

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty and promote personal responsibility-The bill may provide protections to consumers from individuals who hold themselves out as a board-certified specialist or a diplomate, but have “suspect training” or “vanity credentials.” Consumers would have a clearer idea of a psychologist’s credentials. The bill clarifies that a licensed psychologist is permitted to advertise or state that their practice is limited to a specific type of service.

B. EFFECT OF PROPOSED CHANGES:

CURRENT SITUATION

The Department of Health licenses the practice of psychology, but does not license individuals by specialty. Because of this, the number of individuals in Florida with a specialty in psychology is unknown. Currently, there are 4,118 licensed psychologists in the state. A licensed psychologist in Florida must have a doctoral degree.¹ The doctoral degree may be in psychology or a doctoral-level degree in psychological education.²

According to a telephone conversation with staff of the American Psychology Association, the association recognizes that there is a problem nationally with individuals who hold themselves out as a board-certified specialist or a diplomate, but who have “suspect training” or “vanity credentials.”

The American Psychology Association (APA) has discussed the possibility of developing criteria that may be used to identify an appropriate certifying body of legitimate psychology specialties. According to an email from the Deputy Executive Director for Education of the American Psychological Association, this issue has been discussed, but to date has not resulted in policy action by the APA.

EFFECTS OF THE BILL

The bill provides that a licensed psychologist regulated under ch. 490, F.S., may not hold themselves out as a board-certified specialist or diplomate unless they have received formal recognition from a specialty board of the American Board of Professional Psychology or other agency “deemed equivalent” by the Board of Psychology within the Department of Health.

Currently there are thirteen Specialty Boards recognized by the American Board of Professional Psychology (ABPP).³ These boards are listed below:⁴

1. The American Board of Cognitive and Behavioral Psychology
2. The American Board of Clinical Psychology
3. The American Board of Clinical Child and Adolescent Psychology
4. The American Board of Clinical Health Psychology
5. The American Board of Clinical Neuropsychology
6. The American Board of Counseling Psychology
7. The American Board of Family Psychology
8. The American Board of Forensic Psychology

¹ See ss. 490.005(1)(a)1., 490.006(1)(c) and 490.0051(1)(b), F.S.

² See s. 490.003(3), F.S.

³ The American Board of Professional Psychology (ABPP) was incorporated in 1947 with the support of the American Psychological Association.

⁴ According to the ABPP, it should be noted that the practice activities in any specialty seldom are exclusive to the specialty and that most practice activities are shared with the general practice of professional psychology. The pattern of practice activities, including limiting the scope of practice, and focusing upon more complex or unique problems or technologies is more relevant in defining a specialty together with advanced education, training, and experience.

9. The American Board of Group Psychology
10. The American Board of Psychoanalysis in Psychology
11. The American Board of Rehabilitation Psychology
12. The American Board of School Psychology
13. The American Board of Organizational and Business Consulting Psychology

The bill provides that a licensed psychologist may indicate the services they offer and whether their practice is limited to one or more types of services, as long as it represents their scope of practice.

BACKGROUND

American Psychology Association

The American Psychology Association (APA) defines "psychology" as the study of the mind and behavior. The discipline embraces all aspects of the human experience — from the functions of the brain to social actions and from child development to care for the aged. In every conceivable setting from scientific research centers to mental health care services, "the understanding of behavior" is the enterprise of psychologists.

There are 53 professional divisions in the APA, which include such areas as:⁵

- Developmental Psychology
- School Psychology
- Rehabilitation Psychology
- Psychotherapy
- Psychology of Religion
- Clinical Neuropsychology
- Exercise and Sport Psychology
- Trauma Psychology
- Behavioral Analysis

What is the Practice of Psychology?

Section 490.003(4), F.S., defines the "practice of psychology" as the observation, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal behavioral health and mental or psychological health. The ethical practice of psychology includes, but is not limited to:

- Psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning, including evaluation of mental competency to manage one's affairs and to participate in legal proceedings;
- Counseling, psychoanalysis, all forms of psychotherapy, sex therapy, hypnosis, biofeedback, and behavioral analysis and therapy;
- Psychoeducational evaluation, therapy, remediation, and consultation; and
- Use of psychological methods to diagnose and treat mental, nervous, psychological, marital, or emotional disorders, illness, or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, or disability, including neuropsychological evaluation, diagnosis, prognosis, etiology, and treatment.

C. SECTION DIRECTORY:

Section 1. Creates s. 490.0149, F.S., to specify the circumstances under which a psychologist may hold himself or herself out as a board-certified specialist or diplomate or offer specific types of services.

Section 2. Provides that the bill will take effect on July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See "D. Fiscal Comments" below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Psychologists may have costs associated with changing their advertisements.

D. FISCAL COMMENTS:

The Department of Health, reports it may receive more complaints regarding practitioners who advertise inappropriately. While it is indeterminate how many complaints would be received, the department believes the number would be manageable. The department stated they would take steps to make sure that the licensees are made aware of this new provision.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

The bill requires the Board of Psychology to "deem equivalent" other recognizing agencies by rule. According to Article II, Section III of the Florida Constitution, this could be viewed as an improper delegation of authority. It is presumed that the Board may "deem equivalent" another recognizing agency by rule that the Joint Administrative Procedures Committee (JAPC) would recognize from the statutory language used. Guidelines or criteria should be included in statute to clarify the intent.

B. RULE-MAKING AUTHORITY:

The bill provides the Department of Health with adequate rule-making authority to implement the provisions provided in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Concern has been raised that the bill will adversely impact individuals who hold a certification as a Behavioral Analyst. Behavioral analysts are *not* a health profession regulated by the Division of Medical Quality Assurance within the Department of Health. They are under the purview of the Agency for Persons with Disabilities and are listed as a Developmental Disabilities Services Program. This program was recently transferred from the Department of Children and Families (DCF), and the administrative rules for behavioral analysts are currently listed under DCF.⁶

Section 393.17, F.S., provides statutory authority to the Agency for Persons with Disabilities such that they *may* recognize the certification of behavior analysts awarded by a nonprofit corporation whose mission is to meet the professional credentialing needs identified by behavioral analysts, state governments, and consumers of behavioral analysis services and whose work has the support of the Association for Behavioral Analysis International.

Who is a behavioral analyst?

According to the Division of Behavior Analysis within the American Psychology Association (APA), behavior analysis promotes basic research, both animal and human, in the experimental analysis of behavior; it encourages the application of the results of such research to human affairs; and it cooperates with other disciplines whose interests overlap.

Behavior Analysis Certification Board (BACB)

A nonprofit corporation, independent of the APA, was established as a result of the identification of credentialing needs by behavior analysts, agencies in several states, and consumers of behavior analysis services. The purpose of the Behavior Analysis Certification Board's (BACB or "certification board") is to develop, promote, and implement a *voluntary* national certification program for behavior analyst practitioners. The certification board offers two certifications: the board certified associate behavior analyst who must have at least a bachelor's degree and the board certified behavior analyst who must have at least a master's degree.

According to the Executive Director of the Certification Board, they do not monitor whether the individuals who take the behavioral analysis certification board are licensed psychologists. So the impact of the bill on the number of licensed psychologists who also hold a valid certification as a behavioral analyst is unavailable.

The BACB sent an email to their members and received responses from *approximately 30 individuals* in the state claiming to be a licensed psychologist who also hold a valid certification as a behavioral analyst.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

⁶ See 65B-4.023 and 65B4.025, F.A.C.