

In Re:

Petition for Declaratory Ruling

Department of Health Services
Board of Examiners of
Psychologists
Declaratory Ruling No. 85-1

By: Kathleen M. Sterner, Ph.D.
Joel Perlmutter, Ph.D.
Joseph Nowinski, Ph.D.

January 28, 1985

MEMORANDUM OF DECISION

INTRODUCTION

By letter dated February 23, 1984, Kathleen M. Sterner, Ph.D. requested clarification, by the Board, of the phrase "...is not qualified" as used under the provisions of Conn. Gen. Stat. §20-192. In addition, the Board received separate letters from Joel Perlmutter, Ph.D., dated August 26, 1983, and Joseph Nowinski, Ph.D., dated March 21, 1983, seeking the Board's opinion on the delegation of psychological services by licensed psychologists to unlicensed individuals.

On January 25, 1984, at its regularly scheduled meeting, the Board voted to consider said requests to be requests for declaratory rulings under the provisions of the Uniform Administrative Procedures Act. Accordingly, notice of hearing was issued for a public hearing conducted June 5, 1984 in Room B-123 of the Department of Health Services at 150 Washington Street, Hartford, Connecticut. Drs. Sterner, Perlmutter and Nowinski received

certified mail notice of said hearing. After the public hearing of June 5, 1984, the Board determined that an additional public hearing should be held and additional notice was provided for a public hearing at the Hall of the House at the State Capitol, Hartford, on September 25, 1984. Drs. Sterner, Perlmutter and Nowinski, all Connecticut licensed psychologists, and the following organizations were notified of the September 25, 1984 hearing:

Connecticut Association for Retarded Citizens
Mental Health Association of Connecticut
Connecticut Psychological Association
State of Connecticut Department of Mental Health
State of Connecticut Department of Mental Retardation
State of Connecticut Alcohol and Drug Abuse Council
State of Connecticut Department of Children and Youth Services

The hearing of June 5, 1984 was attended by Board members McGrade, Higgins and Kronick, the Board's counsel, and fourteen members of the public. Board members McGrade, Higgins and Hudon, the Board's counsel and approximately forty members of the public were present at the hearing of September 25, 1984. Drs. Sterner, Perlmutter, Nowinski, and Douglas S. Lloyd, M.D., Commissioner of Health Services, were designated as parties and fourteen individuals were admitted, at their request, as intervenors for the purpose of making statements during the hearing of September 25, 1984.

I. STATUTORY PROVISIONS APPLICABLE TO RULING RE:

QUALIFICATIONS OF PSYCHOLOGISTS

Section 20-192 of the General Statutes provides:

The Board may take any action set forth in section 19a-17, if the license holder: Has been convicted of a felony; has been found by the board to have employed

fraud or deceit in obtaining his license or in the course of any professional activity, to have violated any provision of this chapter or any regulation adopted hereunder; to have acted negligently, incompetently or wrongfully in the conduct of his profession; practiced in an area of psychology for which he is not qualified; is suffering from physical or mental illness, emotional disorder or loss of motor skill, including but not limited to, deterioration through the aging process or is suffering from the abuse or excessive use of drugs, including alcohol, narcotics or chemicals. The commissioner of health services may order a license holder to submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is the subject of an investigation. Said commissioner may petition the superior court for the judicial district of Hartford-New Britain to enforce such order or any action taken pursuant to section 19a-17. Notice of any contemplated action under said section, of the cause therefor and the date of hearing thereon shall be given and an opportunity for hearing afforded as provided in the regulations adopted by the commissioner of health services. The attorney general shall, upon request, furnish legal assistance to the board. Any person aggrieved by any action of the board may appeal therefrom as provided in section 4-183, except such appeal shall be made returnable to the judicial district where he resides. Such appeal shall have precedence over nonprivileged cases in respect to order of trial. (emphasis added).

DISCUSSION

What constitutes practice in an area for which a psychologist is not qualified?

Connecticut General Statutes §20-192 provides that disciplinary action may be taken "if the license holder: ... practiced in an area of psychology for which he is not qualified." No Connecticut statutes or regulations further clarify when a person is considered qualified to practice in a particular area of psychology. It is evident therefore that the legislature, in enacting Conn. Gen. Stat. 20-192 did not intend that licensure alone will provide a sufficient

basis upon which a psychologist may be considered qualified in all areas of professional practice.

It is recognized that Conn. Gen. Stat. 20-188 requires a doctoral degree plus one year of post doctoral experience as minimum requirements for licensure. The Board finds however that satisfaction of these minimum requirements clearly does not also evidence competency in all areas of psychology sufficient to safeguard the welfare of the public. These areas may, and very often do, require additional specialized training and experience before competency can be established.

