

**PRESENTATION OF THE
BOARD OF PSYCHOLOGY**

TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TWENTY-FIFTH LEGISLATURE
Regular Session of 2010

Wednesday, February 10, 2010
2:00 p.m.

WRITTEN TESTIMONY ONLY

**TESTIMONY ON HOUSE BILL NO. 2906, RELATING TO PSYCHOLOGICAL
TESTING.**

TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Ahlani Quiogue, and I am the Executive Officer of the Board of Psychology ("Board"). The Board has not had an opportunity to review this bill but will be discussing it at the next Board meeting on February 19, 2010. Therefore, it is not able to take a position at this time.

Thank you for the opportunity to provide written comments on House Bill
No. 2906.

HMSA



An Independent Licensee of the Blue Cross and Blue Shield Association

February 10, 2010

The Honorable Robert Herkes, Chair
The Honorable Glenn Wakai, Vice Chair

House Committee on Consumer Protection and Commerce

Re: HB 2906 – Relating to Psychological Testing

Dear Chair Herkes, Vice Chair Wakai and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 2906 which would authorize social workers, marriage and family therapists, APRNs, and physician assistants to engage in psychological testing when they have obtained the appropriate educational requirements. HMSA supports this measure.

HMSA is dedicated to ensuring that all of our members are able to access the care they need, when they need it. This includes services not just for an individual's physical health but for their mental health as well. We support initiatives to increase the ability of individuals with mental illness to access appropriate services. This measure will allow certain allied health providers with proper training to conduct psychological testing. Even this small change could have a large impact for individuals in need of these types of services.

Thank you for the opportunity to testify today.

Sincerely,

A handwritten signature in black ink, appearing to read 'JD' followed by a flourish.

Jennifer Diesman
Vice President
Government Relations

February 9, 2010

Committee Chair, and members

House CPC Committee

Hearing Date/Time: Wednesday 2/10/2010 at 2:00 P.M.>

State Capitol Room 325

Re: HB2906 Relating to Psychological Testing – SUPPORT

Honorable Committee Chair and Committee Members:

I am writing to register my support for HB 2906 (*or my support for further discussion on the impact of HB 2906*). My name is Kathleen Barnes. I am a social work student at the University of Hawaii and expect to soon be practicing social work in our community. I support HB2906 (*or I support further discussion on the impact of HB 2906*) which provides authority for social workers who hold a masters degree and have received training in testing administration and interpretation, to engage in basic psychological testing as a service for their client population.

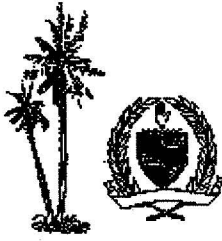
My reasons for supporting this include:

- 1. Information from the testing can enhance the social worker assessment psycho/social assessment process*
- 2. For social workers already seeing clients, testing by that social worker can streamline the evaluation process for consumers*
- 3. Receiving testing and ongoing counseling services from the same service provider reduces the need for consumers to discuss confidential, personal information with multiple community service providers*
- 4. Social worker authorization to test reduces the need for referrals out to other providers for the service, which may slow the onset of treatment.*
- 5. Expanding testing authorization to include social workers will offer the service to more consumers more quickly, as the need arises*
- 6. Authorization to test as well as assess and service clients can facilitate the intake and treatment process for social service agencies and consumers alike.*
- 7. More diversified worker functions can benefit the agencies that employ them, increasing efficiency of agency services.*
- 8. I would like to establish a clinical social work practice and testing as part of my evaluation process is very important to my practice.*
- 9. Testing provided by a clinical social worker while assessing a client can strengthen the client's confidence and trust in services*
- 10. Social workers are often first responders to crises. The use of psychological testing in follow-up with initial screening tools can help to identify needs and direct practice.*

**Thank you for your time and consideration of my testimony,
Kathleen Barnes, 6737B 108st, Ewa Beach, HI, 96706, ph # 808-782-9260**

