Ed.D |

3-16-1981
Dan Allen 3816

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

FINANCE DIVISION
POUCH WF—STATE CAPITOL

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

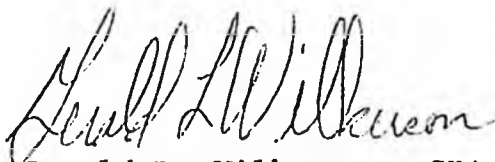
August 12, 1981

Members of the
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the
Alaska Statutes, the attached report is submitted for your
review.

A PERFORMANCE REVIEW OF THE BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS

August 12, 1981



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (Sunset legislation), a review of the Board of Psychologist and Psychological Associate Examiners was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient, and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Psychologist and Psychological Associate Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1982, but will continue until June 30, 1983, for the purpose of concluding its affairs.

Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

1. Applicable statutes and Board regulations.
2. Interviews with Board members.
3. Interviews with health agencies and professional associations.
4. Tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development.
5. Interviews with OL employees.
6. Complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency, and the Equal Employment Opportunity Office.
7. Review of other states' licensing requirements.

ORGANIZATION AND FUNCTION

The Board of Psychologist and Psychological Associate Examiners (PPAE) was established under the provisions of Title 8 Chapter 86 of the Alaska Statutes. The Board consists of four licensed psychologists and one public member appointed by the Governor and approved by the Legislature.

The Board regulates licensed psychologists and psychological associates in the State. A psychologist is licensed to use psychological principles, methods and procedures for the treatment of emotional and mental disorders. A psychological associate is licensed to perform psychological services under the supervision of a licensed psychologist.

The Board's duties are basically the following:

1. Examining and issuing licenses to qualified applicants.
2. Establishing or amending rules and regulations necessary and desirable to enforce State statutes.
3. Holding hearings in order to revoke or suspend the license of a person violating the psychologist and psychological associate statutes and regulations.

An applicant may be licensed by passing an exam given by the Board or by credentials. For credentials, an applicant must provide proof of licensure by another authority with equal licensing requirements.

In order to qualify for licensure as a psychologist by examination, an applicant must pass a written examination, have a doctorate and one year of experience. The examination is composed of two parts: an objective national examination composed by the Professional Examination Service (PES) and an essay examination composed by the Board.

Psychological associates may qualify for the examination if they have three years supervised experienced after obtaining a Master's Degree.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these decisions, the legislative oversight committees should consider the findings and alternatives presented in this report so that the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the continuation of the Board and the licensing of psychologists and psychological associates is not necessary to protect the public's health, safety and welfare. The Board's performance has not always been in the public's best interest. Two prior audit reports dated August 5, 1975, and October 31, 1978, show that the Board had been unnecessarily restricting the licensing of qualified psychologists and psychological associates in the State. These conditions still exist (see Recommendation No. 1).

In the event that the Board is reestablished, certain changes need to be implemented in order for the Board to more effectively serve the public. A statutory change should be considered which will increase the number of public members on the Board and allow the public to be better represented (see Prior Audit Recommendation No. 1).

2
3
Legislation should be introduced which clarifies the jurisdiction of the Board. The Board has not established regulations defining which professions are exempt from Title 8 Chapter 86 of the Alaska Statutes. The lack of regulations has caused confusion as to which professions are covered by the statutes (see Recommendation No. 2).

Legislation needs to be introduced to change the licensing statutes of psychological associates (PA's). The statutes should be changed to encourage additional qualified applicants to apply and become licensed in the State without lowering the quality of services provided by PA's (see Prior Audit Recommendation No. 8).

The Board should consistently apply statutory licensing criteria to all applicants (see Prior Audit Recommendation No. 2). The Board needs to openly conduct its meetings and provide documentation supporting its deliberations and

decisions (see Prior Audit Recommendation No. 3). The Board should develop a test manual and consistently grade the examination given to license applicants (see Prior Audit Recommendation No. 7).

The Board needs to establish regulations which specifically define the conditions in which a licensed psychologist may be restricted to a speciality (see Prior Audit Recommendation No. 6). Also, the Board needs to develop regulations defining the type of continued competency required before a psychologist's license is renewed (see Prior Audit Recommendation No. 9).

The Division of Occupational Licensing should develop a procedures manual for the licensing examiner supporting the Board (see Prior Audit Recommendation No. 11).

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Psychologist and Psychological Associate Examiners should be allowed to terminate and the licensing of psychologists and psychological associates should be discontinued.

The Board has had a long history of not always operating in the public's best interest. Two reports by the Division of Legislative Audit dated August 5, 1975, and October 31, 1978, found that the Board has been unnecessarily restricting the licensing of qualified psychologists and psychological associates in the State. Several times the Attorney General has had to intervene and strongly advise the Board to halt these practices. Other reports by different organizations supported these findings.

We have reviewed the Board's performance since 1978 and conclude that past conditions still exist. The following has been left unresolved by the Board.

1. The Board has continued to be inconsistent in approving applicants to take the Board's examination and in licensing psychologists and psychological associates (see Prior Audit Recommendation No. 2).
2. The Board has continued to conduct its deliberations in secrecy (see Prior Audit Recommendation No. 3).
3. The Board has proposed and supported statutory changes which have unnecessarily restricted the licensing and practice of psychological associates and decreased the representation of the public on the Board (see Prior Audit Recommendations No. 1 and No. 8).
4. The Board has not passed or developed regulations establishing specialty designations for psychologists and psychological associates and requiring proof of continued competency before a license is renewed. Both types of regulations are required by AS 08.86.070 (see Prior Audit Recommendations No. 8 and No. 9).
5. The Board has inconsistently graded the essay examination. In addition, the records of applicants' grades are confusing, unorganized, and inaccurate (see Prior Audit Recommendations No. 2 and No. 7).

In our opinion, the Board's performance has not always been in the public's best interest. These actions not only discourage qualified applicants from attempting to become

licensed in the State, but also harm the public by artificially creating shortages of mental health practitioners. These shortages tend to increase the costs of mental health services in the State.

In our prior audit dated October 31, 1978, we recommended that if the Board continues to inconsistently apply the statutes, the Board's licensing function should be transferred to the Department of Commerce and Economic Development.

However, we believe that the intent of Sunset legislation is to reduce government control and interference over the public. The Alaska statutes broadly define who is to be licensed to practice psychology. The Board has not established regulations to better identify those professions who are covered by the statutes or to give guidance to those who are exempt. We found no evidence after reviewing complaints filed against those practicing psychology in the State that the public would be harmed by not licensing psychologists. The Board has never revoked or suspended a license and the violations filed with the Board have been minor in nature. Therefore, we recommend that the State eliminate licensing of psychologists and psychological associates and allow the profession and other legal remedies to regulate and discipline the practice of psychology (see Recommendation No. 2).

Other alternatives to the above recommendation would include terminating the Board and allow the Department of Commerce and Economic Development to certify qualified applicants. This approach to licensing would allow only qualified applicants to use the title "psychologist" or "psychological associate". However this would not prohibit other persons from practicing psychology (see Recommendation No. 2). Another option would be registration. In this case, all persons who practice psychology must register with the State. However, they do not need to meet minimum educational or experience requirements or be required to pass an examination.

Another alternative would be to require that professionals must have a minimum amount of malpractice insurance before being allowed to practice psychology. The insurance companies would then be responsible for establishing the minimum licensing requirements for psychologists. The Department of Commerce could keep a register of those qualified persons.

If the Board is not terminated and the licensing functions are not discontinued, then the following should be implemented.

Recommendation No. 2

Legislation should be introduced which clarifies the jurisdiction of the Board.

The statutes which govern the Board (AS 08.86) prohibit any person, unless they are licensed or exempt, to practice psychology in the State. They also allow the Board to establish regulations defining which professions are exempt and under what conditions those exempt must operate. The Board has not done so and has caused confusion as to which professions are covered by the statutes.

AS 08.86.180 states that a person working for a governmental unit, educational unit, or private agency is exempt if she/he is under "appropriate supervision". In a memorandum dated February 9, 1976, sent from an Assistant Attorney General to both the Department of Health and Social Services and the then chairman of the Board, it was explained that "appropriate supervision" was too vague and required further definition by the Board through adoption of a regulation.

