



STATE OF ARIZONA
OFFICE OF THE
AUDITOR GENERAL

A PERFORMANCE AUDIT
of
THE STATE BOARD OF PSYCHOLOGIST EXAMINERS

SEPTEMBER 1979

UNLIKE 37 OTHER STATES, ARIZONA DOES NOT LICENSE PSYCHOLOGISTS. AS A RESULT, THE POTENTIAL FOR HARM FROM INCOMPETENT OR UNSCRUPULOUS PROVIDERS OF PSYCHOLOGICAL SERVICES EXISTS FOR THE GENERAL PUBLIC IN ARIZONA.

A REPORT TO THE
ARIZONA STATE LEGISLATURE

REPORT 79-6

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September 10, 1979

The Honorable Bruce Babbitt, Governor
Members of the Arizona Legislature
Members of the State Board of Psychologist Examiners

Transmitted herewith is a report of the Auditor General, A Performance Audit of the State Board of Psychologist Examiners. This report is in response to a September 19, 1978 resolution of the Joint Legislative Budget Committee and a January 18, 1979, resolution of the Joint Legislative Oversight Committee.

A summary of this report is found on the blue pages at the front of the report. A response to this report from the members of the State Board of Psychologist Examiners is found on the yellow pages preceding the appendices of the report.

My staff and I will be happy to meet with the appropriate legislative committees, individual legislators or other state officials to discuss or clarify any items in this report or to facilitate the implementation of the recommendations.

Respectfully submitted,

A handwritten signature in cursive script that reads "Douglas R. Norton".

Douglas R. Norton
Auditor General

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SUMMARY

The State Board of Psychologist Examiners was created by the Arizona Legislature in 1965. There are seven members of the Board, each appointed by the Governor to a five year term. Five of the Board members must be certified Psychologists, and the remaining two members must be lay members.

The State Board of Psychologist Examiners reviews candidates for certification and renew the certificates of those Psychologists who have successfully completed the requirements for certification. The Board hears and investigates all complaints presented to it which deal with certified Psychologists. Its authority, with respect to non-certified activity, is limited to seeking injunctions against those individuals who falsely represent themselves as certified Psychologists.

Our review of the State Board of Psychologist Examiners revealed that unlike 37 other states, Arizona does not license Psychologists. As a result, the potential for harm from incompetent or unscrupulous providers of psychological services exists for the general public in Arizona. (page 10)

In addition, our review revealed that the efficiency of the Board's complaint review process could be increased. (page 32)

Finally, our review has identified several changes which are needed to improve the efficiency and effectiveness of the State Board of Psychologist Examiners. (page 36)

It is recommended that:

1. Arizona define the "Practice of Psychology". This definition is essential if there is to be any effective governmental regulation over the providers of psychological services. (page 31)
2. ARS 32-2061 through 32-2088 should be amended to restrict the authority to provide certain defined psychological services to only those persons licensed by the State Board of Psychologist Examiners. (page 31)
3. The Complaint Review Process be improved to increase the efficiency of the process. (page 35)
4. ARS 32-2088 should be expanded to give the Board the specific authority to issue cease and desist orders. (page 40)
5. ARS 32-2073 should be amended to provide for biennial renewal of certificates. Further, ARS 32-2074.B should be amended to permit the Board to charge a fee not to exceed two hundred dollars for the biennial renewal of certificates. (page 40)
6. ARS 32-2073 should be further amended to order that renewals shall be made before the first day of May. (page 40)

INTRODUCTION AND BACKGROUND

In response to a September 19, 1978, resolution of the Joint Legislative Budget Committee and a January 18, 1979, resolution of the Joint Legislative Oversight Committee, we have conducted a performance audit as a part of the Sunset Review of the State Board of Psychologist Examiners, in accordance with ARS 41-2351 through 41-2374.

The State Board of Psychologist Examiners was created in 1965. The stated goals and objectives of the Board are:

"To regulate the practice of Psychologists, as appropriate, for the protection of the public and to establish, maintain and upgrade high standards of qualification and performance for those who are certified."

The seven members of the Board are appointed by the Governor to a five year term. Five of the Board members must be certified Psychologists, and the remaining two members must be lay members.

The Board has no full time support staff. All support functions are handled by the Arizona State Boards' Administrative Office (ASBAO), which was created in 1976. ASBAO serves as the support staff for the Board and ten other State Boards or Commissions, providing secretarial and clerical services for each tenant Board or Commission.

The Board is a 90-10 Board, in that 90% of all Board revenues are retained by the Board for operations; ten percent is contributed to the State General Fund. Budget information for the Board for fiscal years 1975-76 through 1978-79 is shown on the next page.

	Fiscal Year			
	<u>75-76</u>	<u>76-77</u>	<u>77-78</u>	<u>78-79</u>
Balance forward - Prior years	<u>\$ 7,131.55</u>	<u>\$ 7,796.79</u>	<u>\$ 8,816.04</u>	<u>\$16,471.36</u>
Revenues	7,666.67	10,883.20	22,107.75(2)	8,851.84(3)
Less:				
10% to State General Fund	<u>(766.66)</u>	<u>(1,088.30)</u>	<u>(2,210.77)</u>	<u>(885.18)</u>
Net Revenue	<u>6,900.01</u>	<u>9,794.90</u>	<u>19,896.98</u>	<u>7,966.66</u>
Total available for use	<u>14,031.56</u>	<u>17,591.69</u>	<u>28,713.02</u>	<u>24,438.02(3)</u>
Expenditures:				
Board members travel and per diem	2,016.20	1,187.42	4,041.28	3,742.25(3)
Professional services(1)	2,892.50	4,200.00	6,000.00	7,356.60(3)
Supplies	<u>1,326.07</u>	<u>3,388.23</u>	<u>2,200.38</u>	<u>4,041.19(3)</u>
Total expenditures	<u>6,234.77</u>	<u>8,775.65</u>	<u>12,241.66</u>	<u>15,140.04(3)</u>
Balance forward - subsequent years	<u>\$ 7,796.79</u>	<u>\$ 8,816.04</u>	<u>\$16,471.36</u>	<u>\$ 9,297.98(3)</u>

(1) Includes amount of service contract with ASBAO.

(2) During fiscal year 1977-78, renewal fees were increased from \$10 per year to \$25 per year. The increased revenue during this fiscal year resulted from the change in renewal fees.

(3) As of March 31, 1979.

It should be noted that the Board collects the majority of its revenues (77%) from the renewal fees of the certified Psychologists. As such, the majority of the Board's revenues come at the end of the fiscal year, as renewal fees are collected during the month of June.

The Office of the Auditor General expresses its gratitude to the members of the State Board of Psychologist Examiners and to the staff of the ASBAO for their cooperation, assistance and consideration during the course of this audit.

SUNSET FACTORS

SUNSET FACTOR: OBJECTIVE AND PURPOSE IN ESTABLISHING THE BOARD

The State Board of Psychologist Examiners was created in 1965. Its purpose is to protect the health and well being of the public by regulating the use of the title "Psychologist." Those individuals who meet the educational standards as prescribed by law, and who successfully complete a national examination designed to test their knowledge of psychology, are certified as Psychologists.

The State Board of Psychologist Examiners states its goals and objectives as follows:

"To regulate the practice of Psychologists, as appropriate for the protection of the public and to establish, maintain and upgrade high standards of qualification and performance for those who are certified."

SUNSET FACTOR: THE DEGREE TO WHICH THE BOARD HAS BEEN ABLE TO RESPOND TO THE NEEDS OF THE PUBLIC AND THE EFFICIENCY WITH WHICH IT HAS OPERATED

The State Board of Psychologist Examiners has not been able to adequately respond to the needs of the public because of statutory limitations. ARS 32-2061 through 32-2088 gives the Board the power to regulate the use of the title "Psychologist," but gives the Board no authority to regulate the offering of psychological services to the public. Further, it should be noted that there is no State regulation over a substantial portion of the mental health field. (page 10)

Our review has shown that the Board handles complaints in an effective manner. Recommendations have been presented which, if implemented, will improve the efficiency of the complaint review process. (page 32)

SUNSET FACTOR: THE EXTENT TO WHICH
THE BOARD HAS OPERATED WITHIN THE
PUBLIC INTEREST

During the period July 1, 1976 to April 30, 1979 the State Board of Psychologist Examiners has held 20 public meetings, heard 65 complaints, and revoked 16 certificates. Our review has shown that the Board has, within its statutory limitations, operated within the public interest.

SUNSET FACTOR: THE EXTENT TO WHICH
RULES AND REGULATIONS PROMULGATED BY
THE BOARD ARE CONSISTENT WITH THE
LEGISLATIVE MANDATE

After reviewing the rules and regulations promulgated by the State Board of Psychologist Examiners, we have determined that these rules and regulations are consistent with ARS 32-2061 through 32-2088.

SUNSET FACTOR: THE EXTENT TO WHICH THE
BOARD HAS ENCOURAGED INPUT FROM THE PUBLIC
BEFORE PROMULGATING ITS RULES AND REGULATIONS
AND THE EXTENT TO WHICH IT HAS INFORMED THE
PUBLIC AS TO ITS ACTIONS AND THEIR EXPECTED
IMPACT ON THE PUBLIC

The meetings of the State Board of Psychologist Examiners are open to the public. Notices of meetings are posted in the Occupational Licensing Building and are circulated to interested parties through direct mailings. The Board has heard statements from public organizations and individuals and has made an effort to incorporate this public input into its procedures.

The Board has held public hearings on proposed rule changes. The general public has had the opportunity to speak at these hearings, and the records indicate that many individuals and groups have done so.

SUNSET FACTOR: THE EXTENT TO WHICH THE BOARD
HAS BEEN ABLE TO INVESTIGATE AND RESOLVE
COMPLAINTS THAT ARE WITHIN ITS JURISDICTION

During the period July 1, 1976 to April 30, 1979, the Board reviewed and investigated 65 complaints which were within its jurisdiction. Our review has shown that the Board has resolved all complaints that were within its jurisdiction.

SUNSET FACTOR: THE EXTENT TO WHICH THE
ATTORNEY GENERAL OR ANY OTHER APPLICABLE
AGENCY OF STATE GOVERNMENT HAS THE AUTHORITY
TO PROSECUTE ACTIONS UNDER THE ENABLING LEGISLATION

ARS 32-2088 states, in part:

"The Attorney General shall represent the Board in all matters requiring legal assistance. The Board may employ other or additional counsel with the consent of the Attorney General...."

ARS 32-2088 also states that the Board may request that an injunction be issued by the Superior Court against any person who violates any provision of the statutes.

SUNSET FACTOR: THE EXTENT TO WHICH THE BOARD HAS
ADDRESSED DEFICIENCIES IN ITS ENABLING STATUTES
WHICH PREVENT IT FROM FULFILLING ITS STATUTORY
MANDATE

The State Board of Psychologist Examiners has proposed new legislation on several occasions. Most recently, the Board proposed legislation in 1977, the majority of which was not passed; and 1978, which was adopted into law by the Arizona Legislature.

SUNSET FACTOR: THE EXTENT TO WHICH CHANGES
ARE NECESSARY IN THE LAWS OF THE BOARD TO
ADEQUATELY COMPLY WITH THE FACTORS LISTED IN
THIS SUBSECTION

1. ARS 32-2061 through 32-2088 should be amended to restrict the authority to provide certain defined psychological services to only those persons licensed by the State Board of Psychologist Examiners. (page 31)
2. ARS 32-2088 should be expanded to give the Board the specific authority to issue cease and desist orders. (page 41)
3. ARS 32-2073 should be amended to provide for biennial renewal of certificates. Further, ARS 32-2074.B should be amended to permit the Board to charge a fee not to exceed two hundred dollars for the biennial renewal of certificates. (page 41)
4. ARS 32-2073 should be further amended to order that renewals shall be made before the first day of May. (page 41)

FINDING I

UNLIKE 37 OTHER STATES, ARIZONA DOES NOT LICENSE PSYCHOLOGISTS. AS A RESULT, THE POTENTIAL FOR HARM FROM INCOMPETENT OR UNSCRUPULOUS PROVIDERS OF PSYCHOLOGICAL SERVICES EXISTS FOR THE GENERAL PUBLIC IN ARIZONA.

The regulatory authority of the State Board of Psychologist Examiners is limited to certification of those individuals who wish to use the title "Psychologist." The Board reviews credentials of applicants, administers an entrance examination (designed to test the applicant's basic knowledge of the profession), and issues certificates to those individuals who successfully complete the requirements for certification. The Board also hears complaints from the public concerning certified Psychologists, and conducts investigations of all complaints within its jurisdiction. The Board may place on probation, revoke or suspend the certificate of any Psychologist who violates any provision of the enabling legislation. Contrasted with this, the State Board has no regulatory authority over those non-certified individuals who provide psychological services to the public, provided that the individual does not represent himself or herself to be a certified Psychologist. As a result, the potential for harm from incompetent or unscrupulous providers of psychological services exists for the general public in Arizona.

Alternative Methods Of State

Regulation Of Occupations

Licensing is the most extreme form of state occupational regulation. In March 1978, the Council of State Governments* published Occupational Licensing: Questions A Legislator Should Ask. In this publication licensing is defined as:

- * The Council of State Governments is a joint agency of all the state governments - created, supported, and directed by them. It conducts research on state programs and problems; maintains an information service available to state agencies, officials, and legislators; issues a variety of publications; assists in state-federal liaison; promotes regional and state-local cooperation; and provides staff for affiliated organizations.

"Licensing is a process by which an agency of government grants permission to an individual to engage in a given occupation upon finding that the applicant has attained the minimal degree of competency required to ensure that the public health, safety and welfare will be reasonably well protected.

Licensing makes it illegal for anyone who does not hold a license to engage in the occupation, profession, trade, etc. covered by the statute...."

According to the Montana Office of the Legislative Auditor in its 1978 publication entitled, Alternative Methods of Regulating Professions, Occupations, and Industries, there are seven alternative methods of state regulation of occupations.

These methods of occupational regulation range from the most extreme - licensing - to the least extreme - no regulation. The appropriate method of regulation for a particular occupation is dependent upon the severity of potential physical or financial harm incompetent or unscrupulous practitioners may inflict upon the general public. The more severe the potential for harm to the public, the more extreme the appropriate method of state regulation. Conversely, the less severe the potential for harm to the public, the less extreme the appropriate method of state regulation.

The seven alternative methods of state occupational regulation are listed below in order from the most extreme to the least extreme:

- Licensing - The granting by some government authority of a right or permission to carry on a business or do an act which would otherwise be illegal. The essential elements of licensing are the stipulation of circumstances and individual prerequisites under which permission to perform an otherwise prohibited activity may be granted and the actual determination of permission in specific instances. The latter function is generally an administrative responsibility and includes rule-making authority by some entity. Licensing may also create a mechanism for monitoring an occupation or profession on an ongoing basis. This may entail enforcement decisions made during complaint adjudication, periodic inspections or investigations. Licensing also provides a "police effect" over the regulated profession, trade or industry.