HAWAII REHABILITATION COUNSELING ASSOCIATION

P O BOX 4385
HONOLULU, HI 96812



February 8, 2010

TO: Representative Robert N. Herkes, Chair
Representative Glenn Wakai, Vice Chair

FROM: Betty Sestak, Legislative Chair
Hawaii Rehabilitation Counseling Association

RE: **HB2906: RELATING TO Psychological Testing**

I am testifying in opposition to HB2906, Relating to Psychological Testing

The Hawaii Rehabilitation Counseling Association represents approximately 50 practicing vocational rehabilitation counselors in the state of Hawaii. Hawaii Rehabilitation Counseling Association has been representing the professional needs of our states counselors for more than 30 years. The majority of our members are also licensed mental health counselors and all have masters' degrees.

This bill does not have a realistic definition of psychological testing and is also not needed. Psychological testing is already included in the licensing of social workers, marriage and family counselors, psychologists, and licensed mental health counselors for those with the appropriate training.

Hawaii Rehabilitation Counseling Association is in opposition to House Bill 2906 and opposes its passage.

Thank you for the opportunity to testify and to oppose this bill.

DATE: February 10, 2010

TO: The Honorable Representative Robert N. Herkes, Chair
Committee on Consumer Protection and Commerce

FROM: Jill Oliveira Gray, Ph.D., President, Hawai'i Psychological
Association

RE: HB 2906, Relating to Psychological Testing

**I am testifying on behalf of the Hawai'i Psychological Association in
opposition to HB 2906.**

The Hawaii Psychological Association is a strong proponent of increasing access to mental health services. We are fully aware of the unmet needs in the rural and medically underserved areas and support appropriately maximizing the scope of all professions willing to serve in these communities.

We are concerned about the definition of psychological testing as stipulated in the bill and lack of clarification between psychological assessment which is well within the scope of practice of the professions indicated in HB 2906, and psychological testing, which depending on the type of test, may require specialized training beyond that indicated in HB 2906.

We also question which professional board(s) would be responsible for regulating such administration, as the bill includes multiple professions with various degrees and skill sets.

I have attached information from **The Fair Access Coalition on Testing (FACT)**. FACT is a multi-disciplinary, non-profit organization that advocates for health care and educational professionals to be able to administer and interpret tests for which they have been appropriately trained. They recently developed model legislation to appropriately regulate administration of psychological testing by a variety of practitioners.

We look forward to continuing to engage positively with the legislature on important issues concerning mental health access and would ask that we have a further opportunity to do so. Thank you for the opportunity to provide testimony.

Jill Oliveira Gray, Ph.D.
Clinical Psychologist
President
Hawai'i Psychological Association

Supporting Qualified Professionals' Access to Tests

The Fair Access Coalition on Testing (FACT)

FACT is a multi-disciplinary, non-profit organization that advocates for health care and educational professionals to be able to administer and interpret tests for which they have been appropriately trained.

The Issue

All appropriate health care and educational professionals need to be authorized to utilize tests for the purpose of providing quality health care.

The Importance

Allowing qualified health care and educational professionals to use instruments helps the people of your state receive the highest quality of care. Supporting access to the greatest number of competent professionals regardless of professional discipline gives people whose lives are impacted by testing the greatest chance of being helped.

Tests

Tests are standardized and non-standardized instruments designed to help qualified professionals gather information about an individual's abilities, attitudes, aptitudes, and/or social and relational functioning. The information obtained helps the professional to assess the client's functioning, design and evaluate appropriate treatment plans, and identifies issues necessitating referral to other professionals. Testing is critical to the delivery of competent and quality health care. Tests are developed and standardized by a variety of practitioners.

Professionals Who Utilize Tests

Test users belong to many different professions. Some examples include audiologists, counselors, marriage and family therapists, psychiatrists, psychologists, school psychologists, and speech-language pathologists. These professions engage in self-regulation; this means that those who are most knowledgeable about a profession are the same as those who determine competencies, the education required to gain those competencies, the ethical principles under which those professionals practice, and the appropriate sanctions for those professionals who do not follow these guidelines.

