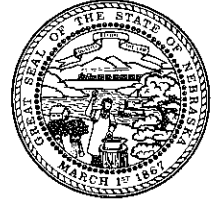


STATE OF NEBRASKA

DEPARTMENT OF HEALTH
Mark B. Horton, M.D., M.S.P.H.
Director



E. Benjamin Nelson
Governor

MEMORANDUM

TO: Senator Don Wesely, Chairman
Health & Human Services Committee
Nebraska Legislature

FROM: Mark B. Horton, M.D., M.S.P.H.
Director of Health

DATE: January 26, 1994

SUBJECT: The Final Report by the Director of Health on the Psychology
Proposal

Recommendations of the Director

In the spring of 1993, the Nebraska Psychological Association submitted a proposal to eliminate the two-tiered system of licensure and replace it with licensure at a single level. Both the technical committee and the Board of Health recommended in favor of an amended version of the proposal that would preserve vital services of masters-level psychologists. I concur with the action taken by the committee and the Board and recommend in favor of this amended version of the proposal.

Discussion on the Issues Raised by the Review

My review of the evidence generated by the review of the technical committee and the Board of Health has demonstrated to me that there is a need for a more rational regulatory system for the profession of psychology. The current two-tiered system is confusing and difficult to administer. Information from the review showed that the current system has created uncertainty among both practitioners and the public regarding the scope of practice of the various psychology practitioners. The current delineation of scopes of practice within the profession is so lacking in clarity that third-party payers often do not know which practitioners are eligible for reimbursement. Testimony presented during the review process indicated that confusion regarding scope of practice, in some instances, has led to situations wherein practitioners have practiced beyond their scope. Members of the public have also been confused by the current delineation of scopes of practice within the field. Members of the public have found it difficult to identify the type of psychological practitioner they need. The consumer does not know which licensed practitioners are reimbursed by third-party payers for their services and which are not. The consumer also lacks a clear picture of what a given licensed psychological practitioner is

qualified to do. Clinically certified and licensed psychologists have a much broader scope of practice than do non-clinical psychologists. As one testifier stated, the current situation requires that the consumer be able to determine whether he/she is diagnosable as having a major mental disorder.

One of the most beneficial aspects of the review was the information generated regarding the absence of an effective system of supervision for masters-level psychologists, especially in the rural areas of the state. Testimony received during the review indicated that some masters-level practitioners in remote rural areas may have been practicing beyond their scope. Testifiers for masters-level psychologists informed the committee members that they have had to provide services that are beyond what they are allowed to provide independently because there are no licensed clinical psychologists in their area to provide these services or to provide direction for masters-level practitioners who could provide such services under supervision. The committee was informed that some masters-level practitioners in such situations have been providing testing and measurement services without benefit of supervision, as well as treating major mental disorders. These functions are not currently within the scope of a masters-level psychologist. This is clearly an undesirable situation.

The proposal as amended does a good job of defining which services masters-level psychologists can provide independently, and which services must be provided only with supervision. However, if no effort is made to create an effective system of supervision for these practitioners, these improvements in defining scopes of practice will be little more than an academic exercise. I understand that the Nebraska Psychological Association will be addressing issues pertinent to the enforcement of statutes in the area of mental health in the near future. It is my hope that these efforts will also address the need for guidance and supervision for masters-level psychologists.

Together with LB 669, the Mental Health Practitioners Act, this proposal holds promise of completing the process of establishing an all-encompassing system of regulation for the entire field of mental health in Nebraska. However, I believe that this promise can be realized only if the statutory version of the proposal includes language incorporating the amendments approved by the technical committee and the Board of Health on masters-level practitioners.

I feel that concerns expressed during the review regarding the desirability of grandfathering non-clinical licensed psychologists as "limited scope" practitioners have been successfully addressed by the applicant group. The applicants have resolved this problem by grandfathering them without provision for adding new members to the group, in effect creating what some spokespersons have referred to as a "fossil profession." This ensures that all licensed psychologists will one day be able to practice the full scope of the practice of their profession.