- Practice Restriction - Differs from licensing in that there is no need for an interim body with the general authority to promulgate rules and regulations, and no specific mechanism for monitoring the profession, trade or industry on an ongoing basis.
- Reserve of Title - Any member of the public who desires could participate in the regulated occupation. However, the titles of "certified", "licensed", or "registered" would be reserved by law for only those who have met certain statutory requirements. The stipulation of individual prerequisites would be set by the legislature. Requirements such as examination or education may be imposed. An administrative body attached to a state agency or department may also be necessary.
- Limited Statutory Regulation - State regulation of an occupation via statutes which specify certain requirements. Under this alternative, the state would statutorily require an individual to comply with certain measures to protect the public. These measures include requirements such as bonding, errors and omissions insurance, or a recovery fund.
- Registration - Allows persons practicing in a profession, trade or industry to register with the state or a private or professional association. This alternative provides the public with a list of registered individuals but provides no assurance of the competency of the individuals registered. Non-registered individuals may participate in the regulated profession, trade or industry.
- Certification* - Requires no state involvement. The profession, trade or industry is responsible for certification requirements and procedures. Certification acts as an identification measure only, indicating that the individual has complied with certain requirements.
- No Regulation - No regulation by the state or direct regulation by the profession, trade or industry.

* The Council of State Governments defines "Certification" as a form of regulation which grants recognition to individuals who have met predetermined qualifications set by a state agency. Only those who meet the qualifications may legally use the designated title. However, non-certified individuals may offer similar services to the public as long as they do not describe themselves as being "certified." For our purposes we have classified this method of occupational regulation as "Reserve of Title".

Professional and Occupational
Regulation in Arizona

In Arizona, 85 professions and occupations are regulated. Practitioners in 72 (85%) of the professions and occupations are licensed; 12 (14%) have reserved titles; and one (1%) is registered. Table 1 lists the type of regulation for these 85 professions and occupations. The information in Table 1 is current as of June 1, 1979.

TABLE 1
PROFESSIONAL* AND OCCUPATIONAL REGULATION IN ARIZONA

<u>Regulated Professions</u>	<u>Type of Regulation</u>
PSYCHOLOGIST	Reserved Title
Architect	Licensure
Assayer	Reserved Title
Attorney at Law	Licensure
Barber	Licensure
Certified Public Accountant	Reserved Title
Chiropractor	Licensure
Cosmetologist	Licensure
Cosmetologist**	Reserved Title
Dental Hygienist	Licensure
Dental Laboratory Technician	Licensure
Dentist	Licensure
Denturist	Licensure
Doctor of Medicine	Licensure
Embalmer	Licensure
Engineer	Licensure
Finger Waver	Licensure
Funeral Director	Licensure
Geologist	Licensure
Hair Stylist	Licensure
Manicurist	Licensure
Naturopath	Licensure
Optometrist	Licensure
Osteopath Physician and Surgeon	Licensure
Pharmacist	Licensure
Pharmacist Intern	Licensure
Physicial Therapist	Licensure
Physician's Assistant	Reserved Title
Podiatrist	Licensure
Practical Nurse	Reserved Title
Public Accountant	Reserved Title
Registered Nurse	Licensure
Student Intern or Resident	Registration***
Surveyor	Reserved Title
Teacher, Administrative Officer	Reserved Title
Veterinarian	Licensure
<u>Regulated Occupations</u>	
Ambulance Driver and Attendant	Reserved Title
Agriculture Pest Control Advisor	Licensure
Boxing and Wrestling Personnel	Licensure
Cemetery Broker	Licensure
Cemetery Salesman	Licensure
Citrus Broker	Licensure
Citrus Commission Merchant	Licensure
Citrus Dealer	Licensure
Citrus Packer	Licensure
Citrus Shipper	Licensure
Collection Agencies	Licensure
Contractor	Licensure
Court Reporter	Reserved Title
Dispensing Optician	Licensure
Egg Dealer	Licensure
Egg Manufacturer	Licensure
Egg Producer	Licensure
Emergency Medical Technician	Reserved Title
Escrow Agent	Licensure
Hay and Feed Grain Broker	Licensure
Hearing Aid Dispenser	Licensure
Insurance Agent	Licensure
Insurance Adjustor	Licensure
Insurance Broker	Licensure
Insurance Solicitor	Licensure
Meat Processor, Wholesaler or Jobber	Licensure
Midwife	Licensure
Mobile and Manufactured Housing	
Standards: Dealer	Licensure
Installer	Licensure
Manufacturer	Licensure
Mortgage Broker	Licensure
Motor Carrier Transportation Agent	Licensure
Motor Vehicle Dealer and Wrecker	Licensure
Motor Vehicle Operator and Chauffeur	Licensure
Polygraph Examiner	Licensure
Private Investigator	Licensure
Private Security Guard Service	Licensure
Private Security Guard	Licensure
Professional Driver Training School	Licensure****
Instructor	Licensure****
Public Weighmaster	Licensure
Racing Officials and Personnel	Licensure
Radiologic Technologists	Licensure
Real Estate Broker	Licensure
Real Estate Salesman	Licensure
Securities Dealer and Salesman	Licensure
Structural Pest Control	Licensure
Structural Commercial Application	Licensure
Taxidermist	Licensure
Trapper and Guide	Licensure
Weight and Measure Serviceman	Licensure

* Webster's Seventh New Collegiate Dictionary defines a profession as:
"A calling requiring specialized knowledge and often long and intensive academic preparation."
Accordingly, the professional regulatory agencies were determined by a post-high school educational requirement to enter the profession.

** Cosmetologists practicing without compensation have a reserved title.

*** Student interns or residents must meet minimum requirements in addition to registering.

**** Must be licensed only if compensation is received for the service.

As shown in Table 1, in addition to Psychologists, only 13 of the 85 regulated professions are not licensed. They are: Assayers; Surveyors; Certified Public Accountants; Public Accountants; Student Interns or Residents; Practical Nurse; Physician's Assistant; Ambulance Driver and Attendant; Court Reporter; Emergency Medical Technician; Teacher; Administrative Officer; and, Cosmetologist practicing without compensation.

Governmental Regulation Over the Offering
of Psychological Services to the Public

At the present time, the State of Arizona has regulatory authority over these professional groups which offer psychological services to the public:

- | | |
|-------------------------|----------------------------------------------------|
| 1) Psychologists | Regulated by State Board of Psychologist Examiners |
| 2) School Psychologists | Regulated by Department of Education |
| 3) Psychiatrists | Regulated by State Board of Medical Examiners |

Under the legislation and administrative rules and regulations which established these professions, the applicable regulating body is required to hear and investigate complaints from the public. Each regulating body has the authority to revoke or suspend the license or certificate of any individual who has violated any statute or rule of the regulating body. The State has no such regulatory authority over a large segment of those individuals who offer psychological services to the public.

A review of the 1979 edition of the Mountain Bell Telephone Directory Yellow Pages for the metropolitan Phoenix area identified the following groups who offer psychological services to the public with no governmental regulation over their offering of services*:

- Child Guidance Counselors
- Educational Consultants
- Gestalt Therapists
- Marriage and Family Counselors
- Mental Health Centers
- Parapsychologists
- Personalogy
- Psychiatric Social Workers
- Psychometrists
- Psychotherapists
- Religious Counselors
- Social Workers

* This list is not intended to be all inclusive, but is presented for illustration purposes only.

Regulatory Authority Over Psychologists

ARS 32-2061 through 32-2088 constitutes the enabling legislation for the State Board of Psychologist Examiners. The legislation was passed in 1965 and constitutes a "certification law" (reserve of title only). This legislation states that no individual shall represent himself as a Psychologist unless that individual has been so designated by the State Board of Psychologist Examiners. Certification is awarded after an applicant completes all requirements specified in the statutes. These requirements include:

- 1) Having received a doctoral degree based on a program of studies which is primarily psychological. (The degree must be from an educational institution which has been approved and accredited by any regional or foreign school accrediting agency recognized by the Board of Regents),
- 2) Passes an examination designed to test the applicant's knowledge of psychology, and
- 3) Provides evidence that applicant is of good moral character.

The requirements for certification provide only limited protection to the public. Successful completion of the entrance examination does not guarantee that the individual will provide reasonable services and refrain from violating the statutes. To establish an enforcement procedure to ensure compliance with the statutes, the Board hears and investigates all complaints within its jurisdiction presented to it by the consuming public. If the Board determines that the complaint is valid, it may place on probation, revoke or suspend the certificate of the Psychologist.

Regulatory Authority Over Other Activity

ARS 32-2088 states that:

"...the Board may request that an injunction be issued by the Superior Court against any person who is not a certified psychologist who represents himself as a psychologist or who continues to represent himself as a psychologist while his certificate is expired, suspended or revoked, or otherwise violates any provision of this chapter, rule or regulation or lawful order of the Board."

ARS 32-2061.4 states that:

"'...represents himself as a psychologist' means a person who holds himself out to the public by any title incorporating the words 'psychological,' 'psychologist,' or 'psychology'."

Under these statutes, the Board can prohibit individuals from illegally using the title of "Psychologist," but may not exercise any regulatory authority over individuals who offer psychological services to the public, provided they do not represent themselves to the public as a "Psychologist." During 1978 the State Board of Psychologist Examiners received more than 500 inquiries or complaints concerning the non-certified providers of psychological services. Because of its limited jurisdiction, the Board was unable to investigate or resolve any of the complaints. Because there are no statutory restrictions on the offering of psychological services to the public, the State Board of Psychologist Examiners is often unable to protect the public from incompetent or unscrupulous providers of psychological services.

The Regulatory Authority Of The
State Board Of Psychologist Examiners
Is Substandard When Compared To The
Regulatory Authority Of Psychology
Boards In Other States

The State Board of Psychologist Examiners currently exercises regulatory authority over those individuals who have completed the requirements for certification and who have been designated "Psychologists" by the Board. The Board has essentially no regulatory authority over other providers of psychological services.

Table 2 summarizes the regulatory authority for Psychology Boards in the states. The Table illustrates each state's method of regulating psychologists. The term "Licensure" means that the state has defined the practice of psychology and has placed restrictions on those individuals who may offer psychological services to the public. "Reserve of Title" means that the state has placed restrictions on the use of the title "Psychologist," and that there are few, if any, restrictions on the offering of psychological services. The information in Table 2 was obtained through a survey, conducted by the Office of the Auditor General, and is current as of March 1, 1979.

TABLE 2

SUMMARY OF THE STATES' METHODS OF REGULATING
PSYCHOLOGISTS AS OF MARCH 1, 1979

CLASSIFICATIONS							
State	Type of Regulation	Year Statutes Enacted	Is Experience required before certified/licensed?	Is Examination Mandatory?	Is Continuing Education Required?	Renewal Period	Is There Public Membership On Board?
Alabama	Licensure	1963	No	Yes	No	2 Yr.	No
Alaska	Licensure	1967	Yes	Yes	No	1 Yr.	No
ARIZONA	Reserve of Title	1965	No	Yes	No	1 Yr.	Yes
Arkansas	Licensure	1955	Yes	Yes	No	1 Yr.	No
California	Licensure	1957	Yes	Yes	Yes	2 Yr.	Yes
Colorado	Licensure	1961	Yes	Yes	Yes	1 Yr.	No
Connecticut	Licensure	1945	Yes	Yes	No	1 Yr.	No
Delaware	Licensure	1962	Yes	Yes	No	1 Yr.	No
Florida	Licensure	1961	Yes	Yes	No	1 Yr.	No
Georgia	Licensure	1951	Yes	Yes	Yes	2 Yr.	No
Hawaii	Licensure	1967	Yes	Yes	No	2 Yr.	Yes
Idaho	Licensure	1963	Yes	Yes	No	1 Yr.	No
Illinois	Reserve of Title	1963	Yes	Yes	No	2 Yr.	No
Indiana	Reserve of Title	1969	Yes	Yes	No	2 Yr.	No
Iowa	Licensure	1974	Yes	Yes	Yes	1 Yr.	Yes
Kansas	Reserve of Title	1967	Yes	No	No	2 Yr.	No
Kentucky	Licensure	1948	Yes	Yes	No	3 Yr.	No
Louisiana	Reserve of Title	1964	Yes	Yes	No	1 Yr.	No
Maine	Licensure	1953	Yes	Yes	No	2 Yr.	Yes
Maryland	Reserve of Title	1957	Yes	Yes	Yes	1 Yr.	No
Massachusetts	Licensure	1971	Yes	Yes	No	2 Yr.	No
Michigan	Reserve of Title	1959	Yes	No (1)	No	1 Yr.	No
Minnesota	Licensure	1973	Yes	Yes	Yes	2 Yr.	Yes
Mississippi	Reserve of Title	1966	Yes	Yes	No	1 Yr.	No
Missouri	Licensure	1977	Yes	Yes	No	2 Yr.	No
Montana	Licensure	1971	Yes	Yes	No	1 Yr.	No
Nebraska	Licensure	1967	No	Yes	No	1 Yr.	No
Nevada	Licensure	1963	Yes	Yes	Yes	2 Yr.	No
New Hampshire	Reserve of Title	1957	Yes	Yes	No	1 Yr.	No
New Jersey	Licensure	1966	Yes	Yes	No	2 Yr.	Yes
New Mexico	Reserve of Title	1963	Yes	Yes	Yes	1 Yr.	No
New York	Reserve of Title	1956	Yes	Yes	No	2 Yr.	No
North Carolina	Licensure	1967	Yes	Yes	No	1 Yr.	No
North Dakota	Licensure	1967	No	Yes	Yes	1 Yr.	No
Ohio	Licensure	1972	Yes	Yes	No	2 Yr.	Yes
Oklahoma	Licensure	1965	Yes	Yes	No	1 Yr.	No
Oregon	Licensure	1973	Yes	Yes	Yes	1 Yr.	Yes
Pennsylvania	Licensure	1972	Yes	Yes	No	2 Yr.	No
Rhode Island	Reserve of Title	1969	Yes	Yes	No	1 Yr.	No
South Carolina	Licensure	1968	No	No (1)	No	2 Yr.	No
South Dakota	Licensure	1976	Yes	Yes	Yes	2 Yr.	Yes
Tennessee	Licensure	1953	Yes	Yes	No	Perm.	No
Texas	Licensure	1969	Yes	No (1)	No	1 Yr.	No
Utah	Licensure	1959	Yes	Yes	Yes	1 Yr.	No
Vermont	Licensure	1976	Yes	Yes	Yes	2 Yr.	Yes
Virginia	Licensure	1966	Yes	Yes	Yes	2 Yr.	No
Washington	Licensure	1955	Yes	Yes	No	1 Yr.	No
West Virginia	Licensure	1970	Yes	Yes	No	2 Yr.	No
Wisconsin	Licensure	1969	Yes	Yes	No	1 Yr.	Yes
Wyoming	Reserve of Title	1965	No	Yes	No	Perm.	No

(1) Requirements for licensure/certification provide for a credentials check of the applicant's education. No examination is required.