The memorandum also pointed out the need for the Board to adopt regulations defining its jurisdiction over other professions. The psychology statutes were changed in 1980. However, questions have again been raised as to who is covered under the psychology statutes. The National Association of Social Workers (NASW) sent a letter to the Board in March 1981 requesting that a resolution be passed saying that it was not the intent of the Board to regulate the practice of social workers. The Board passed a resolution only saying that they supported the licensure of NASW.

Due to the confusion that has arisen over the Board's jurisdiction and the lack of regulations clarifying this issue, legislation should be introduced specifying who is covered by the statutes. We suggest that the legislation allow anyone to practice psychology, but require that certain requirements be met before a qualified applicant can use the title "psychologist". This would effectively change the regulation process from licensing to certifying psychologists.

PRIOR AUDIT RECOMMENDATIONS

Three of the eleven recommendations presented to the Board in a previous audit report "A Performance Review of the Board of Psychologist and Psychological Associate Examiners, October 31, 1978", have been implemented. The following is the status of the remaining recommendations:

Prior Audit Recommendation No. 1

A statutory change should be considered which will increase the number of public members on the Board and allow the public to be represented.

Prior to June 5, 1980, the Board was composed of three psychologists and two public members. In questionnaires returned by State licensed psychologists, 39% of the respondents believed that the Board had not operated in the public's best interest.

The Board had been inconsistently licensing applicants even though an Attorney General's opinion and a prior Division of Legislative Audit report, dated August 5, 1975, noted prior inconsistencies and made recommendations to change these practices. Also, the Board had been conducting its meetings and making its deliberations in secrecy. Such actions not only exposed the State to lawsuits, but also threaten recruiting efforts of State mental health institutions for qualified psychologists and counselors.

Legislative Audit's Current Position

With the enactment of Chapter 58 SLA 1980, the Board is now composed of four psychologists and one public member. The public member has a doctorate in counselor education, a strong background in psychology and is a member of the American Psychological Association. While this is not a violation of the statutes, it contradicts the spirit of the law requiring public members.

The Board continues to have the problems noted above. We have found inconsistencies in granting of licenses, approving applicants to take the examination, and in the testing of applicants (see Prior Audit Recommendation No. 2). In addition, the Board has continued to conduct its meetings and making its decisions in secrecy (see Prior Audit Recommendation No. 3).

If Recommendation No. 1 is not implemented, then we recommend that the Board be composed of a majority of public members to help ensure that the Board acts in the public's best interest.

Prior Audit Recommendation No. 2

The Board of Psychologist and Psychological Associate Examiners should consistently apply statutory licensing criteria to all applicants.

In a prior Division of Legislative Audit report dated August 5, 1975, it was found that the provisions of AS 08.86, outlining the required qualifications for licensure of psychologists and psychological associates, had not been consistently applied by the Board. A review of available records filed from 1975 to 1978, indicated that this condition still existed.

Psychology regulations have been proposed but have not become effective as of September 30, 1978. Effective regulations will help guide the Board to consistently license qualified applicants. However, if regulations are not promptly implemented, then it is recommended that legislation be introduced to clarify AS 08.36.130(3).

Legislative Audit's Current Position

Although the Board adopted regulations in December 1978, a review of records since 1978 shows that the Board has continued to be inconsistent in licensing qualified applicants, approving applicants to take the examination and in grading the examination.

For example, the Board approved the qualifications of an applicant to take the examination for psychological associates. However, at the next meeting, the Board ordered the license examiner from the Division of Occupational Licensing after meeting in executive session to write a letter explaining what the Board had decided about the applicant's qualifications (see Prior Audit Recommendation No. 3). The letter explained that the Board had decided that the applicant was not qualified because of the lack of three years of experience. Documentation in the applicant's file showed that she had over six years of experience.

An applicant was licensed as a psychological associate (PA) without substantial evidence of a Master's Degree. Other licensed PA's were required to submit college transcripts as evidence.

Another applicant was denied the opportunity to take the examination because he had not submitted all the required information for licensure. However, two other applicants were allowed to take the examination pending receipt of the same type of information.

According to the Board's minutes, an applicant was required to retake the national psychology examination (PES) because:

1. Although the applicant's scores were above Alaska's standards for passing, they were not passing in the state where the examination was taken.
2. The applicant's scores were three years old.

Records show the applicant's scores were only two years old when received. In addition, Board regulations stated that a score of 75 standard deviation below the national mean is passing. The Board had accepted other applicants' examination scores from other states.

An applicant who took the essay test given in October 1980 received an average score of 59% and was given a passing grade. The minimum passing scores in prior examinations was 60%. Two applicants failed the essay test in April 1980 with scores of 50.6% and 51.8%.

An applicant was required to be retested with the entire essay examination in 1979 when the applicant failed only a section. Another applicant was required six months before to take only part of the essay examination that the applicant failed.

In conclusion the Board needs to consistently apply the licensing and testing requirements. We confirm our prior recommendation.

Prior Audit Recommendation No. 3

The Board should openly conduct its meetings and provide documentation supporting its deliberations and decisions.

The Board was found to be conducting its deliberations and parts of its meetings in secrecy. In addition, there was insufficient documentation to identify its decisions. Ambiguous minutes and lack of documentation in the files have caused licensing problems.

AS 44.62.312(a)(2) states:

"It is the policy of the State that it is the intent of the law that actions of those units (governmental units) be taken openly and that their deliberations be conducted openly."

This statute covers all meetings of a board and, therefore, should be strictly adhered to. Without compliance, the Board gives the impression that the decision making process is not for public knowledge. Also, it is difficult for

Board members and others to determine and trace the reasons for prior Board decisions without proper documentation.

Legislative Audit's Current Position

While there has been improvement in the documentation of the license files, the Board is continuing to deliberate in secrecy. They meet often in executive session and the minutes do not adequately explain why or what the Board decided. Such actions give the impression that the Board does not wish the public to be involved and aware of its decisions.

During our review of the Board's minutes, we found that the Board used executive session to:

1. Consider the grading procedures to be used for an examination after the examination was given.
2. Consider applicants for licensure.
3. Consider the status of investigations.

The essay examination given by the Board has had problems with its procedures (see Prior Audit Recommendation No. 7). However, no confidential information would have been exposed if the Board's deliberations about these procedures would have been open to the public.

In its recent meetings, the Board identified that it used executive session in reviewing applications and investigations in accordance with AS 44.62.310(c)(2). The statute allows use of executive sessions when discussions of subjects may tend to prejudice the reputation and character of individuals. However, the Board has at times held open meetings to discuss similar subjects. Also, none of these reviews should include prejudicial information. For instance, the investigative reports do not include names in order to protect the Board's impartiality when they may later have to hold an investigative hearing. The discussion of applicants' qualifications for licensure should be limited only to those attributes specified by statute or regulation. We found no evidence that demonstrated that prejudicial information was being or should have been discussed in those meetings.

If the Board uses executive session, it should ensure that the minutes accurately identify decisions and reasons for their decisions after the meeting is opened. During the March 1981 meeting, the Board directed the license examiner to write a letter to three applicants regarding their application status. Because the Board discussed these applications

in executive session, there was no other formal record of the Board's decisions regarding those applicants. A letter to one of the applicants said that the Board decided not to allow the applicant to take the examination because the applicant did not have the required number of years of experience. A review of the applicants' records show that the applicant had twice the required number of years of experience.

The minutes also need to better identify Board discussions and which members voted for or against a resolution. They should also include any letters or correspondence which are specifically mentioned in the minutes. During the July 1980 meeting, the minutes recorded that an individual in a letter accused the Board of instituting unwritten licensing policies. The letter was to be included with the minutes in the appendix. However, the official minutes filed with the Department of Commerce and Economic Development do not include the letter. We have been unable to obtain a copy from other sources.

The Board held a conference call meeting in April 1981 for an hour. During this time, the Board discussed important changes to their regulations. The minutes did not identify any of the discussion and summarized the meeting in only sixty words. They also did not identify how individual members voted on the resolution.

Although the license examiner for the Department of Commerce and Economic Development takes the minutes, the Board is responsible for them. Board minutes are the official public record of all proceedings of a meeting and the only means a board has to formally state its actions. These actions and deliberations should be conducted in the open and within the public's scrutiny. Therefore, we confirm our prior recommendation.