Accordingly, to aid in determining competency and qualifications of a licensee in a particular area the Board acknowledges the usefulness of the following standards adopted by the American Psychological Association applicable to professional psychologists; Policy on Training for Psychologists Wishing to Change their Specialty (1976); Speciality Guidelines for the Delivery of Services by Clinical Psychologists (1981); Specialty Guidelines for the Delivery of Services by Counseling Psychologists (1981); Specialty Guidelines for the Delivery of Services by School Psychologists (1981); and Specialty Guidelines for the Delivery of Services by Industrial/Organizational Psychologists (1981). The Board notes that these national professional standards require both formal academic instruction and substantial supervised experience in the area of psychology to be practiced. These standards may be consulted by the Board in assessing a licensee's qualifications in specific areas.

Other factors relating to a licensee's competency also shall be carefully considered and weighed by the Board in exercising its professional judgment. The Board's primary objective is to continue to insure the health and safety of the citizens of the State of Connecticut by limiting a licensee's practice to areas where he^{p.n.c} is professionally competent.

CONCLUSION

Accordingly the Board rules that the qualification to practice psychology requires specific academic training and supervised experience in the specific area of psychology to be practiced. Practice in areas in which these qualifications have not been satisfied are grounds for disciplinary action against licensed psychologists under the provisions of Conn. Gen. Stat. §§20-192 and 19a-17.

II. STATUTORY PROVISIONS APPLICABLE TO RULING RE:

PSYCHOLOGICAL SERVICES

Section 20-187a of the General Statutes provides:

No person shall practice psychology unless he has obtained a license as provided in section 20-188. The practice of psychology means the rendering of professional services under any title or description of services incorporating the words psychologist, psychological or psychology, to the public or to any public or private organization for a fee or other remuneration. Professional psychological services means the application, by persons trained in psychology of established principles of learning, motivation, evaluation, group relations and behavior adjustment, including but not limited to counseling, guidance, psychotherapy and behavior modifications, with persons or groups with adjustment problems in the areas of work, family, school, marriage and personal relationships; measuring and testing of personality,

intelligence, aptitudes, emotions, public opinion, attitudes and skills; and research on problems relating to human behavior. (emphasis added).

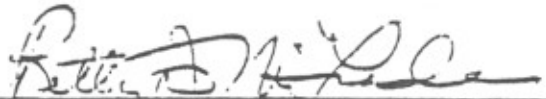
May a psychologist authorize an unlicensed person
to perform psychological services?

Psychological services are those rendered "... under any title or description of services incorporating the words psychologist, psychological, or psychology to the public or to any public or private organization for a fee or other remuneration" (Conn. Gen. Stat. §20-187a) unless such services are specifically exempted from licensure (Conn. Gen. Stat. §20-195). The question is whether use of the terms psychologist, psychological, or psychology, a right conferred by licensure, can be delegated to another person by the licensee. The General Statutes of the State of Connecticut or any regulations promulgated thereunder do not address the question of delegation of psychological services by psychologists or conditions under which said delegation would be permissible.

Delegation to unlicensed individuals poses potential problems in maintaining the quality of services offered to the public. Unsupervised and unregulated delegation of services would defeat the purposes and protections achieved by requiring licensure of psychologists. Evidence presented to the Board referred to possible instances of delegation such as use of unqualified assistants and failure to provide direct supervision of assistants which could be dangerous to the public health and welfare of the citizens of the State of Connecticut.

CONCLUSION

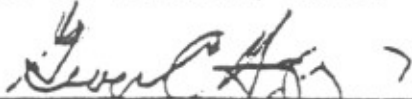
Accordingly, the Board rules that when titles or descriptions of services include the words psychologist, psychological, or psychology and services are being offered to the public for remuneration, these services must be performed by a licensed person, except when "... directly controlled by a licensed psychologist, in the licensed psychologist's presence, and for a relatively minor administrative nature." (Opinion of the Office of the Attorney General, dated January 7, 1976). The Board further rules that a licensed person who uses his or her signature, title, and/or license number on a description or listing of services performed by someone else shall be deemed to have delegated his rights under licensure and to have acted "... wrongfully in the conduct of his profession" (Conn. Gen. Stat. §20-192) unless said description or listing includes an explicit statement that the services were performed by someone else.



Betty Jo McGrade, Ph.D., Chairman
Board of Examiners of Psychologists



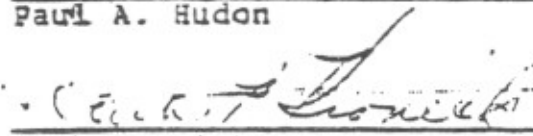
Rhoda K. Burnham, Ph.D.



George C. Higgins, Ph.D.



Paul A. Hudon



Ruth Kronick

Date: January 28, 1985