Table 2 shows that 37 states regulating the practice of psychology have enacted licensure laws, defined the practice of psychology, and restricted the providing of such services to the public. At the present time, Arizona has no statutory definition of the practice of psychology and has no restrictions on who may offer such services to the public. Our review of the State Board of Psychologist Examiners has shown that there is a need to define the practice of psychology and regulate those individuals who offer psychological services to the public.

Definition of Practice of Psychology

In 1967, the American Psychological Association's Committee on Legislation drafted its report, "A Model for State Legislation Affecting the Practice of Psychology, 1967". In this report, the Committee defined "Practice of Psychology" as*:

- 1) The application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of personal evaluation, group relations and behavior adjustment;
- 2) Counseling with persons or groups with adjustment problems in the areas of work, family, school and personal relationships;
- 3) Measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes and skills;
- 4) Hypnosis;
- 5) Educational and vocational counseling; and,
- 6) Personnel selection."

Table 3 summarizes the definition of "Practice of Psychology" as stated in the statutes of the 37 states which require licensure of Psychologists. The information in Table 3 was obtained through a survey conducted by the Office of the Auditor General and is current as of March 1, 1979.

* In October, 1978, the American Psychological Association Committee on Legislation revised its 1967 Model Legislation. They did not, however, change their basic definition of "Practice of Psychology."

TABLE 3

PRACTICE OF PSYCHOLOGY
AS DEFINED BY STATES WHICH
REQUIRE LICENSURE OF PSYCHOLOGISTS

States Which License Psychologists And The Practice Of Psychology	ALABAMA	ALASKA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE	FLORIDA	GEORGIA	HAWAII	IDAHO	IOWA	KENTUCKY	MAINE	MASSACHUSETTS	MINNESOTA	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW JERSEY	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	SOUTH CAROLINA	SOUTH DAKOTA	TENNESSEE	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN					
Psychological Services Provided																																										
The application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of personal evaluation, group relations and behavior adjustment	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Counseling with persons or groups with adjustment problems in the areas of work, family, school and personal relationships	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Measuring and testing of personality intelligence, aptitudes, emotions, public opinion, attitudes and skills	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Doing research on problems relating to human behavior	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Hypnosis																																										
Educational and vocational counselling																																										
Personnel selection																																										

NOTE - A check indicates that the applicable psychological service is restricted to licensed psychologists.

Table 3 shows that all 37 states which license Psychologists have adopted all or some of the provisions of the American Psychological Association's definition of "Practice of Psychology."

Justification For Selecting
Licensure As The Method Of
Regulating Providers Of
Psychological Services

The offering of psychological services should be restricted to licensed Psychologists.* This conclusion is based upon the following:

- Thirty-seven states restrict the offering of psychological services to licensed Psychologists.
- The severity of potential financial, psychological and physiological harm which incompetent or unscrupulous providers may inflict upon the general public.
- Potential users cannot be expected to possess the knowledge needed to properly evaluate the qualifications of those offering services.
- Benefits to the public outweigh any potential harmful effects, such as, decrease in the availability of practitioners and higher costs to consumers.

* In Occupational Licensing: Questions A Legislator Should Ask, the Council of State Governments identified those questions a state must answer when evaluating the need for licensing an occupation. The questions are:

- (1) whether the unlicensed practice of an occupation poses a serious risk to the consumers' life, health and safety or economic well-being;
- (2) whether potential users of the occupational service can be expected to possess the knowledge needed to properly evaluate the qualifications of those offering services; and
- (3) whether benefits to the public clearly outweigh any potential harmful effects such as a decrease in the availability of practitioners, higher costs of goods and services, and restrictions on optimum utilization of personnel.

The Board Lacks The Regulatory
Authority To Prohibit Incompetent
Or Unscrupulous Practitioners
From Offering Psychological
Services To The Public

Since July 1, 1976, the Board has revoked the certificates of sixteen Psychologists. Revocation of a Psychologist's certificate is the most severe disciplinary action the Board may take against any Psychologist. Once the certificate has been revoked, the Board is unable to hear or investigate any additional complaints about the individual. Under current state law, any Psychologist whose certificate has been revoked may continue to offer the same psychological services to the public, providing that he does not continue to represent himself as a Psychologist.

The following cases illustrate the types of complaints and investigations which are reviewed by the Board. These cases are taken from the files of the State Board of Psychologist Examiners.

Case I

A Psychologist operated a foster home for emotionally disturbed boys. These boys were referred to the home by the Arizona Department of Economic Security and by a similar agency in California. The Psychologist received between \$987 to \$1,100 per boy per month. The facility was able to house 35 boys at a time.

The Arizona Attorney General, Department of Economic Security, and the State Board of Psychologist Examiners received complaints about the treatment of the residents of the home. The complaints received charged that the Psychologist had forced the residents to participate in: beatings; slappings; sexual therapy that involved the use of pillows; homosexuality; and, group therapy in which the residents were forced to expose themselves. There have been two deaths relating to the home. One boy died while attempting to escape from the home. Another teenager committed suicide while he was a resident of the home.

After an investigation, the Psychologist surrendered his license to operate a foster home and surrendered his certificate to the State Board of Psychologist Examiners. Criminal prosecution by the Arizona Attorney General and the appropriate County Attorney is pending.

Despite the fact that the individual may no longer represent himself as a Psychologist, he may legally continue to offer the same psychological services to the public as he did prior to surrendering his certificate to the Board. He is listed in the 1979 telephone directory as offering psychological services.

Case II

The Board received a complaint regarding an individual who was falsely representing himself as a Psychologist. An investigation was begun to determine if the individual had violated state laws. The investigation showed that the individual had a 23-year felony record, including:

- conviction and a two-year sentence for white slavery;
- conviction and a one-year sentence for unlawful sale of heroin;
- arrest on charges of first-degree murder (charges later dropped);
- forgery convictions in three states;
- fraud;
- grand larceny; and
- aggravated assault.

The Board initiated procedures to file misdemeanor charges of falsely representing himself as a Psychologist. The individual left the state before the matter went to court.

Even under these circumstances, the Board did not have the authority to prevent this individual from offering psychological services to the public. Its regulatory authority was limited to filing misdemeanor charges to prevent him from falsely representing himself as a Psychologist.

Case III

A Psychologist failed to pay his renewal fee. His certificate was suspended and later revoked for nonpayment of his renewal fee. The individual continued to offer psychological services to the public but did not represent himself to be a Psychologist. In 1978, the Board received a complaint from a patient of the individual. The complaint charged that the individual attempted to rape the patient during a counseling session. The Board was unable to take any action against the individual because of the earlier revocation of his certificate. The Board recommended that the patient contact the County Attorney, because the matter was now outside its jurisdiction. The County Attorney has initiated an investigation and has added two more counts of attempted rape of the individual's patients and one count of assault. Criminal charges are pending. The individual continues to be listed in the phone book as offering psychological services to the public.

These cases illustrate that there exists a need for the state to regulate the offering of psychological services to the consumers of the state of Arizona. In all three cases, the state has no effective regulatory authority over these individuals, unless they continue to represent themselves as Psychologists. Sixteen certificates of Psychologists have been revoked since July 1, 1976. Yet, all of these individuals may continue to offer the same psychological services to the public, providing they do not represent themselves as Psychologists. Further, they may offer these services to the public with the knowledge that no regulatory agency of Arizona state government has any authority over the manner in which they offer such services.

Potential Users Cannot Be Expected To Possess The Knowledge Needed To Properly Evaluate The Qualifications Of Those Offering Services

Because of the educational requirements and the complexity of the discipline of Psychology, it appears that the methods and procedures of diagnosis and treatment of psychological problems are sufficiently complex to preclude assessment by anyone other than the most psychologically sophisticated users.

ARS 32-2071 states that:

"The board shall issue a certificate as Psychologist to any person who:

1. Submits evidence verified by oath and satisfactory to the board that he:
 - (a) Is of good moral character.
 - (b) Has received the doctoral degree based on a program of studies, the content of which was primarily psychological, obtained from an educational institution having a graduate program approved at the appropriate degree level by a nationally recognized psychological association or accredited at the appropriate degree level by any regional or foreign school accrediting agency recognized by the board of regents.
2. Pays the fee for an original application as prescribed in section 32-2074.
3. Passes a satisfactory examination in psychological preparation as described in section 32-2072."

For example, the doctoral program in psychology at Arizona State University has been accredited by the American Psychological Association. The program at Arizona State University is designed to be completed in four or five years of full time study, including a one year formal internship, which usually takes place in the last year. The students are required to complete at least 96 credits to receive their doctoral degree. The curriculum for the program for clinical psychology is as follows:

CURRICULUM

(96 credits required. All courses 3 credits)

More Courses
(30 credits)

Social Learning Theory
Advanced Psychopathology
Statistics: Analysis of Variance
Statistics: Correlation and Psychometric Theory
Psychotherapy
Behavior Therapy
Intellectual Assessment
Personality Assessment
Clinical Practicum I
Clinical Practicum II

CURRICULUM (Concl'd)

Research
(30 credits)

MA Thesis (6 credits)
Ph.D. Dissertation (24 credits)

Electives
(36 credits)

Within Clinical Program

Child Psychopathology
Advanced Personality
Seminar in Human Psychophysiology
Physiological Psychology for Non-
physiological students
Community Psychology Theory and
Research
Research Methods in Clinical Psychology
Independent Study
Community Psychology Practicum (1 or 2
semesters)
Introduction to Clinical Neuro-
psychology
Consultation Methods
ATM: Behavior Therapy
ATM: Cognitive Behavior Modification
ATM: Human Sexual Disorders
ATM: Child and Family Therapy
ATM: Group Therapy
ATM: Children
ACA: Behavioral Assessment
ACA = Advanced Clinical Assessment
ATM = Advanced Treatment Methods

Other Courses in Psychology

Advanced Social Psychology
Survey of Research in Environmental
Psychology
History of Psychology
Information Processing
Cognitive Processes
Advanced Developmental Psychology
Research Methods in Social Psychology
Somatopsychology
Advanced Learning
Interpersonal Processes
Seminar in Moral Development
Advanced Physiological Psychology
Research Methods in Environmental
Psychology
Seminar in Professional Issues and
Ethics
Advanced Experimental Analysis of
Behavior
Seminar in Sociobiology
Physiology of Motivation
Sensation and Perception
Supervised Teaching in Psychology

At least five of the 12 electives are to be content-oriented, and at least five are to be practicum-oriented. A minimum of three electives must be taken in psychology outside of the clinical program. Electives may be taken in other University Departments with approval of the Clinical faculty.

The University also offers doctoral programs in these areas:

Environmental Psychology
Experimental Psychology
Physiological Psychology
Social Psychology

By the time the individual receives his or her doctoral degree, he or she will have spent eight or nine years in college (four years for a bachelor's degree and four or five years to complete the graduate program).

After completing the doctoral program, the individual must successfully complete a professional examination before the individual may represent himself or herself as a Psychologist. The "Examination For Professional Practice In Psychology" is prepared by the Professional Examination Service. The examination covers the following areas:

Background Knowledge: physiological and comparative psychology, learning, history, theory and systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology and aging, psychopharmacology;

Methodology: research design and interpretation, statistics, test construction and interpretation, scaling;

Clinical Psychology: test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations;

Behavior Modification: learning, applications;

Other Specialities: management consulting, industrial psychology and human engineering, social psychology, t-groups, educational and school psychology, counseling and guidance, communications, systems analysis;

Professional Conduct, Affairs, and Ethics: interdisciplinary relations, professional conduct, knowledge of professional affairs.

After successful completion of this examination, the individual is certified as a Psychologist by the Board.

Collier's Encyclopedia has stated that psychological apparatus and techniques may be divided into three classifications: experimental techniques; clinical techniques; and statistical techniques. A listing of some of these apparatus and techniques is shown in Table 4.

TABLE 4

PSYCHOLOGICAL APPARATUS AND TECHNIQUES
IDENTIFIED BY COLLIER'S ENCYCLOPEDIA*

<u>APPARATUS</u>	<u>TECHNIQUES</u>
Chronoscope	Electroencephalograms
Tachistoscopes	Administering Tests
Serial Exposure Device	Self-Inventory
Color Mixer	Rating Methods
Esthesiometer	Depth Analysis
Ergograph	Psychoanalytic Procedures
Sphygmomanometer	Rorschach Test
Psychogalvanometer	Thematic Apprehension Test
Maze	Statistical Analysis
Conditioning Board	Central Tendency & Variability of Statistics
Oscillograph	Factor Analysis
String Galvanometer	

* This list is not intended to be all inclusive, but is presented for illustration purposes only. For a complete description of these psychological apparatus and techniques see Appendix V.

The certified Psychologist has completed eight to nine years of studies at an accredited college or university, and has successfully completed a comprehensive examination in psychology.** It appears that the methods and procedures of diagnosis and treatment of psychological problems are sufficiently complex to preclude assessment by anyone other than the most psychologically sophisticated users.

** It should be noted that under present state law, the non-certified provider of psychological services is not required to receive any formal training in psychology, nor is the individual required to successfully complete any professional examination. Yet these individuals are permitted to offer the same psychological services as those offered by certified Psychologists.

Benefits To The Public Outweigh
Any Potential Harmful Effects,
Such As, Decrease In The Availability
Of Practitioners and Higher Costs
To Consumers

In its report to the California Department of Consumer Affairs, the Regulations Review Task Force stated:

"A recent study by a UCLA graduate student cited in the Oakland Tribune, March 24, 1978, contends that as high as 20 to 30 percent of female patients in psychotherapy in California have sexual advances made to them by the therapist. These advances take the form of ranging from verbal innuendo to demands for intercourse as part of the therapy. Many of the respondents to the mail-in report, indicated that they made no mention of the incidents surrounding their therapy, even to their husbands. This kind of study, while not definitive and no doubt vulnerable based on its methodology, is an indication of the ignorance and reluctance of patients, and perhaps, women in particular to register complaints."

In California, which requires licensure of those offering psychological services, if a provider is found guilty of making sexual advances or other non-ethical practices, the provider's license can be revoked and the provider will be prohibited from offering psychological services to the public. In Arizona, however, such an infraction could only result in the revocation of the Psychologist's certificate. Under present state law, there is nothing to prevent that individual from continuing to offer the same psychological services to the public, providing that the individual does not continue to represent himself as a Psychologist. Further, in the case of a non-certified individual, the Board would have no regulatory authority over the individual's actions.

In addition, the cases shown earlier in this finding illustrate the potential harmful effects which can be inflicted by incompetent or unscrupulous providers of psychological services.

It cannot be determined to what degree the availability of practitioners or costs would be affected as a result of the increased state regulation over the providing of psychological services. In our opinion, however, the benefits to the public from such increased regulation outweigh any potential harmful effects.