Self-regulation forms the basis of protection for consumers since it has a long-standing legal tradition entailing the formation of a board or committee with legislatively and judicially recognized authority to determine and interpret standards of practice. Board members are experts in their own fields; they are not qualified to determine or interpret practice regulations for other professions.

Who is the most qualified to use tests?

Training and education are the two most important factors when determining who is competent to utilize a particular instrument. A specific academic degree (e.g., a master's or a Ph.D.) in any field does not by itself qualify an individual to use a particular test. Training to use a test is also a very important factor in determining competency.

Based on the principles of competency and self-regulation, FACT recommends and endorses the following legislative language to define testing and base a professional's right to test on competency. Ethically, all of these professionals are bound to practice within their scope of practice. As additional protection, the appropriate licensing authority possesses the authority to take action against any professional who practices outside his or her scope of practice.

Proposed Legislation

Section 1

Testing means:

(1) The selection, administration, scoring and interpretation of instruments, methods, and techniques for assessing behavioral, cognitive, communication, educational, emotional, mental, motor, psychological, sensory, social, and vocational functioning for diagnosis, evaluation, treatment and intervention.

Section 2

(a) It is unlawful for an individual to engage in testing as defined in Section 1, Article 1 unless the individual has adequate training and education.

(b) An individual who violates this section is subject to disciplinary action by their respective state licensing authority.

Revised by Board on 9/15/08



House CPC committee
Wed, Feb 10, 2010
2:00 pm
Room 325

National Association of Social Workers

Hawaii Chapter

February 9, 2010

TO: Rep. Bob Herkes, Chair
And members of the House Consumer Protection and Commerce
Committee

FROM: Debbie Shimizu, LSW
National Association of Social Workers, Hawaii Chapter

RE: HB 2906 Relating to Psychological Testing- **OPPOSED**

Chair Herkes and members of the Consumer Protection & Commerce Committee, I am Debbie Shimizu, Executive Director of the National Association of Social Workers, Hawaii Chapter (NASW). I am testifying in **OPPOSITION to HB 2906 relating to psychological testing for the following reasons:**

- 1) It is unclear what problem is being addressed. To my knowledge, none of the professions included in this bill requested to add "psychological testing" to their profession's scope of practice.
- 2) If the problem is about "access to care", we do not feel that this is the appropriate vehicle. NASW would be willing to meet with the various professions to develop a more appropriate solution.
- 3) The added language is unnecessary. Social workers are currently able to do administer standardized tests to assist them in performing a clinical diagnosis, psychosocial assessments or diagnostic impressions. As with any professional, social workers would only use the test instruments they were trained to use.
- 4) Companies who create psychological exam instruments are able to specify who is able to administer their instrument. They have training and credential requirements for their exams and will not allow someone to use their instrument unless that individual is trained and qualified. So again, adding this to our scope of practice is unnecessary.
- 5) Poor definition of "psychological testing". This definition is very broad and ineffective. Including such a definition into our scope of practice will create an additional burden of monitoring whether the test that the social worker administered is considered a "psychological test" or not.

NASW has discussed this bill with the other professions included in this measure and we are all in agreement that this bill is unnecessary and respectfully request that you hold it in committee. Thank you for the opportunity to testify.

DATE: February 10, 2010

TO: The Honorable Representative Robert N. Herkes, Chair
Committee on Consumer Protection and Commerce

FROM: Fielding Mercer, PA-C, President, Hawaii Academy of
Physician Assistants

RE: HB 2906, Relating to Psychological Testing

**I am testifying on behalf of the Hawaii Academy of
Physician Assistants in opposition to HB 2906.**

The intent of HB 2906 is unclear. It is perceived that the goal is to increase patient access to psychological testing. With regard to physician assistants, the bill as written may, in fact, decrease or limit access to psychological testing.

