

October 6, 2009

To: Board of Examiners of Psychologists

From: John O'Brien, PhD, President, Maine Psychological Association

Re: Proposed Rulemaking

Members of the Board, good morning, my name is John O'Brien and I am the President of the Maine Psychological Association (MePA). First of all, MePA would like to extend our thanks and appreciation to the Board for your time and efforts revising the psychologists licensing law. I will say, however, that we were taken by surprise by the proposed regulations, given our recent discussions on working to improve communication between the Board and MePA. As we have in the past, we urge the Board to emulate the practice of other states and provinces where communication between the Board and the professional organization enhances the relationship between the two entities, and provides more sharing of information between the Board and all psychologists. We have circulated the proposed revisions among the membership and have reviewed the feedback. The Policy Council of MePA has voted to approve the following comments. They are as follows:

Chapter 3 Section 4 Annual License Renewal: While members of the organization understand the fiscal rationale for adopting an annual licensure renewal schedule, we do have concerns about the unintended consequences of such a change. Psychologists tell us that going from a biennial to an annual renewal will not increase their renewal workload appreciably because of the on-line renewal process. It will, however, cause a considerable amount of extra work for those psychologists in independent practice on multiple insurance panels who are required to submit re-credentialing paperwork each license renewal cycle. The process for re-credentialing can be fraught with bureaucratic snafus. Insurance companies are notorious for losing documents between the layers of administration, which in the worst-case scenario can delay the ability of a provider to practice. We ask the Board to take this into consideration when making a decision, as this process will add an additional layer of complication to the practice of psychology in Maine.

It is our understanding that the continuing education requirement for licensure will remain on a two-year cycle, at least for the near future. MePA applauds this decision and recommends that the continuing education cycle stay on a biennial schedule. Our members tell us that it is not unusual for them to attend multi-day conferences where the total continuing education credits earned often exceed 20 in their areas of specialization. In recent rule changes, the Board indicated that licensees should have CE credits in their primary areas of practice. If the CE cycle were annual, credits earned each year, which exceed 20, would in essence be unusable for licensing purposes and would discourage licensees from availing themselves of these professional development activities.

Chapter 4 Section 2 (3) Supervision Program Requirements. The modifications to Chapter 4 allow a psychologist who supervises a pre-doctoral or postdoctoral supervision program to be less than a full-time employee. The proposed rules also eliminate the requirement that the

psychologist be physically on-site. It appears that these modifications would allow a licensed psychologist to go, for example, to a site once a week to supervise psychology trainees. We believe that this reflects realistic supervision situations in Maine today, and we support the Board changes. We do, however, wonder what effect these changes would have on psychologists now providing services under Medicare. Current Medicare law requires a psychologist to be on-site and readily available to provide assistance whenever a psychometrician (who could be a predoctoral or postdoctoral student) is working with patients. Psychologists must be clear regarding the differences in regulations, and not make the mistake of assuming that since state regulation allows the supervising psychologist to be off-site that it is acceptable across the board.

Chapter 6 Section (1) Supervision of Unlicensed Persons Who Participate in the Provision of Psychological Services: Chapter 8 Section 1 2c clearly states that if a psychologist performs any of the supervisory functions described in Chapter 7 Section 1, s/he must earn a minimum of 3 hours of supervision continuing education. New language in Chapter 6 Section 1 on supervision of unlicensed persons has created some uneasiness among psychologists who use testing assistants, as to whether they should be seeking continuing education in supervision. The use of the term supervision in Chapter 6 Section 1 seems to be the sticking point. In two sections of the rules Chapter 8 (1) 1 (2) c and Chapter 7 Qualifications of Supervisors the word supervision is tied to additional CE requirements. In Chapter 6 Section 1 while the same terminology is used, the supervision of unlicensed personnel does not require CE. Perhaps to provide greater clarity for licensees in this area, another term besides supervision could be used in Chapter 6 Section 1 when referencing the oversight of unlicensed personnel.

In closing, we thank you for the opportunity to provide the Board with our comments, and we look forward to working with you in the future.