CONCLUSION

Unlike 37 other states, Arizona does not have a definition of the practice of psychology. Further, Arizona does not restrict the offering of psychological services to licensed Psychologists. As a result, the potential for harm from incompetent or unscrupulous providers of psychological services exists for the general public in Arizona. In our opinion, the benefits to the public, through increased regulatory authority over the offering of psychological services, outweigh any potential harmful effect, such as a decrease in the availability of practitioners, and higher costs to consumers.

RECOMMENDATIONS

1. A statutory definition needs to be developed regarding the "Practice of Psychology." This definition is essential if there is to be any effective governmental regulation over the providers of psychological services.
2. ARS 32-2061 through 32-2088 should be amended to restrict the authority to provide certain defined psychological services to only those persons licensed by the State Board of Psychologist Examiners.

FINDING II

THE EFFICIENCY OF THE COMPLAINT REVIEW PROCESS OF THE STATE BOARD OF PSYCHOLOGIST EXAMINERS COULD BE INCREASED.

The State Board of Psychologist Examiners could conduct its complaint review process in a more efficient manner. As a result, complaints are not resolved as expeditiously as possible. Several improvements can be made to improve the efficiency of the Board's complaint review process.

The Complaint Review Process

The State Board of Psychologist Examiners is required to hear and investigate all complaints within their jurisdiction, which are presented to it. The Board requires that all complaints be in writing and signed by the complainant before the Board will hear the complaint.

Under current procedures, all complaints are initially received by the Board's support service, the Arizona State Boards' Administrative Office (ASBAO). The ASBAO holds the complaints until the next scheduled Board meeting, at which time the complaints are read into the record and the Board determines if the complaint is within its jurisdiction.* If the Board determines that the complaint is outside its jurisdiction, the complainant is so notified. However, if the Board determines that the complaint is within its jurisdiction, the complainant is notified and an investigation is initiated. During its investigation, the Board: 1) contacts the individual against whom the complaint was filed; 2) allows the individual to review the complaint and prepare a written response; and 3) allows the complainant to review the written response and submit additional comments. At the next Board meeting, the Board reviews the submitted material and either makes a determination on the complaint or requests that both parties attend the next Board meeting if additional information is needed. Our review has shown that the average complaint takes nearly 13 weeks from initial complaint receipt by ASBAO to final determination of fact by the Board. We have identified several improvements which can be made to increase the efficiency of the Board's complaint review process.

* The Board's jurisdiction includes all complaints against certified Psychologists and complaints about individuals who are falsely representing themselves as Psychologists.

Streamlining the Complaint

Review Process

The following chart outlines the current Complaint Review Process of the State Board of Psychologist Examiners. Each step in the process is identified, along with the average elapsed time in days necessary to complete the step.

COMPLAINT REVIEW PROCESS
OF THE
STATE BOARD OF PSYCHOLOGIST EXAMINERS

<u>Step</u>	<u>Process</u>	<u>Average Elapsed Time In Days To Complete Step</u>
I	Complaint received by ASBAO	
II	Complaint held by ASBAO until next regular Board meeting.	20
III	Board reviews complaint. Determines jurisdiction and begins investigation. Individual against whom complaint is filed is notified of complaint and is invited to prepare a written response to the complaint.	*
IV	Response from individual is received by ASBAO. Copy of response is sent to complainant who is given opportunity to prepare written comments on the response.	*
V	Board reviews all material pertaining to complaint. Board notifies both parties to appear at next Board meeting.	35
VI	Board hears both parties' comments. Board makes final determination. May dismiss complaint, place on probation or may revoke or suspend certificate of Psychologist.	35
VII	File closed.	<hr/> <hr/> 90 Days <hr/> <hr/>

* Time estimate included in Step V.

The National Association of Attorneys General, in its report, "Disciplinary Action Manual for Occupational Licensing Boards," states that a board should not hear a complaint until all facts and evidence have been collected by a single board member or by a separate investigative committee. The report goes on to state that the board's active involvement in the complaint review process could influence the board and thereby prevent it from making a fair and impartial decision at the disciplinary hearing. Such a problem could be the basis of an appeal by the certificant.

Our review of the above complaint review process revealed that the time involved in the complaint review process can be reduced by approximately 40% if the following changes are implemented:

- 1) A Board member should be designated to oversee the complaint review process;
- 2) The ASBAO should transmit complaints to the designated Board member immediately upon receipt;
- 3) The designated Board member should review complaints to determine whether the Board has jurisdiction in the matter (if the designated Board member determines that a complaint is outside the Board's jurisdiction, the complaint should be held until the next Board meeting and reviewed by the entire Board membership);
- 4) If the designated Board member determines that a complaint is within the Board's jurisdiction, appropriate written statements should be obtained from the individual against whom the complaint was filed and the complainant;
- 5) Both the individual against whom the complaint was filed and the complainant should be notified and ordered to appear at the hearing to be held at the next board meeting;
- 6) At the next Board meeting, the entire Board membership should hear the complaint, and make such inquiries of the individual against whom the complaint was filed and the complainant as the Board feels are necessary to determine the validity of the complaint; and
- 7) The Board should make a determination as to the validity of the complaint and either: 1) dismiss the complaint; or, 2) place on probation, revoke or suspend the certificate of the Psychologist.

The above complaint review process could reduce the total processing time by approximately 40% and would provide for a more efficient and expeditious complaint review process.

CONCLUSION

The State Board of Psychologist Examiners could be more efficient in its complaint review process. Improvements need to be implemented to increase the efficiency of the process.

RECOMMENDATIONS

The Complaint Review Process should be improved to increase the efficiency of the Process. This can be accomplished by adopting the changes recommended on page 34.

FINDING III

CHANGES NEEDED TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE STATE BOARD OF PSYCHOLOGIST EXAMINERS.

Our review of the State Board of Psychologist Examiners has shown that there are several statutory or regulatory changes needed to improve the efficiency and effectiveness of the State Board of Psychologist Examiners. These changes are:

- 1) The Board should be given the specific authority to issue cease and desist orders;
- 2) The Board should adopt a two-year renewal system; and
- 3) The renewal date for certificates should be moved forward.

The Board Lacks The Specific Authority To Issue Cease And Desist Orders.

ARS 32-2088, which became effective on May 26, 1978, states that:

"The board may request that an injunction be issued by the superior court against any person who is not a certified psychologist who represents himself as a psychologist or who continues to represent himself as a psychologist while his certificate is expired, suspended or revoked, or otherwise violates any provision of this chapter, rule or regulation or lawful order of the board. The attorney general shall represent the board in all matters requiring legal assistance. The board may employ other or additional counsel with the consent of the attorney general."

This statute gives the Board the authority to seek an injunction against any individual who violates the certification law. The Board has not sought any injunctions against any individual or organization since the statute became effective. Instead, the Board has issued 16 cease and desist orders to individuals and organizations who were improperly listed in various 1979 Arizona telephone directories. The members of the State Board of Psychologist Examiners stated that this procedure was adopted in order to determine the legality of the listing. Each of the 16 cease and desist orders issued by the Board identified potential statute violations and requested the lister to respond to the Board as quickly as possible. Members of the Board stated that the files of each of the cease and desist orders would be reviewed during the June 1979 Board meeting. Those individuals whose listings were improper in form only would be sent a warning letter. If, however, the Board determines that the listings constitute a violation of the statutes, it will seek injunctions against those individuals or groups, as prescribed by law.

The Board has used the cease and desist orders as an interim step in the review process of potential violations of the statutes. This appears to be a reasonable procedure, as it allows the Board to determine the nature of the violation without having to seek court action under its injunctive powers. However, the Board does not have the specific statutory authority to issue cease and desist orders. Compliance with Board-issued cease and desist orders is strictly voluntary.

It appears that if the Board were given the statutory authority to issue cease and desist orders, it would greatly enhance its ability to regulate illegal activity under the enabling legislation.

The Board Should Adopt A
Two-Year Renewal System

Arizona Revised Statute 32-2073 states that the Board shall renew the certificates of Psychologists on an annual basis. Because of the limited support services available to the State Board of Psychologist Examiners, this section serves to hinder the efficiency and effectiveness of the Board by significantly increasing the workload of the Board's support staff. Revising ARS 32-2073 to authorize biennial renewals of certificates would reduce the workload of the Board, result in a cost savings to the Board, and increase the efficiency and effectiveness of the State Board of Psychologist Examiners.

The State Board of Psychologist Examiners has no full-time support staff. All support services are provided through contract with the Department of Administration by the Arizona State Boards' Administrative Office (ASBAO). ASBAO serves as the support staff for the State Board of Psychologist Examiners and 10 State Boards or Commissions. These Boards or Commissions are:

- 1) Athletic Commission
- 2) Board of Dispensing Opticians
- 3) Ethics Board
- 4) Board of Funeral Directors and Embalmers
- 5) Board of Naturopathic Examiners
- 6) Board of Examiners - Nursing Care Institution Administrators
- 7) Board of Optometry
- 8) Board of Physical Therapy Examiners
- 9) Board of Podiatry
- 10) Board of Psychologist Examiners
- 11) Board of Veterinary Medical Examiners

Nine of the above Boards renew certificates of licenses on an annual basis. This places a heavy workload on the ASBAO. Our review has shown that this workload could be reduced if ARS 32-2073 were amended to allow the State Board of Psychologist Examiners to renew the certificates of psychologists on a biennial basis. Further, our review has shown that such a change would result in a cost savings to the Board of approximately \$1,000 over a four-year period, in that, the costs of printing renewal notices, certificates and mailing costs would all be significantly reduced.

Further, a survey of certified Psychologists, conducted by the Office of the Auditor General, showed that 83% of the certified Psychologists in Arizona would not be opposed to a biennial registration system.

At the present time, all 50 states regulate psychologists through certification or licensure. A survey conducted by the Office of the Auditor General showed that, as of April 30, 1979, 24 states have already implemented a biennial or triennial renewal system or have established permanent licensure. These states are:

- | | |
|-------------------|--------------------|
| 1) Alabama | 13) Nevada |
| 2) California | 14) New Jersey |
| 3) Georgia | 15) New York |
| 4) Hawaii | 16) Ohio |
| 5) Illinois | 17) Pennsylvania |
| 6) Indiana | 18) South Carolina |
| 7) Kansas | 19) South Dakota |
| 8) Kentucky | 20) Tennessee |
| 9) Maine | 21) Vermont |
| 10) Massachusetts | 22) Virginia |
| 11) Minnesota | 23) West Virginia |
| 12) Missouri | 24) Wyoming |

It should be noted that amending ARS 32-2073 to allow for biennial renewal of certificates would also necessitate a change in the statutes on the amount of renewal fees which the Board may impose. Presently, ARS 32-2074.B states that:

"The board shall charge a fee not to exceed one hundred dollars for the annual renewal of a certificate."

If ARS 32-2073 were amended to allow for biennial renewals, then ARS 32-2074.B should also be amended to provide for a higher renewal fee in order to provide the Board with sufficient funding for its routine operations. A biennial fee of two hundred dollars appears to be appropriate.

The Renewal Date For Psychologists'
Certificates Should Be Moved Forward

ARS 32-2073 states that renewals shall be made annually before the first day of July. As a result, ASBAO issues Psychologists' certificates during the month of June which is its busiest month.

Of the 11 State Boards or Commissions to whom the ASBAO provides support services, nine renew certificates or licenses. These nine Boards, along with the number of annual renewals and month of renewal, are shown below:

<u>Board or Commission</u>	<u>Number of Annual Renewals</u>	<u>Renewal Month</u>
Physical Therapy Examiners	450	August
Naturopathic Examiners	155	December
Veterinary Medical Examiners	600	December
Dispensing Opticians	300	December
Psychologist Examiners	770	June
Funeral Directors and Embalmers	890	June
Optometry	480	June
Nursing Care Institution Administrators	190	June
Podiatry	125	June

Currently, the ASBAO processes 62% of its total annual renewals during the month of June, the last month of the fiscal year. Because of the heavy renewal volume at the end of the fiscal year the ASBAO has experienced difficulties in recording revenue in the proper accounting period. This problem could be eliminated and the efficiency of the renewal process improved if the renewal date for the certificates of Psychologists were to be moved to another month.

ARS Section 32-2073 states that the renewals shall be made before the first day of July. Presently, the Board cannot require psychologists to renew their certificates earlier than July 1 unless ARS 32-2073 is amended. Our review of the workload records of the ASBAO has identified the month of April as a practical month in which to renew the certificates of psychologists. The Administrative Manager of the ASBAO states that such a change in the renewal month would greatly reduce the workload placed on the ASBAO.

CONCLUSIONS

Our review of the State Board of Psychologist Examiners has shown that statutory and procedural changes are needed. The Board lacks the specific statutory authority to issue cease and desist orders and the Board's efficiency and effectiveness in handling the renewal process is significantly impaired by the wording of the present statutes.

RECOMMENDATIONS

1. ARS 32-2088 should be expanded to give the Board the specific authority to issue cease and desist orders.
2. ARS 32-2073 should be amended to provide for biennial renewal of certificates. Further, ARS 32-2074.B should be amended to permit the Board to charge a fee not to exceed two hundred dollars for the biennial renewal of certificates.
3. ARS 32-2073 should be further amended to order that renewals shall be made before the first day of May.



State of Arizona
Board of Psychologist Examiners

1645 W. Jefferson Room 418
Phoenix, AZ 85007

September 4, 1979

Mr. Douglas R. Norton
Auditor General
State of Arizona
Phoenix, AZ 85007

Dear Mr. Norton:

The following represents the response of the Arizona State Board of Psychologist Examiners (ASBPE) to the recommendations of the Office of the Auditor General as contained in the performance audit report number 79-6. The Board has responded to the non-controversial recommendations first, specifically:

Recommendation 3. "The complaint review process be improved to increase the efficiency of the process. (page 35)."

The ASBPE agrees with this recommendation and has already made substantive changes to expedite the process by which it reviews complaints. At its July 20, 1979 meeting the Board explored various means to accomplish this and determined to "speed up the procedure where speedy action is appropriate and possible." The Board will also develop a complaint form to assist in processing complaints. One Board member now serves as a focus for complaints and expedites the investigation. In addition, ASBPE's new Rules and Regulations, which became effective July 27, 1979, contain changes designed to fulfill this recommendation (see Board Rules which appear as Appendix II of this report).

Recommendation 4. "ARS 32-2088 should be expanded to give the Board the specific authority to issue cease and desist orders. (page 40.)"

The ASBPE concurs with this recommendation.

Recommendation 5. "ARS 32-2073 should be amended to provide for biennial renewal of certificates. Further, ARS 32-2074.B should be amended to permit the Board to charge a fee not to exceed two hundred dollars for the biennial renewal of certificates. (page 40.)"

The ASBPE concurs with this recommendation.

Carrying out Recommendations 5 and 6 to move this Board's renewal activity to other than office peak workload times and to renew biannually rather than annually, will enable the Board's office staff to increase its efficiency. This redistribution of the workload will also benefit other boards which share these office services.

The ASBPE views the Auditor General's Recommendations 1 and 2 as inseparable issues. For these reasons, they are discussed last and in greater detail than the previous recommendations.