Prior Audit Recommendation No. 6

The Board should develop a more aggressive investigation policy by establishing clear regulations for licensing violations and by promptly filing complaints against those practitioners who violate the law.

There were at least four unlicensed practitioners in Alaska who may have been advertising and practicing psychology or counseling in violation of AS 08.86.180 and AS 08.86.185. In addition, several licensed psychologists expressed concern in a Legislative Audit questionnaire that psychologists educated in areas other than clinical psychology may obtain a license and practice clinical psychology without being qualified to do so.

AS 08.86.220 allowed the Board to restrict the practice of a licensed psychologist by specialty, upon a finding that there is a demonstrated problem with competence, experience, education or health. However, according to investigative files and Board meeting minutes, the Board had never sought to do so. Nor had it composed regulations to provide guidance in this investigative area.

Legislative Audit's Current Position

The Board has been doing a better job in filing complaints against unlicensed practitioners. However, we still found a number of counselors practicing without a license. Because of the broad definition of psychology in the statutes and a vague series of exemptions (see Recommendation No. 2), it is unclear whether these persons are in violation of the statute.

The Board has not implemented or established regulations which specifically define under what conditions a licensed psychologist may be restricted to a specialty. We still believe that the Board needs to do so.

Prior Audit Recommendation No. 7

The Board should develop standards and a test manual for the examination given to license applicants.

Several respondents to a Legislative Audit questionnaire sent to licensed psychologists in the State noted that the essay and oral questions were exactly identical. A review of past tests shows that the Board made no marks of grading on the test sheets. In addition, there are no written standard answers or grade sheets with which the Board can properly evaluate and grade applicants' tests. One examinee charged that the examination is unfair.

The Board should follow the American Psychology Association's standards by proposing and implementing regulations and a test manual. Such actions will help the Board treat all applicants in a consistent manner and avoid costly litigations against the Board.

Legislative Audit's Current Position

The Board has made some improvements in its testing. However, problems still exist as evidenced by the following:

1. Grade sheets contained math errors and were left incomplete.

2. Two applicants were given different identification numbers to take the national examination. One applicant did not show to take the examination. However, the Division of Occupational Licensing received grades for the identification number of the no-show. These grades were sent to the other applicant.
3. The Board took four months to process the grades for four applicants tested in October 1980. This processing time could be greatly reduced.
4. Board members are inconsistently grading the essay examination. We found that for the October 1980 examination, grades computed separately by two Board members for an applicant varied by 34 points. One member scored the examination as 52%. Another member grading the same paper scored it as an 86%. The official score given to an applicant is calculated by averaging the four Board members grades. This score could be skewed by a large difference in two members scores such as in the above example.
5. A Board member forgot to grade a question in the October 1980 examination. The question had a value of as much as 15 points.

The Ombudsman's Office has reviewed two complaints against the Board for delays in grading the examination. In addition, the office received another complaint in 1980 concerning ambiguous exam instructions. The complaint was later withdrawn since the complainant was allowed to retake the examination.

We found that the questions on the essay examination are similar to the topics covered on the standard national examination. Because of the similarity and the problems experienced with the essay examination, we suggest that the Board consider dropping the essay portion. In any case, we concur with our prior recommendation and recommend that a test manual be developed.

Prior Audit Recommendation No. 8

Legislation should be introduced to change licensing statutes for psychological associates in order to encourage more qualified applicants to apply and become licensed in the State.

As of September 30, 1978, there were only three licensed psychological associates (PA) in the State. Other psychological associates who were statutorily exempt from being licensed

may also have been practicing in the State. However from 1975 to 1978, at least two applicants were denied licensure because of the licensing requirements. Others may have been discouraged from applying.

Legislative Audit's Current Position

Chapter 58 SLA 80 made the following significant changes to the licensing requirements for PA's in 1980.

1. A qualified applicant for a PA's license must have three years postgraduate experience after obtaining a Master's Degree. The prior statutory requirement that applicants must have two years of Alaskan experience was deleted.
2. In order to practice as a PA, a licensee must be supervised by a licensed psychologist.
3. The duties that PA's may perform within the State were expanded. However, the statutes require that the Board restrict the practice of PA's to a speciality and identify the speciality on the license. The Board has not complied with all the statutes.

The licensing requirements now in effect are more restrictive than the prior statutes. Since the enactment of Chapter 58 an applicant has already been denied by the Board to take the PA examination due to his lack of three years of experience. He would have been eligible under the old statutory requirements.

There are eighteen other states which issue licenses to applicants with Master's Degrees. In a comparison of these states' licensing requirements, we found:

1. Nine of 13 states (69%) which issue psychological associate licenses similar to Alaska, require that applicants have one year or less of postgraduate experience before being qualified.
2. Five states (Iowa, Minnesota, Missouri, Pennsylvania, and West Virginia) issue psychology licenses to applicants with Master's Degrees. These states require that applicants have more than two years experience (the average is four years). However, they allow licensees to independently practice psychology. Minnesota does require that the licensees meet once a year with a licensed psychologist with a doctoral degree. Also, they license applicants with Master's Degrees by endorsement.

There have never been any complaints filed against PA's in the State. Based on the evidence, we suggest that the statutory licensing requirements be changed to allow PA's to be licensed after one year of postgraduate experience. In addition, they should be allowed to practice independently within their specialty with an option that for the more complex psychological practices, supervision may be required. An alternative would be to allow applicants with Master's Degrees and four years of experience to be licensed as psychologists. Also we suggest that the Board be allowed to license PA's and/or psychologists with Master's Degrees by endorsement.

Prior Audit Recommendation No. 9

Legislation should be introduced requiring continuing education for psychologists and psychological associates.

A program of continuing education will assist in avoiding professional obsolescence and keep practitioners aware of changes taking place in the profession. Twenty-two of 28 psychologists responded to a Legislative Audit questionnaire that they believed continuing education should be required for their profession. In addition, the American Psychology Association endorsed the concept and had determined that 11 states required it.

Legislative Audit's Current Position

Chapter 58 SLA 1980 in part states: "The Board shall adopt regulations requiring proof of continued competency before a license is renewed." As of May 15, 1981, the Board has not held hearings on nor adopted continued competency regulations. However, they have discussed the need for these regulations in their meetings. We encourage them to begin the process of adopting regulations as soon as possible.

Prior Audit Recommendation No. 11

The Division of Occupational Licensing should develop a procedures manual for the licensing examiner supporting the Board.

In 1978 the licensing examiner supporting the Board had no procedures manual with which to guide his/her actions. There have been five license examiners for the Board from 1976 to 1978. With this high turnover, it is necessary that there are standard guidelines to help new and old employees.

Legislative Audit's Current Position

A formal procedure manual to guide the licensing examiner for the Board has not been developed.

We believe that the Board should give the license examiner written instructions about Board activities and the Division of Occupational Licensing should incorporate these instructions with a formal procedures manual. This will help ensure that the Board's minutes are accurate and complete (see Prior Audit Recommendation No. 3) and possibly decrease the amount of time it takes for examinations to be processed and grades sent to applicants (see Prior Audit Recommendation No. 7).

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative attainments as Board activities relate to the public need factors defined in the "Sunset" law. These analyses are not intended to be comprehensive in nature, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission or program has operated in the public interest.
 1. The following areas demonstrate the extent to which the Board has operated in the public's best interest.
 - A. The Board has held public hearings to update its regulations concerning application forms, supervision over PA's, licensure by endorsement, examination grades, competency requirements for psychologists and PA's, and the requirement for confidentiality of information obtained by psychologists in their practice.
 - B. The Board has developed goals and objectives. In 1980, the Board accomplished three of seven objectives. Those accomplished include:
 - (1) Support legislation requiring continuing education for relicensure.
 - (2) Clarify the role of the Board in the investigative process.
 - (3) Introduce legislation to repeal the two-year residency requirement for PA's.
 - C. The Board has updated its application forms.
 2. The following areas demonstrate the extent to which the Board has not operated in the public's best interest.
 - A. The Board needs to be consistent in approving qualified applicants to take the examination and in licensing psychologists and psychological associates (see Prior Audit Recommendation No. 2).