Recommendation 1. "Arizona define the 'Practice of Psychology'. This definition is essential if there is to be any effective governmental regulation over the providers of psychological services. (page 31)."

The ASBPE is willing and able to define the "practice of psychology" and could prepare a "practice" definition for the Legislature's consideration, if it is the desire of the Legislature to license the practice of psychology. Such licensing is the subject of the Auditor General's second recommendation.

Recommendation 2. "ARS 32-2061 through 32-2088 should be amended to restrict the authority to provide certain defined psychological services to only those persons licensed by the State Board of Psychologist Examiners. (page 31)."

The issue of licensure for psychologists is a subject which is complex. We herein offer a continuum of possibilities which the Legislature may review as it considers the issue of licensure.

A	B	C	D
Psychologist Certification	Change Psychologist Certification to "read" Psychologist Licensure	Psychologist Licensure- with an exclusion clause for other legitimate licensed professions	Psychologist Licensure without an exclusion clause

A. Certification

Certification laws are designed to identify and regulate psychologists for the protection of the public, but they do not regulate the broad range of psychological services.

Presently, Arizona has a certification law.

B. Certification to "read" Licensure

The term "licensure" is more widely accepted and recognized than "certification". It has face validity for the public. While such a change in wording itself offers no additional protection to the public, the term "license" seems to "carry more weight" and might serve to reduce the number of violations of such a law.

C. Licensure with an exclusion clause

Licensure of psychologists could be accomplished by providing a definition of the practice of psychology, combined with an exclusion clause for other bonafide professional groups which provide services of a psychological nature, as long as they did not call themselves "psychologists". Other bonafide groups might include:

1. Other existing state regulated occupational groups, such as licensed physicians, polygraph examiners, certificated school personnel.
2. Members of other occupational groups which have established a national code of ethics and standards of practice, such as social workers, rehabilitation counselors, vocational evaluators.
3. Other recognized professions; however, unless a meaningful and enforceable definition of a "recognized profession" can be given in the law, anyone could create a "recognized profession" and claim this exemption. This would effectively nullify the licensing of "practice" as part of the law and would render the law, as it is in many states, a licensing law in name only. All that would actually be protected is the use of the title "psychologist" and the consumer of psychological services gains no additional protection.

On the other hand, were the Legislature to establish additional regulatory boards to recognize and regulate other legitimate professional groups which also provide services of a psychological nature (e.g. social workers, marriage and family counselors), there would then be a statutory background to enable the Legislature to define the practice of psychology and provide an effective exemption section thereto, and other legitimate professional groups would not be put out of business.

A definition of the practice of psychology, along with an effective exemption section for legitimate other professionals rendering services of a psychological nature would satisfy the concern for increased consumer protection which is expressed in this report, a concern which is shared by the ASBPE. The law would then serve to regulate any person providing such services who was not licensed by the ASBPE or by one of the other boards.

D. Licensure without an exclusion clause

A strong licensure law which restricts all generic psychological services to persons licensed by the ASBPE as psychologists could be considered as most protective of the public interest. However, such a law would have widespread opposition from a variety of professional and non-professional groups, and individuals and would put out of business many legitimate persons who now provide the public with services of a psychological nature.

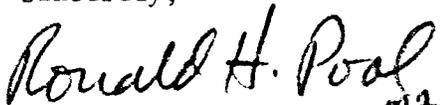
Were the Board to be given the additional responsibility for regulating the broad practice of psychology, it should be recognized that the amount of investigation and enforcement activity such a law would generate would greatly increase the cost of operating the Board (higher fees, more office personnel, investigators, etc.).

The qualifying of persons to be psychologist and the regulation of psychologists is a necessary step in the state's development of a comprehensive consumer protection and regulatory system in the areas of psychological services and mental health care. To deregulate psychologists would be to add to the public confusion and likelihood of abuse from unqualified service providers, for then anyone could claim to be a psychologist. Unqualified persons could capitalize upon the reputation for competency and professional services that has been earned over the years by most legitimate psychologists. For example, the State of Florida is presently experiencing such confusion and deception of the public, after having recently "sunsetting" its Board of Psychologist Examiners and is already taking steps to reinstitute a psychologist licensing law.

The ASBPE believes that the "deficiency" in the law which produced Recommendations 1 and 2, is not necessarily a deficiency in the Psychologist Certification Act, Rather, the deficiency is the absence of a state regulatory system to recognize other legitimate professional groups which are trained and qualified to render services of a psychological nature.

The ASBPE wished to compliment you and your staff on the thoroughness of your investigations, the comprehensiveness of your final report and your sensitivity to the issues faced by this Board and by consumers of psychological services. The ASBPE appreciates your considered recommendation, and has already moved to effect improvements. Most importantly, the ASBPE appreciates the high degree of confidence in the Board which is represented by the overall positive nature of your report.

Sincerely,



Ronald H. Pool, Ph.D. *ml7*
Chairman

RHP/s

cc: Board Members
Gary Sheets, Attorney General's Office

Richard Holman - Clinical SW Society
As chapter of NASW

Enforce & support reform for licensure
can't reg. practice w/o license
can't protect public
public seeks assistance at times of stress
licensure and consumer protection

- KSA
- hold practitioners accountable
- separate reg. bodies under the same wing
- agency w/ sub-boards

John Vull - SW - 40 153 (w/ed) co author

Support 1997 - need a unified professional to be licensed
Individuals Society - Oregon, Utah, Kansas -
It is not just SW or mental health - we will feel uncomfortable
being left out of psych.

Similar needs (psychology) - similar needs before licensure

- SW Reg. - Reg. Licensing Board - Special Pathologist

Licensed SW in 30 states

Wash. is the only state that has to be licensed

could be a model for others

Meredith Dalton - SW Reg. Board - Chair of Board

Consider - SW Reg. Board

Dr. Joseph Kelly - Clinical psych. SW Reg. Board

share ideas of the board

Wash. & Kansas reg. SW - not necessarily because
based on that model.

Put transitional pressure on current SWs

They have called over every ordinance
to protect current SWs

PROFESSIONS AND OCCUPATIONS § 32-2062

CHAPTER 19.1—PSYCHOLOGISTS

ARTICLE 3. REGULATION

32-2063. Injunction; representation.

ARTICLE 1. BOARD OF PSYCHOLOGIST EXAMINERS

Termination

The state board of psychologist examiners shall terminate on July 1, 1980, unless continued. See §§ 41-2261 and 41-2263.

§ 32-2061. Definitions

In this chapter, unless the context otherwise requires:

1. "Board" means the state board of psychologist examiners.
2. "Practice of a psychologist" means the professional activities of a psychologist.
3. "Psychologist" means a person who is certified as a psychologist by the board.
4. "Represents himself as a psychologist" means a person who holds himself out to the public by any title incorporating the words "psychological", "psychologist" or "psychology". As amended Laws 1978, Ch. 99, § 1, eff. May 26, 1978.

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

§ 32-2062. Board of examiners; qualifications; appointment; terms; compensation

A. The state board of psychologist examiners shall consist of seven members who shall be appointed by the governor pursuant to § 38-211.

B. Each member of the board shall be a citizen of the United States and a resident of this state at the time of appointment. Five members shall be certified pursuant to this chapter and two shall be public members not eligible for such certification. The board shall at all times, except for the period when a vacancy exists, have at least two members representing the departments of psychology in the state universities. The composition of the board shall represent the diverse fields of psychology.

C. Each member shall serve for a term of five years expiring on the third Monday in January of the appropriate year.

D. A vacancy on the board occurring other than by the expiration of term shall be filled by appointment by the governor for the unexpired term. The governor, after a hearing, may remove any member of the board for misconduct, incompetency or neglect of duty.

E. Members of the board shall receive compensation as determined pursuant to § 38-611 for each day actually and necessarily spent in the performance of their duties.

F. The board shall hold a regular annual meeting at which it shall select from its members a chairman and a secretary and other meetings shall be held at such times as the rules of the board may provide. Notice of such meetings shall be given in such manner as provided in the rules. As amended Laws 1978, Ch. 99, § 2, eff. May 26, 1978.

§ 32-2062 PROFESSIONS AND OCCUPATIONS

Termination and Repeal

The state board of psychologist examiners shall terminate on July 1, 1980, unless continued. See §§ 41-2261 and 41-2263.

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

Laws 1978, Ch. 99, § 13, effective May 26, 1978, provides:

"Members serving on the board of psychologist examiners on the effective date of this act shall continue to serve for the balance of their unexpired terms and such unexpired terms shall be extended until the third Monday of January next following the expiration of their regularly scheduled terms. The

public members authorized by this act shall be appointed as soon as possible, one to an initial term ending on the third Monday of January, 1982 and one to an initial term ending on the third Monday of January, 1984. Thereafter all appointments occurring by reason of expiration of term shall be for five year terms."

§ 32-2063. Powers and duties

The board shall:

1. Adopt rules and regulations consistent with and necessary to carry out the provisions of this chapter.
 2. Regulate the granting, denial, revocation, renewal, probation and suspension of certificates pursuant to applicable state laws and rules and regulations promulgated by the board.
 3. Prescribe the forms, content and manner of application for certification and set deadlines for receipt of materials required by the board.
 4. Collect monies and establish through rules and regulations a fee schedule, which shall be reviewed annually, for original applications, reapplications and renewals of certification.
 5. Keep a record of all persons certified, of actions taken on all applicants, of actions involving renewal, probation, suspension, revocation or denial of certificates and of receipt and disbursal of monies.
 6. Establish rules and regulations regarding confidentiality of its records.
- As amended Laws 1978, Ch. 99, § 3, eff. May 26, 1978.

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

Cross References

Exceptions to regulation by the board, see § 32-2083.

Rulemaking, see administrative procedure act, § 41-1901 et seq.

ARTICLE 2. CERTIFICATION

§ 32-2071. Qualifications of applicant; fees; certification

The board shall issue a certificate as psychologist to any person who:

1. Submits evidence verified by oath and satisfactory to the board that he:
 - (a) Is of good moral character.
 - (b) Has received the doctoral degree based on a program of studies, the content of which was primarily psychological, obtained from an educational institution having a graduate program approved at the appropriate degree level by a nationally recognized psychological association or accredited at the appropriate degree level by any regional or foreign school accrediting agency recognized by the board of regents.
2. Pays the fee for an original application as prescribed in § 32-2074.
3. Passes a satisfactory examination in psychological preparation as described in § 32-2072. As amended Laws 1978, Ch. 99, § 4, eff. May 26, 1978.

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

Cross References

Out-of-state license or certification, exception, see § 32-2083.

Laws 1978, Ch. 99, § 14, eff. May 26, 1978, provides:

"Any person who, on the effective date of this act, holds a valid certificate

as a psychologist shall not be required to meet the qualifications prescribed by § 4 of this act in order to renew such certificate."

Social psychologists, exceptions, see § 32-2083.

PROFESSIONS AND OCCUPATIONS § 32-2074

§ 32-2072. Examinations; exemptions

A. Examinations for applicants under this chapter shall be held by the board at least twice each year. The examination shall consist of an evaluation of credentials submitted by the applicant and a nationally accepted written test approved by the board and designed specifically for credentialing in psychology to determine adequacy of education, training and experience in psychology.

B. The written test need not be administered to:

1. Applicants who show satisfactory evidence as specified by the board of having previously achieved a score on a test which equals or exceeds this state's criteria for passing such written test.

2. Diplomates of the American board of examiners in professional psychology.

C. An applicant whose application is rejected by the board may request a hearing before the board. Such a hearing shall be requested within sixty days of the time of notification that the examination is unsatisfactory. A decision on such hearing shall be rendered within sixty days after completion of the hearing.

D. An applicant who fails the examination may register for another examination. Each reapplication shall be accompanied by the reapplication fee as prescribed in § 32-2074. As amended Laws 1978, Ch. 99, § 5, eff. May 26, 1978.

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

§ 32-2073. Renewal of certification

Applications for renewal of certification shall be made annually before the first day of July, and shall be accompanied by the renewal fee as prescribed in § 32-2074. If such fee is not paid, an additional fee of ten dollars for each month of delaying payment beyond the first day of July shall be added to the regular fee. If any psychologist who has failed to renew his certificate continues to represent himself as a psychologist beyond the first day of September thereafter, he shall be in violation of this chapter and the certificate may be suspended or revoked by the board. The board may waive renewal requirements for psychologists who meet criteria for inactive status. As amended Laws 1978, Ch. 99, § 6, eff. May 26, 1978.

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

Laws 1978, Ch. 99, § 14, effective May 26, 1978 provides: "Any person who, on the effective date of this act, holds a valid certificate as a psychologist shall not be required to meet the qualifications prescribed by § 4 of this act in order to renew such certificate."

§ 32-2074. Fees and charges

A. The board shall charge a fee not to exceed one hundred fifty dollars for any one of the following:

1. Original application for examination.
2. Reapplication for examination.

B. The board shall charge a fee not to exceed one hundred dollars for the annual renewal of a certificate.

C. The board may charge not in excess of ten dollars per request to issue to a psychologist a duplicate certificate or copies of other records in his file.

D. The board may set reasonable charges for materials which it has printed at its expense. As amended Laws 1978, Ch. 99, § 7, eff. May 26, 1978.

§ 32-2074 PROFESSIONS AND OCCUPATIONS

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

ARTICLE 3. REGULATION

§ 32-2081. Revocation or suspension of certificates; probation

The certificate of any person certified by the board may be suspended or revoked by the board or the person may be placed on probation upon proof that the psychologist:

1. Has been convicted of a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude, as finally determined by a court of competent jurisdiction.
2. Has used fraud or deceit in connection with rendering services as a psychologist or in establishing his qualifications under this chapter.
3. Is an habitual drunkard or addicted to the use of a narcotic drug or other drug having a disabling effect.
4. Is under commitment to an institution for the mentally incompetent.
5. Has been guilty of unprofessional conduct which shall include the following activities and such additional activities as are defined as unprofessional conduct by the rules and regulations of the board:
 - (a) Obtaining a fee by fraud or misrepresentation.
 - (b) Betraying professional confidences.
 - (c) Making use of statements of a character tending to deceive or mislead the public.
 - (d) Aiding or abetting a person, not certified as a psychologist under the provisions of this chapter, in representing himself as a psychologist in this state.
 - (e) Gross negligence in the practice of a psychologist.
 - (f) Sexual intimacies with clients.
 - (g) Engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training or experience.
6. Has violated any of the provisions of this chapter or refused or neglected to comply with the rules and regulations issued thereunder or any lawful order of the board. As amended Laws 1978, Ch. 99, § 8, eff. May 8, 1978.

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

Cross References

Certification, failure to renew, revocation or suspension, see § 32-2073.
Rules and regulations of the board, see § 32-2063.

Law Review Commentaries

Psychotherapists' liability for extrajudicial breaches of confidentiality. 18 Ariz. Law Rev. 1061 (1976).

§ 32-2082. Hearing; report; subpoena powers; appeal

A. No certificate shall be suspended or revoked other than for nonpayment of fees, and no psychologist shall be placed on probation until after a hearing before the board and upon ten days' written notice to the psychologist of the hearing. The psychologist may defend himself either in person or by counsel and produce witnesses to testify in his behalf. A stenographic record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time.

PROFESSIONS AND OCCUPATIONS § 32-2084

B. The board may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the investigation.

C. The board shall make a written report of its findings either placing the psychologist on probation, or suspending, revoking or continuing in effect the certificate under inquiry and shall mail a copy thereof by certified or registered mail to the psychologist. The provisions of title 12, chapter 7, article 6,¹ shall apply to and govern every action to review judicially a final decision of the board and the psychologist shall be granted a trial de novo. As amended Laws 1978, Ch. 99, § 9, eff. May 26, 1978.

¹ Section 12-901 et seq.

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

Cross References

Administrative hearings, contested Non-payment of fees, certification re-cases, see § 41-1009 et seq. newal, see § 32-2073.

§ 32-2083. Exceptions

Nothing in this chapter shall be construed to:

1. Limit the activities, services and use of an official title on the part of a person in the employ of a federal, state, county or municipal agency or other political subdivision of the state, or a duly established and recognized educational institution, insofar as such activities and services are a part of the duties of his official position.

2. Limit the activities and services of a student, interne, or resident in psychology, pursuing a course of study approved by the institution where such person is resident which is qualified to give such course under the terms of this chapter, provided that such activities and services constitute a part of the supervised course of study.

3. Restrict the use of the title "social psychologist" by any person who:

(a) Has received a doctoral degree in sociology or social psychology from an institution accredited in the manner prescribed by § 32-2071; and

(b) Has notified the board of his intention to use the title "social psychologist" and has filed evidence of having obtained a degree as prescribed by this paragraph and has a practice confined to the area of social psychology as defined by the board.

4. Limit the activities of a psychologist currently licensed or certified in another state from providing short-term training or consultation within his area of practice, not to exceed twenty days per year, providing such activity is not otherwise in violation of this chapter. As amended Laws 1978, Ch. 99, § 10, eff. May 26, 1978.

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

§ 32-2084. Practice of medicine unauthorized

No provision of this chapter shall authorize any person to engage in any manner in the practice of medicine as defined by the laws of this state, except that any person certified by the provisions of this chapter shall be permitted to diagnose, treat and correct human conditions ordinarily within the scope of the practice of a psychologist. As amended Laws 1977, Ch. 145, § 9.

§ 32-2084 PROFESSIONS AND OCCUPATIONS

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

For purpose of Laws 1977, Ch. 145, see note following § 32-2801.

not court decision. *Bilbrey v. Industrial Commission* (1976) 27 Ariz.App. 473, 556 P.2d 27.

Index to Notes

In general 1
Workmen's compensation 2

1. In general

Privileges and limits of psychology profession are primarily matters to be determined by the legislature, and any extension of such privileges and limits must be made by legislative enactment.

2. Workmen's Compensation

In proceeding before Industrial Commission, opinion as to whether claimant continued to suffer emotional consequences from accident and whether there was direct causal relationship between claimant's physical injury and his emotional condition constituted medical diagnosis which could only be provided by expert medical testimony and not by testimony of licensed clinical psychologist. *Bilbrey v. Industrial Commission* (1976) 27 Ariz.App. 473, 556 P.2d 27.

§ 32-2085. Privileged communications

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

Law Review Commentaries

Psychotherapists' liability for extrajudicial breaches of confidentiality. 18 Ariz. Law Rev. 1061 (1976).

§ 32-2086. Board of psychologist examiners fund

A. All monies received by the board shall be paid to the state treasurer who shall deposit ten per cent of such monies in the general fund and ninety per cent in the board of psychologist examiners fund.

B. All monies deposited in the board of psychologist examiners fund shall be subject to the provisions of § 35-143.01. As amended Laws 1977, Ch. 82, § 23, May 23, 1977.

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

For legislative intent as to Laws 1977, Ch. 82, see note following § 3-375.

§ 32-2087. Violations; classification

Text as amended by Laws 1978, Ch. 99, § 11.

Any person who is not a certified psychologist who represents himself as a psychologist, as defined in this chapter, or who continues to represent himself as a psychologist while his certificate is expired, suspended or revoked, or otherwise violates any provision of this chapter, is guilty of a class 2 misdemeanor. Each day that a violation is committed shall constitute a separate offense. As amended Laws 1978, Ch. 99, § 11, eff. May 26, 1978.

For text as amended by Laws 1978, Ch. 201, § 561, see § 32-2087, post.

§ 32-2087. Violations; classification

Text as amended by Laws 1978, Ch. 201, § 561.

Any person who is not a certified psychologist who represents himself as a psychologist, as defined in this chapter, or who continues to represent himself as a psychologist while his license is suspended or revoked, or other-

PROFESSIONS AND OCCUPATIONS § 32-2088

wise violates any provision of this chapter, is guilty of a class 2 misdemeanor. Each day that a violation is committed shall constitute a separate offense. As amended Laws 1978, Ch. 201, § 561, eff. Oct. 1, 1978.

For text as amended by Laws 1978, Ch. 99, § 11, see § 32-2087, ante.

Repeal

This section is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

For application of Laws 1978, Ch. 201, effective October 1, 1978, see note following § 1-215.

For effective date provision of Laws 1978, Ch. 201, see note following § 1-215. Laws 1978, Ch. 99, § 15 eff. May 26, 1978, provides:

"A. For the purposes of this act and until the effective date of house bill 2025, [enacted as Laws 1978, Ch. 201, effective October 1, 1978] thirty-third legislature, second regular session relating to the criminal code, a class 2 misdemeanor is punishable by up to six months imprisonment, a fine of not more than three hundred dollars, or both.

"B. From and after the effective date of house bill 2025, thirty-third legislature, second regular session, relating to the criminal code, a person who is

found guilty of a class 2 misdemeanor pursuant to section 32-2087, Arizona Revised Statutes, shall be punished as prescribed in sections 13-903, 13-1002 and 13-1004, Arizona Revised Statutes, as transferred and renumbered, respectively, sections 13-707, 13-801 and 13-804, Arizona Revised Statutes."

1978 Reviser's Note:

Laws 1978, Ch. 201, section 561 failed to set forth the text of this section as amended by Laws 1978, Ch. 99, section 11, effective May 26, 1978.

Cross References

Classification of offenses, see § 13-601 et seq.

Fines, see § 13-801 et seq.

Psychologist, definition, see § 32-2061.

Sentences of imprisonment, see § 13-701 et seq.

§ 32-2088. Injunction; representation

The board may request that an injunction be issued by the superior court against any person who is not a certified psychologist who represents himself as a psychologist or who continues to represent himself as a psychologist while his certificate is expired, suspended or revoked, or otherwise violates any provision of this chapter, rule or regulation or lawful order of the board. The attorney general shall represent the board in all matters requiring legal assistance. The board may employ other or additional counsel with the consent of the attorney general. Added Laws 1978, Ch. 99, § 12, eff. May 26, 1978.

Repeal

Title 32, Chapter 19.1 is repealed by Laws 1978, Ch. 210, § 1 on January 1, 1981. See § 41-2262.

Effect of Larkin ordinance. research. Qualification as to law
Difficult definitional issues

Dr. Larry Green - UIC faculty. clinical psych. at medical school

Activities to psych. restricted by psych.

Define practice, not just limit to those w/ similar training

Dr. Cantor - member of ASPE

Can't guarantee protection of public, can only approximate
difficult to enact legislation - most stringent form of regulation

Continuity - people don't do heavy lifting

difficult to get into law - on blacks & white

how do you define - how will you work w/ talking to people

Dr. Cantor - How can we get people to work with you people

How can we get people to work with you people

Can we get people to work with you people

APPENDIX II

ADMINISTRATIVE
RULES AND REGULATIONS

RULES AND REGULATIONS

PSYCHOLOGY BOARD

I N D E X

Article 1. General Provisions

- R4-26-01. Board Meetings
- R4-26-02. Official Signatures
- R4-26-03. Advisory Committee
- R4-26-04. Confidentiality of Records
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Article 2. Certification

- R4-26-20. Moral Character
- R4-26-21. Doctoral Degree
- R4-26-22. Approved or Accredited Programs
- R4-26-23. Evaluation of Applicant Credentials
- R4-26-24. Written Test
- R4-26-25. Renewal of Certificate
- R4-26-26. Inactive Status-Reinstatement
- R4-26-27. Fees

Article 3. Regulation

- R4-26-50. Unprofessional Conduct
- R4-26-51. through
- R4-26-56. Reserved
- R4-26-57. Rehearing, or Review of Decision

Effective 7/27/79

BOARD OF PSYCHOLOGIST EXAMINERS
RULES AND REGULATIONS

Article 1. General Provisions

R4-26-01. *Board Meetings*

Pursuant to A.R.S. §32-2062F, the Board shall meet prior to July 1 of each year to elect a chairman and a secretary who shall take office until June 30 of the following year. Any vacancy occurring in the office of chairman or secretary shall be filled by special election.

R4-26-02. *Official Signatures*

The Chairman or secretary shall sign or authorize signature of correspondence, forms, legal documents or other official papers relating to the work of the Board.

R4-26-03. *Advisory Committees*

The Board may appoint such advisory committees as it deems necessary for the purpose of conducting investigations and making recommendations to the Board concerning official actions to be taken, or considered by the Board regarding the certification process or disciplinary matters.

R4-26-04. *Confidentiality of Records*

The following shall pertain to the confidentiality of Board reports pursuant to A.R.S. §32-2063.6.

1. All records which are open to public inspection must be viewed at the Board office during normal business hours.
2. All Board records are open to public inspection and copying except those determined to be confidential, as follows:
 - a. Minutes of executive sessions.
 - b. Records which are classified as confidential by other laws, rules or regulations applicable to the Board.

- c. College or university transcripts and professional references of applicants for certification or of persons certified as psychologists, except that the person on whom the file is kept may view or copy such records.
- d. Records for which the Board determines the public disclosure would have significant and adverse effect on the Board's ability to perform its duties or which would otherwise be detrimental to the best interests of the state, except that the Board shall order such records be made available for public inspection or copying upon the Board's determination that the reasons justifying the confidentiality of such records no longer exists.
- e. Records which the Board determines constitute an unnecessary disclosure to the public of the personal or family life of a psychologist's client, such as information relating to his diagnosis, treatment, or the basis for his complaint to the Board; however, the client may waive any and all such confidentiality provisions by written statement to that effect.
- f. All materials relating to an investigation by the Board; however, the public may be informed that an investigation is being undertaken and the nature of the investigation may be described in such manner as is approved by the Board. Materials pertaining to an investigation shall be released by the Board in response to subpoena, to the person being investigated or to his attorney, upon the institution of civil enforcement action or informal or formal disciplinary proceedings against the person who is the subject of the investigation, upon the Board's decision not to undertake an investigation or to close an investigation, or to public agencies of this state or other states if it is determined by the Board to be in the public interest.

R4-26-05. *Current Address*

It is the psychologist's responsibility to notify the Board of permanent address changes so that the Board always has current address information on file. It is the psychologist's responsibility to arrange to receive mail when temporarily away from his permanent address. The Board is not responsible for a psychologist's failure to receive a renewal notice or other mail which the Board sends to the most recent address which he has placed on file with

the Board office.

Article 2. Certification

R4-26-20. *Moral Character*

A. The Board may consider without limitation criteria such as the following to determine whether an applicant is of good moral character, as required by A.R.S. §32-2071.1.a:

1. Past suspension, revocation or probation of a psychologist's license or certificate for other than non-payment of fees.
2. Denial of licensure or certification by a Board of psychologist examiners.
3. Expulsion from any professional society for other than non-payment of fees.
4. Conviction for any offense involving moral turpitude.
5. Unprofessional conduct toward a receiver of services.
6. Illegally representing oneself as a psychologist.
7. Activities which, if performed by a certified psychologist, would be cause for probation, suspension or revocation of the certificate.

B. Good moral character shall be presumed in the absence of evidence to the contrary.

C. Evidence for judging moral character may come from the application form, the applicant's designated reference persons, records of complaints, or other records or sources judged by the Board to be factual and reliable. Only issues having a substantial bearing on the applicant's qualifications or performance as a psychologist shall be considered.

D. The applicant will be afforded an opportunity to submit evidence concerning his moral character prior to a final decision by the Board to deny an application based on its determination that an applicant is not of good moral character.

R4-26-21. *Doctoral Degree*

The Board shall use the following criteria to determine whether an applicant has received the doctoral degree based on a program of studies, the content of which was primarily psychological, as required by A.R.S. §32-2071.1.b.

1. Every applicant must provide evidence satisfactory to the Board that he has earned a doctorate by completing a program of studies consisting of an organized and systematic sequence of graduate level academic courses and supervised activities, the content of which was primarily psychological, as determined by the Board.
2. A doctorate from an educational institution meeting the accreditation requirements of this law is accepted by the Board as being primarily psychological if the applicant's transcript clearly designates the degree as being a doctorate in psychology, clinical or counseling psychology, school or educational psychology, or other subject area within the field of psychology which is acceptable to the Board.
3. A doctorate degree from an educational institution meeting the accreditation requirements of this law but which is not specified in subsection (2) above is accepted by the Board as being primarily psychological if the applicant's transcripts show that of graduate courses taken for graduate credit a minimum of 75% or 68 semester hours, whichever is least, are in subject areas within the field of psychology. The research and practicum activities of any such applicant must be considered as primarily psychological by the Board.
4. An honorary doctorate or other degree based principally upon credit granted for life experiences is not considered a degree based on a program of studies and does not qualify an applicant for certification as a psychologist.

R4-26-22. *Approved or Accredited Programs*

Pursuant to A.R.S. §32-2071.1.b. the applicant's doctorate must be based upon a program of studies obtained from an educational institution or institutions having graduate programs qualified at the appropriate degree level to award the degrees received by the applicant. Graduate programs qualify if at the time of the applicant's graduation, they are approved or accredited at the appropriate degree level according to one of the following pro-

cedures:

1. The program is approved by the American Psychological Association. Applicants will be considered who are graduates of institutions whose programs have been previously approved by the American Psychological Association but which are on probationary status and are not currently accredited under subsection (2) below at the time of the person's application. The Board may seek clarification of circumstances from both the applicant and the institution and if the reason for the program's probationary status has a substantial and undesirable bearing on the applicant's qualifications as a psychologist the application may be denied.
2. The institution is accredited by one of the regional accrediting agencies recognized by the Arizona Board of Regents, namely:
 - a. New England Association of Colleges and Schools.
 - b. Middle States Association of Colleges and Schools.
 - c. North Central Association of Colleges and Schools.
 - d. Northwest Association of Colleges and Schools.
 - e. Southern Association of Colleges and Schools.
 - f. Western Association of Colleges and Schools.
3. The foreign school is accredited by an accrediting agency acceptable to the Arizona Board of Regents; or where there is no such agency for accrediting schools in the country the applicant's credits would be acceptable as transfer credits into the state's university system, such determination to be made by review of the applicant's transcripts by the registrar's office of a state university of the Arizona Board of Regents.