- B. The Board needs to discontinue its practice of deliberating in secrecy (see Prior Audit Recommendation No. 3).
- C. The Board needs to develop regulations establishing specialty designations for psychologists and psychological associates and regulations defining the type of continued competency before a license is renewed. Both are required by AS 08.86.070 (see Prior Audit Recommendations No. 6, No. 8 and No. 9).
- D. The Board needs to develop a test manual and consistently grade the examination given to license applicants (see Prior Audit Recommendations No. 2 and No. 7).
- E. According to Board minutes, it took over one year for the Board to comply with an agreement that the Attorney General's office made with an applicant improperly denied a license. The applicant had filed an administrative complaint against the Board alleging that the Board had violated due process requirements in denying the applicant's licensure. Our prior audit report dated October 31, 1978 recommended that the Board comply with the Attorney General's advice. The Board did comply in October 1979. Lengthy delays in complying with the advice from the Attorney General exposes the State to litigation proceedings.

II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

- 1. The jurisdiction of the Board needs to be clarified to identify which professions are to be regulated by the Board (see Recommendation No. 2). The lack of specific statutory guidelines has caused confusion among other professions as to whether their practice is covered by Title 8 Chapter 86 of the Alaska Statutes.

2. The Division of Occupational Licensing needs to develop a procedures manual for the license examiner with the help of the Board. A manual may help improve the quality of the Board minutes and the processing time for grading examinations (see Prior Audit Recommendation No. 11).

III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

1. The Board recommended that continuing education be a requirement for relicensure and that the two year Alaska experience requirement for psychological associates be removed. These were implemented by Chapter 58 SLA 1980 (see Prior Audit Recommendations No. 8 and No. 9).
2. The Board has resolved to recommend that the term "psychotherapy" be excluded from the definition of "to practice psychology." This would allow social workers to use this practice and not be regulated by the Board.
3. The Board proposed and supported statutory changes for the following:
 - A. The composition of the Board was changed from three psychologists and two public members to four psychologists and one public member
 - B. The statutory responsibilities for PA's were expanded. However, the licensing requirements were made more restrictive. In addition, a licensed PA is now required to practice under the supervision of a psychologist.

In our opinion, these statutory changes, except for the expansion of duties for PA's, are not of benefit to the public interest.

4. According to its minutes, the Board is going to recommend that the initial license fee be decreased from \$200 to \$30. In our opinion, this decrease in fees would not be in the public's best interest because of the Board's current deficit (see Appendix A).

IV. The extent to which the board, commission or or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service and availability of service which it has provided.

1. We noted no evidence which demonstrates Board encouragement.

V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

1. The following are examples of how the Board has encouraged public participation.

A. The Board has held part of its meetings to meet with interested persons.

B. The Board, through OL, advertises its meetings, examinations and regulatory changes in newspapers and sends notices to interested parties. This is in compliance with the Administrative Procedures Act.

2. The following are examples of how the Board has discouraged public participation.

A. The Board needs to discontinue the practice of holding its meetings in secrecy. Also, it needs to improve the clarity of its Board minutes.

VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

1. The Office of the Ombudsman has closed eight complaints against the Board since October 1978. Two complaints were about applicants not being issued temporary permits. Those were favorably resolved. A complaint was filed concerning the Board's refusal to comply with an agreement made by the Attorney General's office with an applicant. The Board finally complied a year after the agreement. A complaint was filed about the Board's

refusal to issue a license to an applicant by endorsement proceedings. The complaint was judged as unsupported. A complaint was filed about the Board denying the use of out-of-state psychology test scores for licensing an applicant. The Ombudsman's Office ruled that since the Board had no regulations, it was up to their discretion to accept or reject the scores. And an applicant filed a complaint that the Board's examination instructions were ambiguous. This complaint was withdrawn since the complainant was allowed to retake the test.

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

1. Due to problems with statutes, especially in the area of exemptions, it is difficult to tell where the Board's jurisdiction begins and where it ends (see Recommendation No. 2).
2. The Division of Occupational Licensing has closed five cases against individuals for unlicensed activity. There are currently eight cases under investigation, six for unlicensed activity, one for unethical conduct and one for incompetence. We have found no cases which have resulted in hearings, suspension or revocations of licenses.

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

1. Psychology and psychological associate applications require unnecessary information such as an applicant's age and picture.

IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous sections, recommendations and prior recommendations.

APPENDIXES

APPENDIX A

BOARD OF PSYCHOLOGIST AND
PSYCHOLOGICAL ASSOCIATE EXAMINERS
REVENUES COMPARED WITH EXPENDITURES
Fiscal Year 1980
(UNAUDITED)

| | |
|--|-------------------|
| Average Revenue (see Schedule 1 and Note 1) | \$ 2,650 |
| Expenditures | <u>35,369</u> |
| Excess of Revenues Over Expenditures | <u>\$(32,719)</u> |

Schedule 1
Types of Revenues

| <u>Revenues for Psychologists and Psychological Associates</u> | <u>Amount</u> |
|--|---------------|
| Application Fee | \$ 25 |
| Examination Fee | \$125 |
| Credential Review Fee | \$125 |
| Initial License Fee | \$200 |
| License Renewal (due every four years) | \$200 |

Note 1

Most of the psychology revenues are composed of renewal registration fees. These fees in the past were collected once every two years and cause revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in fiscal year 1979 and 1980 in order to obtain an accurate representation of collected revenues.

Note 2

Expenditures include those made by Board members, such as travel and per diem and an allocated percentage (estimated) of total administrative expenses of OL. They do not include expenditures for efforts of other departments, such as the Department of Law, that may be assisting the Board and OL.

APPENDIX B
ADMINISTRATIVE STATISTICS

Schedule 1
Number of Licenses

| | <u>As of</u> <u>March 6, 1981</u> |
|-----------------------------------|--------------------------------------|
| Licensed Psychologists | 78 |
| Licensed Psychological Associates | <u>9</u> |
| | <u>87</u> |

Schedule 2
Licenses Issued by Fiscal Year

| | <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> <u>As of</u> <u>March 6, 1981</u> |
|--------------------------|-------------|-------------|-------------|---|
| Psychologists | 14 | 12 | 15 | 5 |
| Psychological Associates | <u>-0-</u> | <u>-0-</u> | <u>3</u> | <u>3</u> |
| <u>Total</u> | <u>14</u> | <u>12</u> | <u>18</u> | <u>8</u> |

APPENDIX C

EXAMINATION STATISTICS

| | Examination Date | | | | | | | | | |
|-----------------------------------|------------------|-------------|-----------------|-------------|-----------------|-------------|-----------------|-------------|-----------------|-------------|
| | <u>10/29/78</u> | | <u>04/29/79</u> | | <u>10/19/79</u> | | <u>04/11/80</u> | | <u>10/10/81</u> | |
| | <u>No.</u> | <u>%</u> | <u>No.</u> | <u>%</u> | <u>No.</u> | <u>%</u> | <u>No.</u> | <u>%</u> | <u>No.</u> | <u>%</u> |
| Failed at least one Section | -0- | -0- | 6 | 60% | 3 | 43% | 4 | 44% | -0- | -0% |
| Passed | <u>4</u> | <u>100%</u> | <u>4</u> | <u>40%</u> | <u>4</u> | <u>57%</u> | <u>5</u> | <u>56%</u> | <u>6</u> | <u>100%</u> |
| <u>Total</u> | <u>4</u> | <u>100%</u> | <u>10</u> | <u>100%</u> | <u>7</u> | <u>100%</u> | <u>9</u> | <u>100%</u> | <u>6</u> | <u>100%</u> |

Note 1

One person who failed the essay portion of the examination was licensed previous to an out-of-court settlement arranged by the Attorney General's Office due to a complaint filed against the Board.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH D

JUNEAU, ALASKA 99811

Phone: 465-2500

December 2, 1981

RECEIVED

DEC 02 1981

LEGISLATIVE
AUDIT

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

RE: Preliminary Audit: Board of Psychologists and
and Psychological Associate Examiners

Thank you for the opportunity to comment on the August 12, 1981 Preliminary Performance Review of the Board of Psychologists and Psychological Associate Examiners. The following comments address the Performance Review's 10 recommendations.