R4-26-23. *Evaluation of Applicant Credentials*

Pursuant to A.R.S. §32-2072.A. applicants for certification shall submit for Board review all materials which the Board deems relevant and necessary for it to determine the applicant's eligibility to take the Board's written test or to have such test

waived. As a minimum, the applicant's credentials must include:

1. The Board's application form which shall be completed and signed by the applicant and notarized. The applicant must have indicated on his application an intention to practice in an area or areas consistent with his education, training and experience.
2. Two professional references from persons familiar with the applicant's education, training or experience. Acceptable references shall provide favorable endorsement of the applicant's good moral character, professional competence and experience in the areas of intended practice, not merely indicate that the applicant is known to the referee. Mere provision of signature or an unfavorable report by a referee does not constitute provision of credentials necessary for certification. The reference persons shall be Arizona certified psychologists, diplomates of the American Board of Professional Psychology, fellows or members in good standing of the American or Canadian Psychological Association, or if none of the foregoing persons are available to the applicant, other professional persons who have supervised or been associated with the applicant's professional activities and who are acceptable by the Board as referees.
3. Official transcripts covering the applicant's entire graduate training. These transcripts must be sent to the Board by the institution and must contain a notation of degrees awarded or be accompanied by an official notice of degree awarded.
4. If seeking waiver of the Examination for the Professional Practice of Psychology, the applicant must request the Professional Examination Service to send his previous test scores directly to the Board.
5. If seeking waiver of the Board's written test based upon ABPP diplomat status, the applicant must request of the American Board of Examiners in Professional Psychology that it send verification of such status directly to the Board.

R4-26-24. *Written Test*

A. Pursuant to A.R.S. §32-2072A, the Board shall administer the Examination for the Professional Practice of Psychology provided by the Professional Examination Service. An applicant

who, after an evaluation of credentials submitted to the Board, is approved to take the written test shall be considered to have passed the test if his score equals or exceeds the national mean score for all doctoral level examinees, disregarding the decimal points. The applicant will be notified of his results on the test and given all material information about those results as provided to the Board by the Professional Examination Service.

B. An applicant requesting waiver of the written test pursuant to A.R.S. §32-2072.B.1, shall be considered to have passed the test if his score equals or exceeds the national mean score, disregarding the decimal points, for all doctoral level examinees who took that form of test prior to as well as at the time of the applicant's examination.

R4-26-25. *Renewal of Certificate*

Pursuant to A.R.S. §32-2073, a certificate must be renewed prior to July 1 of each year or be subject to an additional fee of ten dollars (\$10.00) for each month or portion of a month that the certificate is unrenewed. Late fees for non-payment will be added until the certificate is either renewed or revoked. The Board shall suspend a certificate which is not renewed by September 1 and shall revoke the certificate by the next January 1 unless the renewal fee and all late penalty fees due prior to the date of revocation are paid in full. It is the responsibility of the psychologist to apply for renewal of his certificate and submit the renewal fee prior to July 1 of each year. Although the Board customarily sends a reminder notice of the annual renewal fee to the last known address of the psychologist prior to July 1 of each year, the Board is not required to initiate such notice.

R4-26-26. *Inactive Status - Reinstatement*

Pursuant to the authority granted by A.R.S. §32-2073, the Board may place on inactive status and waive the annual certificate renewal fee requirements for a person who is temporarily or permanently unable to practice as a psychologist due to medical or other reasons of hardship acceptable to the Board or who has retired from practicing as a psychologist. The Board shall judge each request for waiver of renewal fees on its own merits and may seek such verification as it deems necessary to substantiate the facts of the situation. Practicing as a psychologist while on inactive status is a violation of the law, except that the person may describe himself as an inactive or retired psychologist. The Board shall review and redetermine, at least annually, the con-

tinuing eligibility of persons granted inactive status. An inactive psychologist may request reinstatement of his certificate for active practice by applying to the Board and by payment of renewal fees for the current year. If the Board determines that the person has not been and is not in violation of any provisions of the psychologist certification act and that he still possesses the professional knowledge and capability to engage safely in such practice, the certificate shall be reinstated.

R4-26-27. *Fees*

Pursuant to authority granted by A.R.S. §32-2074, the following fees shall be paid:

1. Original application for examination, one hundred forty dollars (\$140.00).
2. Re-application for examination, one hundred forty dollars (\$140.00).
3. Annual renewal of a certificate, thirty-five dollars (\$35.00).
4. Duplicate certificate, ten dollars (\$10.00).
5. Non-commercial reproduction of Board records, twenty-five cents (\$.25) per page. The maximum aggregate fee to a psychologist for copies of his file shall be ten dollars (\$10.00) per request.
6. For commercial use of certified psychologist lists, a fee of twenty-five cents (\$.25) per name shall be paid in advance by certified check or money order.

Article 3. Regulation

R4-26-50. *Unprofessional Conduct*

Pursuant to A.R.S. §32-2081.5, the following acts are defined as unprofessional conduct if performed by a certified psychologist.

1. Unprofessional conduct in another state or jurisdiction which resulted in denial, suspension, or revocation of a certificate or license to practice as a psychologist.
2. Using a false name, or using the name of or otherwise representing himself as another psychologist.

3. Failing to maintain adequate business, financial and professional records pertaining to the psychological services provided to clients. All records shall be retained for a minimum period of three (3) years from the last client activity and if such records are involved in an investigation by this Board or other law enforcement agency, until written notification has been provided by the Board or agency that the investigation has been completed.
4. Being found so physically or mentally incapacitated, morally unfit, or professionally incompetent in the judgement of the Board as to be deemed unqualified due to gross negligence to practice as a psychologist.
5. Falsely or fraudulently claiming to have performed a professional service, charging for a service, or representing a service as his own when he has not rendered the service or substantially assumed responsibility for the service.
6. Failing to provide a client and in the case of a minor, additionally his parents or guardian, with adequate information of psychological services which involve aversive or dangerous characteristics and to obtain the client's written consent prior to his participating in such services.
7. Engaging in sexual intimacies with a client, consisting of sexual intercourse, oral sexual contact or other sexual contact as defined in Arizona Revised Statute §13-1401.
8. Failing to obtain a client's informed and written consent to release personal or otherwise confidential or revealing information to another party, unless such release is otherwise authorized by law.
9. Failing to make available to a client or to his designated representative, upon the client's written request, copies of records or documents which have been prepared for and paid for by the client. The psychologist may withhold such information from the client if in his professional judgement the release of such information clearly would adversely and substantially affect the client's mental health.
10. Failing to take reasonable steps to inform the intended victim or the proper law enforcement officials or agencies in circumstances where the psychologist becomes aware during the course of his psychological services to the client

that such client intends or plans to inflict serious bodily harm to another person.

11. Abandoning or neglecting a client in need of immediate care without making suitable arrangements for continuation of such care.
12. Providing services which are unnecessary or unsafe or otherwise engaging in activities as a psychologist which in the judgement of the Board are unprofessional by current standards of practice.
13. Engaging in direct or indirect personal solicitation of clients through the use of coercion, duress, undue influence, compulsion or intimidation practices.
14. Advertising which is in violation of the standards set by the Board. Advertising includes representation by a psychologist of his qualifications or services through, but not limited to, statements or announcements, feature or news articles, directory listings, business cards, brochures, or other promotional activities using any media. Advertising is in violation if it is not accurate and truthful and if it does not reflect the high standards of dignity typical of the psychologist's profession. Advertising shall not make exaggerated, unjustified, or illegal statements or claims or employ any device, scheme or artifice to deceive or defraud. It shall not make any untrue statement of material fact or omit to state any material fact necessary for the statements made, in light of the circumstances under which they were made to not be misleading. It shall not make statements intended to or likely to create a false or unjustified expectation of favorable results or which appeal to a potential client's fears, anxieties or emotions concerning the possible results of the consumer's failure to obtain the offered service. It shall not advertise services which the psychologist is not qualified to provide. Any advertising by a psychologist eligible under A.R.S. §32-2083.4 to provide only short term training or consultation services shall specifically inform the public of the limited nature of his services and that he is not certified as a psychologist in Arizona.

R4-26-57. *Rehearing or review of decision*

A. Except as provided in Subsection G., any party in contested case before the Board of Psychologist Examiners who is aggrieved

by a decision rendered in such case may file with the Board of Psychologist Examiners, not later than ten (10) days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds therefore. For purposes of this Subsection a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party at his last known residence or place of business.

B. A motion for rehearing under this Rule may be amended at any time before it is ruled upon by the Board of Psychologist Examiners. A response may be filed within ten (10) days after service of such motion or amended motion by any other party. The Board of Psychologist Examiners may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.

C. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:

1. Irregularity in the administrative proceedings of the agency or its hearing officer or the prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing;
2. Misconduct of the Board of Psychologist Examiners or its hearing officer or the prevailing party;
3. Accident or surprise which could not have been prevented by ordinary prudence;
4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;
5. Excessive or insufficient penalties;
6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing;
7. That the decision is not justified by the evidence or is contrary to law.

D. The Board of Psychologist Examiners may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in Sub-

section C. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.

E. Not later than ten (10) days after a decision is rendered, the Board of Psychologist Examiners may on its own initiative order a rehearing or review of its decision for any reason for which it might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board of Psychologist Examiners may grant a motion for rehearing for a reason not stated in the motion. In either case the order granting such a rehearing shall specify the grounds therefore.

F. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may within ten (10) days after such service serve opposing affidavits, which period may be extended for an additional period not exceeding twenty (20) days by the Board of Psychologist Examiners for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.

G. If in a particular decision the Board of Psychologist Examiners makes specific findings that the immediate effectiveness of such decision is necessary for the immediate preservation of the public peace, health and safety and that a rehearing or review of the decision is impracticable, unnecessary or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Board of Psychologist Examiners' final decisions.

H. For purposes of this Section, the terms "contested case" and "party" shall be defined as provided in A.R.S. §41-1001.

I. To the extent that the provisions of this Rule are in conflict with the provisions of any statute providing for rehearing of decisions of the Board of Psychologist Examiners, such statutory provisions shall govern.

APPENDIX III

RESULTS OF OFFICE OF
THE AUDITOR GENERAL SURVEY

STATE OF ARIZONA
OFFICE OF THE AUDITOR GENERAL
SURVEY OF PSYCHOLOGISTS CERTIFIED BY THE STATE OF ARIZONA

I. Background

1. Please describe your educational background:

150	Ph. D., Psychology
58	Ph. D., Other (Describe)
5	M.S. Psychology
3	M.S. Other (Describe)

2. How did you obtain your Arizona Certificate?

111	A. Examination through State Board
19	B. Reciprocity from other State
69	C. "Grandfather" provision of statutes
17	D. Other (Please describe _____)

3. Do you attend continuing education classes and/or seminars?

173	Yes
39	No

A. If yes, how many hours of continuing education have you earned in the last 24 months?

40	A. 0-6 hours
19	B. 7-12 hours
23	C. 12-18 hours
87	D. More than 18 hours

II. Licensing and renewals

1. At the present time, do you feel that the current application and examination fees are:

13	A. Too low
190	B. Reasonable
10	C. Too high

2. At the present time, do you feel that renewal fees are:

11	A. Too low
185	B. Reasonable
19	C. Too high

*McCartney's original fees
1965-74. There was a
grandfathered
for a while
1965-74. There was a
grandfathered
only. Since
1974 all began
Renewal is only
pay the fee.
Remove incomplete
in complaint review
process - evoke redemptive
RD. can't take any
Unilateral action
Must be done by
we don't place*

3. Would you be opposed to renewing certificates on a biennial basis (the renewal fees would be doubled to cover the two year period).

36 Yes
179 No

4. Do you feel that continuing education should be a requirement for renewal of certificates?

118 Yes
97 No

III. State Board of Psychologist Examiners

1. Have you obtained a copy of the Board's rules and regulations?

173 Yes
40 No

A. If yes, please answer the following:

a. Do you find any of the rules to be unreasonable, impractical or overly restrictive?

15 Yes
157 No

b. Do you believe these rules and regulations are fairly and evenly enforced?

124 Yes
14 No

c. Have you expressed any complaints (on the above) to the Board?

9 Yes
159 No

2. Do you feel that the Psychological profession is adequately regulated by the State Board of Psychologist Examiners?

155 Yes
46 No

IV. Other pertinent information

1. Do you feel that Arizona's laws dealing with Psychologists should be changed from certification (restriction of title) to licensure (restriction of practice)?

138 Yes
71 No

2. Do you feel that the scope and jurisdiction of the Board should be increased to have regulatory authority over these groups:

	Yes	No	No opinion
A. School Psychologists	<u>141</u>	<u>50</u>	<u>21</u>
B. Social Psychologists	<u>145</u>	<u>42</u>	<u>27</u>
C. Psycho Therapists	<u>158</u>	<u>40</u>	<u>15</u>
D. Psycho Analysts	<u>137</u>	<u>54</u>	<u>22</u>
E. Para Psychologists	<u>133</u>	<u>51</u>	<u>29</u>

If you have any further comments, please include them in the space below (attach additional pages if necessary)

APPENDIX IV

LEGISLATIVE COUNCIL

OPINION 0-79-22

ARIZONA LEGISLATIVE COUNCIL

MEMO

April 19, 1979

TO: Douglas R. Norton, Auditor General
FROM: Arizona Legislative Council
RE: Request for Research and Statutory Interpretation (0-79-22)

This is in response to a request submitted on your behalf by Gerald A. Silva in a memo dated April 2, 1979.

QUESTIONS PRESENTED:

1. Can the State Board of Psychologist Examiners make a determination on whether a licensee has violated the provisions of Arizona Revised Statutes section 32-2081; and, if so, can they revoke the license based upon that determination?
2. Can the State Board of Psychologist Examiners deny an application for violation of any of the provisions of Arizona Revised Statutes section 32-2081?

ANSWERS:

1. Yes
2. No

Section 32-2081, Arizona Revised Statutes, provides:

32-2081. Revocation or suspension of certificates;
probation

The certificate of any person certified by the board may be suspended or revoked by the board or the person may be placed on probation upon proof that the psychologist:

1. Has been convicted of a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude, as finally determined by a court of competent jurisdiction.
2. Has used fraud or deceit in connection with rendering services as a psychologist or in establishing his qualifications under this chapter.
3. Is an habitual drunkard or addicted to the use of a narcotic drug or other drug having a disabling effect.
4. Is under commitment to an institution for the mentally incompetent.
5. Has been guilty of unprofessional conduct which shall include the following activities and such additional activities as

are defined as unprofessional conduct by the rules and regulations of the board:

- (a) Obtaining a fee by fraud or misrepresentation.
- (b) Betraying professional confidences.
- (c) Making use of statements of a character tending to deceive or mislead the public.
- (d) Aiding or abetting a person, not certified as a psychologist under the provisions of this chapter, in representing himself as a psychologist in this state.
- (e) Gross negligence in the practice of a psychologist.
- (f) Sexual intimacies with clients.
- (g) Engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training or experience.

6. Has violated any of the provisions of this chapter or refused or neglected to comply with the rules and regulations issued thereunder or any lawful order of the board.

1. The standard of "proof" that is required for the State Board of Psychologist Examiners to revoke a certified psychologist's license for any one of the reasons stated in section 32-2081, Arizona Revised Statutes, is determined by reference to the administrative procedure laws. Section 41-1012, subsection A, Arizona Revised Statutes, states that:

When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this article concerning contested cases apply.

The requirement of notice and opportunity for a hearing for revocation of a license pursuant to Section 32-2081, Arizona Revised Statutes, is stated in section 32-2082, Arizona Revised Statutes. Thus the provisions of Title 41, chapter 6, Arizona Revised Statutes, relating to contested cases in administrative hearings apply, by means of section 41-1012, Arizona Revised Statutes, to license revocation proceedings conducted by the State Board of Psychologist Examiners.

In Title 41, chapter 6, Arizona Revised Statutes, section 41-1010 governs the sufficiency of evidence or proof that is required for license revocation. The applicable provisions of section 41-1010, Arizona Revised Statutes, are as follows:

. . . A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order providing the evidence supporting such decision or order is substantial, reliable, and probative. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

. . . Copies of documentary evidence may be received in the discretion of the presiding officer. Upon request, parties shall be given an opportunity to compare the copy with the original.

. . . Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

. . .

The language of this section prescribes the proof required for license revocation for a violation by a psychologist licensee of any of the provisions of section 32-2081, Arizona Revised Statutes.

The power of the State Board of Psychologist Examiners to revoke a certified psychologist's license is clearly granted in the first sentence of section 32-2081, Arizona Revised Statutes.

2. The regulation of the conduct of certified psychologists is governed by Title 32, chapter 19.1, article 3, Arizona Revised Statutes, as the heading of that article implies. Section 32-2081, Arizona Revised Statutes, begins with the language "The certificate of any person certified by the board may be suspended or revoked . . . (emphasis added). This language indicates that the section only applies to persons already licensed and not to persons applying for a license.

The requirements governing applicants are in section 32-2071, Arizona Revised Statutes, relating to the certification process:

The board shall issue a certificate as psychologist to any person who:

1. Submits evidence verified by oath and satisfactory to the board that he:

(a) Is of good moral character.

(b) Has received the doctoral degree based on a program of studies, the content of which was primarily psychological, obtained from an educational institution having a graduate program approved at the appropriate degree level by a nationally recognized psychological association or accredited at the appropriate degree level by any regional or foreign school accrediting agency recognized by the board of regents.

2. Pays the fee for an original application as prescribed in section 32-2074.

3. Passes a satisfactory examination in psychological preparation as described in section 32-2072.

The determination of "good moral character" may necessarily involve the factors listed in section 32-2081, Arizona Revised Statutes. Some other regulatory statutes use identical grounds for refusal to issue a license as for suspension or revocation of a license, for example, section 32-924, chiropractors; section 32-1554, naturopaths, and section 32-2236, veterinarians, but denial of a license to an applicant due to a violation of section 32-2081 is not provided for in this statute.

CONCLUSIONS

1. The State Board of Psychologist Examiners may determine whether a licensee has violated the provisions of Arizona Revised Statutes section 32-2081 and may revoke a license based upon that determination.

2. The State Board of Psychologist Examiners may not deny an application for violation of any of the provisions of Arizona Revised Statutes section 32-2081 unless the misconduct violates the "good moral character" requirement of section 32-2071, Arizona Revised Statutes, and then only in accordance with the latter section.

APPENDIX V

COLLIER'S ENCYCLOPEDIA
DESCRIPTION OF PSYCHOLOGICAL
APPARATUS AND TECHNIQUES

APPENDIX V

COLLIER'S ENCYCLOPEDIA DESCRIPTION OF PSYCHOLOGICAL APPARATUS AND TECHNIQUES

Experimental Techniques.--The primary method and the last appeal of psychological investigation is the experiment. A person to be studied (the subject) is brought into a laboratory, where all the conditions and surroundings are set and controlled by the experimenter, and where the latter has instruments for carefully introducing changes in some of these conditions so that he can then note precisely what changes in the subject occur concomitantly. Psychology, then, as an experimental natural science, ever since the establishing of the first psychological laboratory at Leipzig, Germany, in 1879 by Wilhelm Wundt, has depended much upon its "brass instruments."

One of the earliest laboratory problems was the difference in the promptness with which different observers--or the same observer at different times--can register seeing an event; and it led to the measuring of human reaction times with the chronoscope. Different models of this instrument have been devised, employing such different principles of drive and timing as clockwork, the pendulum, the synchronous motor, and the swing of a galvanometer. The essentials are that the time elapsing between a signal (as pressing a key) by the experimenter and the reaction (as pressing a key) by the subject be automatically indicated on a dial or scale in milliseconds.

Another classical problem of interest is that concerning the number of items which a person can take in or apprehend at one instant of time. For this, different types of tachistoscopes have been devised. Their essential is that materials to be presented simultaneously to the eye (as a row of letters) be arranged on an exposure card and this be shown momentarily by means of a shutter. The latter may be a screen dropped or rotated by gravity, with an aperture in it which falls past the stimulus card, thus momentarily exposing it to the subject. Obviously, a camera-type shutter can be substituted; also the stimulus card can be projected upon a screen by a lantern with shutter.

An exposure apparatus meeting quite a different need is the serial exposure device. This is arranged for studying the memorizing of words, syllables, and the like arranged in a sequence. Usually the items are printed on a continuous strip of paper which is mounted on a stepwise rotating cylinder or disk and so brought one at a time past a window, exposing each item for the desired length of time--one, two, or more seconds.

For the study of sensory phenomena many forms of simple apparatus have been employed. Most universally known is the color mixer. Usually this consists of a metal disk mounted upon a motor of controllable speeds, and of paper disks of, say, red and green of such and such specified attributes, each disk slit so that they can be interlapped and mounted together upon the metal disk. When rotated interesting phenomena of color mixing are produced.

For exploring sensitivity at the skin, some form of esthesiometer is ordinarily used. If it be the temperature sense that is under investigation, a blunt-pointed metal rod is used; and to control and keep constant its temperature, it may be bored with a double channel permitting the circulation through it of a stream of water of desired temperature.

Muscular efficiency at any moment is subject to the influence of mental factors of intent, persistence, and the like. Measurement of continued muscular work is commonly made with some form of ergograph, in which one finger strapped in a stirrup pulls at regular intervals on a cable running over a pulley to a weight. The hand and forearm are bound down to isolate the finger-moving muscle. Record is graphically made by mounting a light pointer on the cable so that it scratches a series of white lines on a rotating soot-blackened drum.

Emotional reactions are studied as they become evidenced by measurable changes in physiological process. Several diagnostic instruments found in any physician's office are useful here, notably the sphygmomanometer for registering changes in blood pressure. Less familiar is the psychogalvanometer. This is an arrangement of a galvanometer in circuit with small battery and electrodes placed at certain points on the skin. Then as the subject's emotional states vary, the skin's resistance changes; and the readings on the galvanometer's scale furnish the objective evidence of internal emotional condition.

By all odds the most used instrument for the analysis of learning in animals and man is the maze. This is, in brief, a passageway beset by many blind alleys, entrances into which entail errors and time-loss when a subject first tries to find his way through it. With repeated trials, the errors and time are reduced, thus furnishing the learning data for the investigator. The maze need not be life-size; for human subjects a troughlike device may be arranged in which the blindfolded subject tries to thread his way with a stylus.

Many human and animal responses are learned in an apparently different manner, by the conditioned response, as when one comes to flinch quite automatically at a harmless signal which had frequently accompanied a shock. The most used form of conditioning board is one in which the subject's hand is laid in contact with electrodes through which a shock can be delivered at the experimenter's discretion; and any movement of the subject's hand or arm is communicated electrically or pneumatically to pointers marking on a rotating drum. On the board are usually a bell and a buzzer, also under the experimenter's control.

There is increasing utilization of methods of detecting "action currents." When a muscle or nerve is active, even when the person is merely imagining himself doing something, minute changes of electrical potential occur in the muscle or nerve. These are detected as follows. Electrodes placed near the tissue to be observed are placed in circuit with electron tubes, so that the potential changes are greatly amplified, and are then used to deflect a stream of ions falling upon a visible screen. The result is seen as a wave traveling across the screen, its regularities and irregularities representing faithfully the course of the minute electric changes in the tissue. This is the oscillograph; but a string galvanometer is often employed in its stead.

Further application of the technique is to the detection of brain waves. From electrodes fixed to certain points on the scalp, the infinitesimal electric currents are amplified and conducted off to an oscillograph or string galvanometer. These recordings are known as electroencephalograms and are found to parallel certain conditions of mental activity.

Clinical Techniques.--In some sciences, as astronomy or botany, laboratory experimentation may for practical reasons be out of the question. And in psychology much rich material is obtainable not from persons cooperating as experimental subjects but from persons who happen to come under the attention of the alert examiner or who are sought out and studied not as type samples of mankind in general but as individuals.

In the history of the clinical study of individuals, Alfred Binet's successful arrangement of many mental tests into a consistent scale for the measuring of a child's "intelligence" will always be a significant achievement. By furnishing the examinee a number of simple tasks and problems, his successes and failures can be compared with those of hundreds of children his age or younger or older. Here the precision with which a test result is obtained, and the assurance with which its implications can be accepted is an achievement indeed.

A very different procedure for bringing to light the traits of individual people is known usually as the self-inventory. The subject is furnished a list of questions which he is to answer unambiguously--as by answering "yes" or "no," or by indicating one of a series of numbers or a point on a scale. Here the evidence is certainly first-hand; but it is obvious that a person's reports about himself are subject to such large errors that ingenuity is demanded in planning the inventory.

More objective is the rating method, in which other people who know the subject indicate their estimates of him. To make these estimates as unambiguous as the conditions will warrant, the judges' answers often take the form of indicating on each trait some one of a series of adjectives, numbers, or distances to right or left of a zero neutral point, or other semiquantified method.

Motivated less by the scientific ideal of discovering laws about human beings in general, and much more by his interest in the individual person, the clinical psychologist looks to "pure" psychology for his knowledge of facts and to the mental health and welfare of his patient as his ideal. Now this involves a pretty complete change in orientation. For example, though the clinician makes use of psychological tests, he employs them, not to sort out individuals with reference to some job assignment or grade allocation but to learn more and more about one particular person. Even a test score made by that person, if taken by itself, means little to him; it must be interpreted in terms of many other scores the individual makes, in terms of other traits he has shown that are not subject to psychometric treatment, and even in terms of his past experiences and habits and his present surroundings and opportunities. Further, the clinician does not treat all this wealth of material about person X in an additive way; he must review it all with the hope of obtaining "insight" into the patient--into his motivations and into his general pattern or style of meeting his problems of life.

Here it may be inserted that the clinical psychologist especially recognizes the very heavy importance of what is known as "intuition." The word has had a chequered career in popular speech, but properly it refers only to that everyday human process of making judgments on a complex situation after some reviewing of the evidence and without detailed and articulated deductions or calculations. It is at the heart of most medical diagnoses, judicial opinions, business-managerial decisions, and our liking-disliking of a given person. So the clinical psychologist works by making an inclusive survey of his individual man from many angles. Then, on that basis, he arrives at a general picture of the subject of his investigation--all with the intent of finding what may or may not be wrong in his patient's modes of adjustment and what corrective procedures are in place.

At times the clinical psychologist's inclusive examination of his patient may need to include depth analysis, penetrating into a man's forgotten or repressed memories, the better to bring his motivations to light. The teachings of Sigmund Freud are unquestionably the historic source of inspiration here; and however much his disciples may have diverged this way or that from his doctrines or may have changed the emphases, all psychoanalysts remain debtors to Freud. Psychologists, too, are heavily in his debt for adding, so to say, another dimension to their knowledge of human nature, the recognition of the role of unconscious motives.

The psychoanalytic procedure for making patient (and examiner) more aware of driving and guiding forces back of outward behavior is typically a process of verbal recall by unguided free association supplemented by analysis of dreams and daytime mistakes. But other methods less time-consuming are in process of being investigated by psychologists. Recognizing that one often "gives himself away" in the very manner in which he looks at or hears or otherwise perceives a thing (as mentioned in a foregoing paragraph), clinicians have been employing several kinds of objective techniques. The most widely used and most promising is the one devised by Hermann Rorschach. A series of ambiguous silhouettes--usually in the shape of ink blots--are presented to the subject. His report of what he sees in each of these designs is subjected to analysis--but not measurement--along several dimensions. Does he regard the figure as a whole or in its details? Is his manner of regarding it determined more by its form, its color, or its ability to evoke kinesthesia? Does he seem to see animals, plants, humans, landscapes? Are his responses unique and original or common ones? The examiner's record is not treated as a table of data to be handled statistically; he inspects the results much as anyone looks at a picture, in order to get a true "picture" of the subject as a total personality--his temperament, his interests, talents, aptitudes, and even his philosophy of life! It is often difficult for the skeptical experimentalist to see how such insights are obtainable from the kinds of data that are recorded, but the historic fact is that helpful insights are so obtained and in a surprising number of cases.

Of other projective techniques the best-known is the Thematic Apprehension Test (Henry A. Murry), in which pictures of ambiguous human situations are shown to the subject, who is instructed to make up a story about each. There is also the use of dolls with children or of larger stage opportunities for adults, each presented as an occasion for dramatic (self-expressive) play.

Statistical Techniques.--Both in his experimental investigations and in his studies of individual differences, the psychologist finds himself compelled often to make finer and more discerning examinations of his data, for their significance might otherwise elude him. The principal statistical concepts employed by him are not different from those of statistical science in general, and the precise formulae and procedures are available in any statistics handbook.

What is the true trend of a large mass of obtained data? One needs to determine the central tendency of the many scores. And how well does this central tendency represent the various individual scores: what is their scatter or variability?

When two different sorts of measurements are taken on each person, or when one person is repeatedly measured on two psychological traits, a crucial point of relationship or lack of it may come out by determining the correlation between the two sets of scores. On the other hand, if an interesting difference between two sets of scores is apparent, one would need to determine the significance of this apparent difference.

When a great many sets of data are brought together and their correlations are subjected to rigorous mathematical treatment, it may happen that some fundamental components or factors may be precipitated out of the mass as apparently more unitary factors. This factor analysis treatment takes several forms, based upon different mathematical procedures, and different assumptions as to the kinds of factors to be derived. And they have been applied to a variety of psychological inquiries. The most frequent is the quest of the basic or unitary traits of the personality, such as general intelligence, excitability, facility in handling numbers, and the like.