Recommendation No. 1: The Board of Psychologists and Psychological Associate Examiners should be allowed to terminate and the licensing of psychologists and psychological associates should be discontinued.

Comment: Since the department's research into the justification for and implications of this recommendation are still in progress, it is not possible at this point to agree or disagree with this recommendation. The department is conducting research into the question of certification vs. licensing and remification. Evaluation of the information gathered will form the department's position.

The above recommendation does not address the effect that the elimination of licensure may have on the ability of the public to pay for needed services through third party reimbursement. It would be counterproductive to eliminate regulation if the consequence was to erect an economic barrier which placed services out of the financial reach of the people who need those services.

Recommendation No. 2: Legislation should be introduced which clarifies the jurisdiction of the board.

Comment: The department agrees with the need to clarify the jurisdiction of the board. For reasons stated above, the department cautions against replacing the licensure with certification if it means the elimination of third party reimbursement.

PRIOR AUDIT RECOMMENDATION NO. 1: A statutory change should be considered which will increase the number of public members on the board and allow the public to be represented.

Comment: The department concurs with this recommendation. It should be noted that the number of members and composition of the board should be set with an eye to actual duties and responsibilities. The present legislatively mandated duties of the board (e.g., detailed application review, continuing education, etc.) require a substantial amount of professional time. With proper guidelines the department could accomplish the legislative mandates.

PRIOR AUDIT RECOMMENDATION NO. 2: The Board of Psychologists and Psychological Associate Examiners should consistently apply statutory licensing criteria to all applicants.

Comments: The department concurs with this recommendation.

PRIOR AUDIT RECOMMENDATION NO. 3: The board should openly conduct its meetings and provide documentation supporting its deliberations.

Comments: The department concurs with this recommendation. The department has instructed the board and provided it with legal opinions from the Department of Law concerning the use of "Executive" sessions. Guidance has also been given for conducting open meetings, and the requirements to identify subjects discussed during executive sessions, the requirement of motions and voting only in open sessions. The board was using AS 44.62.310 (c)(2) for agency meetings, public protection of the applicants, and investigative information in the broadest senses.

PRIOR AUDIT RECOMMENDATION NO. 6: The board should develop a more aggressive investigation policy by establishing clear regulations for licensing and by promptly filing complaints against those practitioners who violate the law.

Comment: The department concurs with the need for an aggressive investigation policy and clearer regulations.

PRIOR AUDIT RECOMMENDATION NO. 7: The board should develop standards and a test manual for the examination given to test applicants.

Comments: The department concurs with this recommendation. Efforts are underway for evaluation of the presently written essay examination to be reviewed for extensive change. The department has corresponded with professional testing services and various schools with graduate psychology programs for a comprehensive psychology test. We disagree with the present examinations composition and administration. The board is presently re-writing the essay portion of the examination. A test manual will result from this effort.

PRIOR AUDIT RECOMMENDATION NO. 8: Legislation should be introduced to change licensing statutes for psychological associates in order to encourage more qualified applicants to apply and become licensed in the state.

Comment: The department concurs with this recommendation.

PRIOR AUDIT RECOMMENDATION NO. 9: Legislation should be introduced requiring continuing education for psychologists and psychological associates.

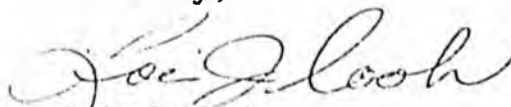
Comments: As noted in the narrative accompanying this recommendation, legislation has been passed requiring continuing education as recommended. The board has developed a draft set of regulations which are scheduled for public hearing after January 1, 1982.

Based on the research presently available, we seriously doubt the value of continuing education as a licensing or renewal requirement. In addition, the development and enforcement of continuing education regulations has turned out to be an inordinately burdensome undertaking for the board. Although the department concurs with continuing education requirements a number of concerns develop. The availability of acceptable and recognized programs, the type of acceptable methods (seminars, independent study, tape programs, etc.). The question of transferring cost by providers of the service to the users of the service. Overall we would concur a properly administered and scrutinized program would be beneficial.

PRIOR AUDIT RECOMMENDATION NO. 11: The Division of Occupational Licensing should develop a procedures manual for the licensing examiner supporting the board.

Comment: The department concurs with this recommendation. The staff in the Division of Occupational Licensing is preparing a procedures manual. The manual is approximately half complete and will be completed prior to June 1982.

Sincerely,



Lois J. Cook
Acting Deputy Commissioner

Kodiak Island Mental Health Center

Pamela J. Delys Baglien, Ph. D.
Director

J. Ray Langdon, M.D., F.A.P.
Psychiatrist

December 15, 1981

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau Ak 99811

RECEIVED

DEC 16 1981

LEGISLATIVE
AUDIT

Dear Mr. Wilkerson,

This letter is in response to your Performance Review of the Board of Psychologist and Psychological Associate Examiners dated August 12, 1981 and received by me on or about December 5, 1981. Since many parts remain the same as in the Interim Letter No. 1 of June 9, 1981 from Dan Allen, I am also including my detailed response to the Interim Letter as part of this response.

I will respond to your findings and recommendations in the order of their presentation.

Recommendation No. 1

The Board of Psychologist and Psychological Associate Examiners should be allowed to terminate and the licensing of psychologists and psychological associates should be discontinued.

In my opinion termination of the Board and discontinuation of licensing would very clearly not be in the best interest of Alaska's consuming public. You neglected to note in your report that the states of Florida and South Dakota both followed that course as a result of their Sunset process. Both of those legislatures reinstated the board procedure at the first opportunity as a result of the difficulties entailed in functioning without professional licensing boards.

Functioning of the Board has increased dramatically in effectiveness during the past two years. The Board most certainly has not approved every individual who has applied for licensure examination and will probably not do so in the future. A number of applicants are not qualified on the basis of training, experience, or character reference to be licensed for practice as psychologists or psychological associates. A few disappointed applicants have constituted a noisy and persistent complaint group; however, a strong duty of the professional Board in protecting the public will always involve licensing on the basis

of careful and critical scrutiny of such matters as training, experience, and character. Refusing licensure on these grounds does not constitute inconsistency even though it sometimes results in a few disgruntled applicants.

Due to the heavy workload required of professional members on the Board an increase in the overall size of the Board was requested. This increase was not allowed; however, one of the public member positions was filled with a professional in order to increase the work force for test development, test scoring, and other jobs requiring professional expertise. The Board would still prefer to see an increase in the Board size in order to receive more public member input.

The Board has concentrated focus on complying meticulously with the open meeting policy while at the same time making every effort to avoid public deliberation which might taint the reputation of individuals. The Board met with a representative of the Department of Law during 1981 specifically for the purpose of clarifying this issue procedurally.

Since the implementation of new regulations, there has been a steady increase in the number of both applications and granted licenses to psychological associates. Regulations for continued competency through continued education have been written and are being processed through hearings and the Department of Law. Psychological associate licenses are now being issued with imprinted specialty areas. A request has been submitted for a minor statute change in this area.

The Board is currently evaluating the possibility of contracting from a professional testing service for the essay portion of the exam in order to further objectify scoring of that portion of the licensing exam.

Recommendation No. 2

Legislation should be introduced which clarifies the jurisdiction of the Board.

Definitions of "appropriate supervision" have been clarified through regulations.

Regulations clarifying the relationship with other professionals have been through hearings and are being processed.

A number of changes have occurred in the past year which facilitate improved Board function. The Division of Occupational Licensing has taken an assertive position about providing improved supportive services to the Board. Board meetings are regularly attended by a regulations specialist, the Division director, and appropriate investigators. Advisors from the Department of Law are available on a regular basis. Communication and working relations between the Board, the Division and the Attorney General's office have been significantly improved through coordination efforts on the part of Mr. Traeger's organization.

Improved guidelines and support systems for licensing examiners have been developed by the Board and the Division. This is expected to lower the possibilities of errors in handling applications and test files. The Board is working toward having the total administration and scoring of the tests handled by testing services thus eliminating the possibility of inter-member variance. This process would also eliminate many hours of test related work by professional members and free the entire board for greater refinement of other procedures and for attending to broader issues. It would also make operating with the present, small unpaid Board far more realistic.

A recent meeting of the various licensing board chairmen sponsored by the Division of Occupational Licensing allowed an opportunity for in-depth work among boards and with representatives of legal and investigative branches, as well as the Governor's office. This type of board support on the part of the Division will play a very important part in problem solving of occupational licensing at all levels throughout the state.

I thank you for this opportunity to respond to the Performance Review and look forward to being of assistance to the legislative process again in the future.

Sincerely,

Patricia J. Delys-Eaglien, Ph.D.
Chairman, Board of Psychologists and Psychological
Associate Examiners

CC: Dorothy Galtmote, Ed.D.
James Greenough, Ph.D.
Paul Turner, Ph.D.
Charles Bwee, Ed.D.

Kodiak Island
Mental Health Center

Pamela J. Delys Baglier, Ph. D.
Director

J. Ray Langdon, M.D., F.A.P.A.
Psychiatrist

July 7, 1981

Daniel A. Allen, CPA
Auditor
Division of Legislative Audit
Pouch W
Juneau, AK 99811

Dear Mr. Allen:

Thank you for your call alerting my attention to the Interim Letter No. 1 from the Division of Legislative Audit. As chairman of the Board of Psychologists and Psychological Associate Examiners, I am responding to your letter. The Board will be having a regular meeting in August and review the issues as a body at that time.

As chairperson, I feel you have some valid concerns, most of which the Board shares with you. Others, I feel may be based on missing information or inaccurate information. All in all, I feel strongly that this very small, unpaid board has accomplished a great deal in view of being funded for only three two day meetings per year. The board clearly needs a few more members and more meeting time in order to accomplish all tasks as quickly as might be desired.

I will attempt to respond to some of the highlights of your letter point by point.

Recommendation No. 1

In the past two years, the Board has taken great caution to be as consistent as possible. They have someone from the Attorney General Office either present or available for consultation for all meetings. They have worked on extensive revisions to regulations in order to clarify issues and avoid confusion or lack of specificity which may lead to inconsistency. The Board, at times, is caught in a double bind in some of these situations between attempting absolute consistency, while at the same time, having individuals who are concerned about too rigid regulations constituting restrictiveness.

2. (p.2) In order to avoid any concern about lack of openness regarding Board matters, for the past several years all meetings including work sessions have been tape recorded. Only executive sessions, which contain information and personal materials regarding individual applicants or complaints which have been filed, are not taped. Meetings are set and publicly announced for time and place well ahead of time. There are frequently members of the public in attendance at meetings.
3. (p.2) The Board supported adding another professional member to the board to share the workload. No funds have been available to pay for scoring of exams, developing pools of test items, or other extremely time consuming work which cannot be accomplished by public members. The board is funded for only three two day meetings a year, which severely limits working time. The Board has never favored limiting public members and would welcome their addition. Board requests for additional members have not been met.
4. (p.2) The Board may have draft regulations by the August 1981 meeting regarding specialty designations. This area requires careful deliberation since such designations are only now being formulated at the national level by the American Psychological Association. Before the new regulations were formulated, this designation process had been very restrictive in Alaska for psychological associates and limited them to only two narrow areas of practice. In recent years, new and very legitimate areas of practice have been developing in psychology. The intention of the Board is to avoid limiting any qualified professional from practice in the state. There is also concern for designing regulations which will be compatible with standards in other parts of the country and enhance opportunities for qualified psychological professionals from other areas who may come to Alaska.

Draft regulations for continued competency standards are expected after the August meeting. Once again, the intention is to develop strong standards which are compatible with other areas of the country.

5. (p.2) The Board has begun requiring that at least the chairperson, if not the entire Board, review all nonroutine correspondence sent out for the Board by the Occupational Licensing staff. Scoring and computation of test average scores is also being reviewed by the Board as a double check against computational errors or misinformation. The staff position has a history of fairly rapid turnover, which has always concerned the Board. The individual is sometimes gone before they have had an opportunity to become job proficient.

On page 3, you note that two states have eliminated state licensing of psychologists. Please also note that South Dakota found that situation so unworkable that they have reinstated state licensing. As of today, I understand, the Florida legislature has reinstated state licensing of psychologists and that bill is on the governor's desk awaiting signature.

You comment that the Board has neither revoked nor suspended any licenses. This would indicate that the initial licensing procedures, even with their occasional difficulties, have been working quite effectively.

Recommendation No. 2

- (p.3) The Board has been working for several years to refine identifying and defining regulations to eliminate ambiguity and/or confusion regarding who is or is not included in the practice of psychology. The Board was concerned about continued difficulty in this area and requested additional public hearings before final recommendations on the latest proposed regulations. The teleconference hearings held on May 4, 1981 helped clarify these issues and provided opportunity for input by concerned professionals. It was found that a few semantic problems in the proposed regulations were creating confusion for a few other qualified professionals (particularly social workers). Changes were made in the recommended regulations to remedy the problem.

New regulations for the area of adequate supervision for doctoral level licensing applicants were also presented during the teleconference hearing which are expected to provide for more flexible arrangements in outlying areas. This has been a long and difficult area to develop satisfactorily.

Prior Audit Recommendation No. 1

- (p.4) As pointed out earlier, the Board requested the addition of at least one more professional member in order to share the work load. While this increase was made with a new appointment, the total size of the Board was not increased with the resultant under-representation of public members. This is indeed a serious problem and the Board would welcome the addition of more public members. The Board would certainly support such a statutory change.

Prior Audit Recommendations No. 2

- (p.6) In this section of your letter, you make incomplete reference to certain applicant cases implying that there may have been error or inconsistency in handling the cases. I am not able to respond to this unidentified case material. The Board will happily review clearly identified and specific case problems.

I have mentioned several safeguards the Board is implementing to avoid this kind of problem, such as the review of all non-routine correspondence and all test score calculations prior to their release by the Division of Occupational Licensing. More detailed information regarding individual case decisions needs to be formally entered in Board minutes as well. Not only details of action, but more rationales for the decisions need to be formally recorded in order to avoid misinterpretation by those outside the Board.

Once again, let me reassure you that the Board will gladly review clearly identified and specific concerns you may have regarding individual cases. The Board is very concerned about these issues. However, I feel you will usually find that concerns come from someone with incomplete information.

The Board appreciates the fine support from the Division of Occupational Licensing, but is continually concerned about accurate and complete presentation of information to licensing applicants and to the public. The Board is working on a number of projects to assure simple and accurate information management.

Prior Audit Recommendation No. 3

(p.8) While the open nature of Board activities is of supreme importance, the protection of reputation and character of individuals must also be carefully guarded. In the past, work sessions were not tape recorded; however for at least two years, even work sessions are recorded except for executive sessions, which may influence reputation and character of individuals applying for licensure or under review. It is important to realize that in a professional community as small as Alaska, the elimination of names alone in no way protects the identity of an individual in a situation which requires such discretion.

Again I concur that the Board needs to provide for more detail and rationale for decisions made in either executive or regular session. I share your concern regarding failure to attach correspondence or other documents to Board minutes before submission to Occupational Licensing. This procedure is handled by the staff member and the Board must insist that this is corrected. I have attached a note to the minutes of the April conference call requesting the attachment be added as indicated.

Prior Audit Recommendation No. 6

(p.11) The development of specialty designations should be helpful in this area. The Board has neither statutory authority nor intent to regulate any professional outside psychology. Psychology is not alone, as a profession, in its concern with assuring the public of quality in professional services.

Prior Audit Recommendation No. 7

(p.12) The Board has spent a great deal of time improving testing procedures and is aware that there is still more to be desired. The oral examination procedure has been completely eliminated in order to avoid possible inequities. The written essay portion is improving considerably with the development of more specialty questions (which also require a scoring format and answer citations). Scoring forms are being improved to assure more consistent scoring by individual board members.

The nature of board involvement with applicants during and after testing provides for total anonymity of applicants until such time as all pass-fail decisions are complete. This necessitates careful management and security by staff members who administer the tests and handle test materials.

The Board is helping the staff develop a testing procedure manual to eliminate possible errors. As mentioned previously, the Board is now reviewing all calculations as a double check against error.

Professional members of the Board score exams with only a number as case identification. This does not allow members to always know whether the applicant is after a psychologist or psychological associate license. For this reason, scoring sheets are sometimes indicated as passing at the psychological associate level. Designation of levels would sometimes reveal the identity of psychological associate applicants since there are very few of them during most test administrations. Scoring time is being improved. However, scoring is done by unpaid professional members and requires considerable time for mailing test material all over the state and back to Juneau. Tests take a significant amount of time for careful review and scoring. Once all tests are returned to Juneau, tallies and computations need to be rechecked. The Board is working to expedite this whole process.

As you indicated, there is a great deal of similarity between certain questions which have been used in the essay exam and the standard national exam. However, the multiple choice nature of the national exam does not allow a well qualified applicant to demonstrate the depth and detail of knowledge shown through an essay exam. The essay exam provides an opportunity to examine areas unique to the Alaskan situation as that is indicated. Also, while the national exam covers a broad range of areas in psychology, it does not demonstrate an individual's thorough knowledge in specific areas. The national exam can be passed by intensive study of a strong academically oriented introductory general psychology text. The national exam is very complimentary to the very in depth nature of the essay portion because it indicates broad general understanding of the entire field of psychology. Both sections have an important part in determining qualified professionals.

Prior Audit Recommendation No. 8

(p.14) I am enclosing copies of two letters to legislators which cover the issues regarding the licensing of psychological associates.

The Board is very much aware of the need to broaden the scope of professionals in such a place as Alaska and has

provided to allow that broading. However, the distance, isolation, and lack of other referral resources in many Alaskan communities places far more than average importance on guaranteeing highly qualified individuals with adequate back up and supervision arrangements to provide services. The Board is concerned, not just with numbers of such professionals, but with quality of training and adequate support for service providers at all levels. As noted in the letter, the doctoral level of training is the beginning level of entry for independent practice. A psychological associate, like a physicians assistant, does not become a doctor without going back for the additional training and degree.

Prior Audit Recommendation No. 9

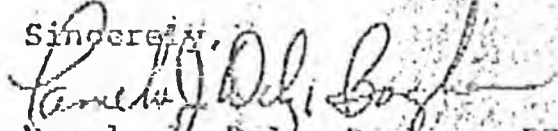
(p.16) As indicated earlier, the Board hopes to have draft regulations for continued competency by this fall.

Prior Audit Recommendation No. 11

(p.16) Again as indicated earlier, the board shares serious concern about rapid turn over in Division support staff. The Board is working with the current licensing examiner to develop a much needed manual. The Board depends heavily on the licensing examiner to provide and relay information, manage case files, and of course administer exams. That individual needs all the clarity and completion of information possible to handle the great deal of responsibility placed with them. The Board is unable to function expeditiously without accurate and quick work on the part of the examiner. The Division of Occupational Licensing has been very supportive and deserves a great deal of appreciation from the Board.

Thank you, Mr. Allen, for your lengthy review of concerns regarding the Board of Psychologist and Psychological Associate Examiners. While our conclusions clearly differ in many areas, you bring out many pertinent points for the Board to examine and improve. I look forward to further contact with you in the future.

Sincerely,


Pamela J. Delys-Baglien, PH
Chairman
Board of Psychologist and
Psychological Associate
Examiners

cc. Dr. Paul Turner
Dr. Dorothy Whitmore
Dr. Jane Krouse
Dr. Charles Bovee
Division of Occupational Licensing

Dr. Mueller Continues His Media Effectiveness on Behalf of Psychology: Dr. Kenneth Mueller of the East Anchorage Psychiatric Group has continued his outstanding contribution to the advancement of Psychology as a science and profession in Alaska through his frequently occurring columns in the Living and Leisure section of the Anchorage Daily News. In early March Dr. Mueller, (a recent candidate for ALPA President-Elect) published a column that effectively synopsized some of the key concerns in support of continued licensure of Alaskan psychologists. The text of his article is reproduced below. The Executive Committee of ALPA expresses its sincere thanks to Dr. Mueller for his continued active contribution to our profession here in "The Great Land".

When shopping for a therapist, look for the license

Finding a qualified therapist in Anchorage is no easy matter. There is a confusing array of services offered by practitioners who have a wide range of training and approaches.

As a consumer of health services, you can't be expected to evaluate the credentials of health service practitioners. However, the state can legally act in the public interest by licensing professional health practice.

If your therapist is a psychologist or a clinical social worker, here are 10 reasons why he or she should be licensed:

- This assures that when you engage a therapist, that person has had high levels of education, training and supervised experience. Licensed providers have been screened and evaluated carefully in terms of specific standards before they are allowed independently to provide services to you. The license also assures you that these standards are uniform from state to state, so if you are in therapy when you move, it is very likely the therapy can continue without major disruption.

- It provides a requirement that your therapist must continue his/her education and stay up to date on recent developments.

- It ensures privileged communications between you and your therapist (confidentiality).

- It discourages the use of facts and untested or experi-

mental forms of therapy.

- Insurance reimbursement is possible. If your therapist is licensed, your insurance company has a standard for recognition and payment of this important health benefit to its subscribers.

- It ensures an enforceable code of professional conduct. The license can be denied, suspended or revoked to counter a threat to the public welfare.

- It assures you that your therapist is a member of a profession that will police itself. For example, the ethical standards of psychologists are stricter than any other set of standards regarding independent practice.

- It demonstrates respectability and accountability. Your therapist voluntarily applies for licensure. By so doing, he/she is making an effort to upgrade the quality of professional services. Your therapist should also be active with a state association. Submitting to peer review is an act of good faith.

- It provides an opportunity for you to press for redress of grievances without costly litigation.

- It helps consumers identify reputable therapists. Licensure makes qualified therapists more accessible by making it easier to find them. According to Will Bukland of the American Psychological Association, this results in increased competition in economic terms among



dr. ken
mueller

professionals licensed in the same category, resulting in stability of fees and lower costs.

When licensing boards are under public review, grievances often emerge about their performance. Of course, the value of licensure to you, as a potential consumer of such services, clearly outweighs the problems that occasionally re-

sult from board performance. The bath water may need changing, but the baby is worth saving.

Clinical social workers are presently working toward a licensure bill so they can more effectively police themselves. This should directly benefit those who turn to them for help.

Licensure isn't a guarantee that you and your therapist will work effectively together, but it does increase the probability of a positive outcome by assuring that your therapist has met rigorous standards.

■ Dr. Mueller is an Anchorage psychologist.

Sunset Update: Bills to continue the licensing Board were submitted in late February. The Health, Education and Social Services Committees of both houses are reportedly in favor of a four year continuation. Hearings are to be held in Juneau on the 8th of March at 3PM. Members are urged to express their support of House Bill 856 and Senate Bill 823 as soon as possible; especially if any of the following committee members are your representatives/senators: Senators Parr, Stimson, Fischer, Colletta and Kelly; Representatives Bierne, Martin, Cato, Smith and Malone.

Treasurer's Perspective: With the receipt of the Psychology Defense Fund Grant of \$5000 ALPA will be financially solvent for 1982 and able to meet the major aspects of its 1982 program, lobbying and Executive Officer costs states Treasurer Hal Post. However, very few of the membership came through with donations in excess of the basic \$65 dues assessment for 1982. This result occurred despite the resolution of the general membership at the 1981 meeting that "Members are encouraged to make additional voluntary dues contributions up to an amount equal to one day's pay." Thus far only four members have made contributions in excess of the mandatory dues. Special appreciation is expressed to Dr. Jane Krauss, Dr. Cheryl Frair, & Dr. Boy Collier for their generous contributions as well as to Dr. Joel Wieman, each of these members paid dues in a manner consistent with the spirit of the resolution made at the 1981B meeting. Other members are encouraged to consider additional payments insofar as ALPA is not likely to receive further PDF grants if licensure is continued. We'll need to carry the full burden of continuing development of our state association by ourselves.

President-Elect Frair Accepts Position: (Dr. Cheryl Frair our newly elected President-Elect responded to the Executive Committee's request for an acceptance message with the following.)

Thank-you for your support in my becoming President-Elect of ALPA. With the major issues facing psychologists in Alaska at this time we need to remember ALPA, as our professional association, can be far stronger than any one of us alone. Over the years of my association with ALPA I have been dismayed at the factionalism and the attitude of "them" against "us". As professionals we need each others support in being better able to function as a psychologist, be it in a university or college classroom, a mental health clinic in Ketchikan, a school in Anvik, a private office in Fairbanks or at API. The development of the regional groups with representatives on the Executive Committee and the liaison with the Alaska School Psychologists Association are a start toward developing a stronger statewide association. Please join together in supporting your profession and colleagues through ALPA.

Cheryl Frair, PhD

ALPA Executive Officer Invited to Address 1982 APA Convention: ALPA EO Dr. Dennis Scholl recently received and accepted an invitation from Division 31 of APA, Division of State Psychological Association Affairs, to participate in a State Psychological Association Affairs panel at the 1982 APA convention in Washington D.C.. The panel, chaired by Dr. James Lindeman the Division 31 president-elect and faculty of the U. of Oregon Health Sciences Center, will be entitled "Perils and Plusses of the Small State Psychological Association". EO Scholl is very interested in receiving letters, records or comments from Alaskan psychologists that will broaden the data base and validate his historical perspective on ALPA. If you have information on the history of ALPA or can otherwise contribute to the breadth and accuracy of Dr. Scholl's presentation please send in your information as soon as possible to the ALPA address. It is worthwhile to note that the Division 31 officers as well as APA see ALPA's support of the EO position as a model for all small population state associations.

BOARD of Psych.

Audit recommendations

Legislation

1. increase number of public members on the BOARD
2. change licensing statutes for psychological Associates.
3. Continuing education required. - Continuing competency?
4. continue BOARD

REGULATIONS:

1. consistent licensing criteria
2. define jurisdiction over other professions.
3. consistent testing requirements.
4. Clarify licensing violations / promptly file complaints.
5. Develop standards and a test manual
6. Procedure manual for licensing examiner

Until

- temp license to practice in rural area.
- temp permit to practice under a dentist until exam.

S

B

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COMMITTEE REPORT
SENATE

3/3/82

FURTHER: None

Date: 4-5-82

Mr. President: HEALTH, EDUCATION & SOCIAL SERVICES
The Committee on SOCIAL SERVICES has had SB 829

extending the existence of the Alaska Commission on the Status of Women

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

CHAIRMAN

STATE OF ALASKA

SB 829 file
JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C

JUNEAU, ALASKA 99811

465-2200

April 6, 1982

Honorable Charles H. Parr
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Parr:

You have requested comments regarding SB 829.

Be advised that staff of the Department of Administration have observed that ACSW has encouraged women to take the utmost possible responsibility for their own destinies and futures. Such programmatic emphases could be of most practical importance in enhancing the quality and skill levels of women who are joining the State's work force in greater numbers and percentages, in compliment to the Affirmative Action Plan of this State.

With additional time to build upon its unique mission, the Commission should become more valuable as a resource for the economic, governmental and social structure of Alaska.

The Department of Administration recommends the continuation of the Alaska Commission on Status of Women as proposed in SB 829. We would hope for a closer working relationship with the Commission in the future.

Respectfully,



W. R. Hudson
Commissioner

WRI/mjc
cc: To SB 829

AMERICAN ASSOCIATION
ALASKA



OF UNIVERSITY WOMEN

DIVISION

Susan R. Clark
Legislative Chair
1109 C Street
Juneau, Alaska 99801
586-6952

April 1982

SB 829 - Extending the existence of the Commission on the
Status of Women

AAUW supports legislation which seeks to guarantee women full partnership in American society, and we are actively working to encourage women to utilize their capabilities in assuming leadership roles. These same goals are also primary ones established for the Commission on the Status of Women in Alaska.

In the last five years we have seen the Commission begin to address the many issues which confront women in our complex society. They have completed research on the serious issues of the displaced homemaker, the battered woman, and child support enforcement. They have developed training materials to help educate women as they move to meet new challenges. These manuals include methods for better meetings, training in needs assessment and goal setting, program planning, grant writing and assertiveness training.

One of the goals on which the Commission has focused over the past couple of years has been to offer rural women and ethnic women a chance to develop their leadership and potential through regional conferences. The Commission has offered the opportunity for women in several communities to come together, some for the first time, to address common concerns, problems, goals that affect women regardless of their cultural background. Those communities include Bethel, Homer, Barrow, Delta Junction, Kenai, Kotzebue, and Hoonah among others, including a conference on Asian women, Black women and women in poverty.

The tasks assigned to the Commission by the legislature have been begun. The issues affecting women are many, and still need addressing:

Aging is a women's issue: 66% of all elderly people are women.
90% of those who receive the Social Security minimum benefit are women.

Poverty is especially a women's issue: 75% of all people living in poverty are women; 67% of Legal Services clients are women; 69% of all food stamp recipients are women; 61% of Medicaid recipients are women.

The "feminization of poverty" is one of the most compelling social facts of the decade, stated the President's National Council on Economic Opportunity in a report last year. This fact must be addressed and changed through continued serious focus on women in Alaska and the nation with emphasis on education, civil and legal rights, labor and employment, and the rights and contributions of homemakers. The Commission on the Status of Women has a great deal more work to do.

Barbara:

The following is a direct quote from Lisa Rudd's keynote address to the statewide women's conference:

"It was my privilege, when I was in the legislature, to sponsor the bill which, when it passed in 1978, established the State Commission on the Status of Women. It is hard, now, to imagine a time when we did not have the commission, so important has it become in identifying our needs and focusing our efforts. The Commission members and staff have worked constantly: Holding hearings, publishing reports, giving testimony, sponsoring conferences and furnishing information on such widely varying topics as the legal rights of women in Alaska, child support enforcement, the needs of homemakers, black women's concerns and women in the construction trades. Not to mention conferences in Galena and Kenai-Soldotna, Kotzebue, Hoonah, and Bethel. If we are now "closer to each other than we were in 1977, and I believe we are, it is in large part thanks to the efforts of the Commission."

NOTE:

The grants we give to groups such as the Barrow Local Chapter of the Alaska Native Women's Statewide Organization serve as seed money for them to get support from native corporations, private industry, etc. The \$2,000.00 grant to Barrow, for instance, was to be used to bring in 3 women from Wainwright; 4 from Nuiqsut and 3 from Point Hope.

In addition to sponsoring the conferences we have published the reports of the conferences and distributed them widely; (Kotzebue report has several resolutions including one re funding for the Commission.)

We have also assisted the Alaska Native Women's Statewide Organization in publishing its conference reports.

We funded the special report HAVING A VOICE using photographs and quotes from participants at the regional conference held in Bethel in Oct. 1980.

Here are a few examples of the replies on the evaluation form to the question: "What about this conference did you find most valuable in considering the future of Alaska's women as a whole?"

— "Gathering of very diverse women — I was impressed by our unity, given our diversity"

— "We have a chance to play an important role in Alaska's future and the conference showed us how to begin"

— "How diverse and wonderful we are — what a wealth of ability -- of still untapped potential. Need exists for more such statewide meetings; could local/regional groups develop meanwhile."

— "Showing me that we have the ability to implement change when we work together"

— "Bring women together to discuss common needs and dreams and thoughts"

— "There are a great number of Alaskan women who care, act, relate, work toward a common goal."

— "I really didn't realize there were so many interested active Alaskan women -- in my little town all I hear is talk--never see any action."

— "To see the sheer number of women who want and need to be heard and are working together to be heard and know what action needs to be taken to reach this goal."

— "The gathering together of so many women from so many walks of life to begin communicating."

— "The articulate leadership of native women."

— "It was exciting to communicate with so many women who are actively working for the uplifting of Alaskan women"

— "Each of the guest speakers instilled a sense of hope and strength in togetherness, forming an energy which I think each person here will carry with them into the future."

— "The cohesiveness of the women at the conference was impressive. No levels were perceived. We are all in this together. There was a freedom of interaction of great value."

— "What an amazing amount of energy and potential we have. I realized I have to be more active in lending support to all women not just myself."

— "That we had common as well as diverse views on the issues. I don't think the barriers are as strong between these groups as they were for many of us, for me anyway. I have been educated and thus lost my prejudice."

— "most exciting was seeing the banners and knowing so many who have contributed to my own growth."

— "Helped me find the inner strength I need because of my divorce and shock of independence needed to face my various roles — woman, educator, mother of two sons, student."