Physician assistants (PAs) are dependent health care providers working under the supervision of their supervising physicians. Regarding mental health, physician assistants working in this field, work under the direction of psychiatrists. Many PAs are involved in the care of military veterans and work for the VA in the mental health field. Physician assistants may already provide psychological testing as directed by and supervised by their supervising physicians (psychiatrists). As such, PAs will have been trained by their supervising physicians or other agency, to administer and interpret these tests. The amendments to HRS Section 453-5.3 as proposed by this bill, may in fact limit access. Many physician assistants were trained prior to the development of masters programs. Many of these PAs have more than twenty years of clinical experience. The requirement that PAs who administer and interpret psychological tests have a master's degree could limit access and limit the ability of physician assistants to administer these tests or provide care to mental health patients.

PAs inherently have collaborative oversight from their supervising physicians and as such, are self regulated. Changes to HRS 453-5.3 are unnecessary. We therefore request that you do not pass HB 2906 out of Committee. Alternatively, if you do pass this bill out of Committee, HAPA would ask that you delete physician assistants and the proposed amendments to HRS Section 453-5.3 from the bill.

HAPA has additional concerns regarding the proposed definition of psychological testing ("Psychological testing" means the use of samples of behavior in order to assess psychological constructs, such as cognitive and emotional functioning, about a given individual." as proposed. This is considered vague and may further limit access to care. Typically the definition of test would be something

SANDRA JOY EASTLACK, MSCP, LMHC, NCC

DATE: February 10, 2010
TO: The Honorable Representative Robert N. Herkes, Chair
Committee on Consumer Protection and Commerce
FROM: Sandra Joy Eastlack, MSCP, LMHC, NCC
RE: HB 2906, Relating to Psychological Testing

I am testifying in opposition to HB 2906.

I am a licensed Mental Health Counselor and while licensed Mental Health Counselors are not included in HB2906 the passage of this would affect us as well as the other mental health professionals.

The intent of HB 2906 is unclear. It may be about increasing access however, to my knowledge all the licensing laws for the various mental health professionals include language about assessment and diagnosis and that definition within itself allows for psychological testing.

In addition, the definition of psychological testing is unclear.

I would ask that you do not pass HB 2906 out of the Committee on Consumer Protection and Commerce.

Thank you for the opportunity to provide testimony.

Committee on Consumer Protection

Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

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|--------------------------|--------------------------|
| Rep. Della Au Belatti | Rep. John M. Mizuno |
| Rep. Rida Cabanilla | Rep. Hermina M. Morita |
| Rep. Mele Carroll | Rep. Joseph M. Souki |
| Rep. Ken Ito | Rep. Clift Tsuji |
| Rep. Jon Riki Karamatsu | Rep. Barbara C. Marumoto |
| Rep. Sylvia Luke | Rep. Cynthia Thielen |
| Rep. Angus L.K. McKelvey | |

NOTICE OF HEARING


DATE: Wednesday, February 10, 2010
TIME: 2:00 p.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

HB 2906
Status

RELATING TO PSYCHOLOGICAL TESTING.

CPC

Authorizes social workers, marriage and family therapists, advanced practice registered nurses, and physician assistants to engage in psychological testing, provided that they hold at least master's degrees. Defines "psychological testing".


To: Rep. Robert Herkes, Chair, Committee on Consumer Protection & Commerce.
From: Jeffrey Akaka, MD
Re: HB 2906
Recommend Referral for further study.

Dear Rep. Herkes and Members of the House Committee on Health,

HB 2906 proposes that the performance of Psychological Testing be permitted by additional non-physician and non-psychology mental health providers, such as Physician Assistants, Masters Level Psychologists, Marriage and Family Therapists, and Social Workers.

Consideration of such scope expansions might lead eventually to better meeting the needs for psychological testing and facilitate shortened waiting times in rural areas, particularly if they can be done on site by well trained local members of the above named groups.

However, before such measures are implemented, it is crucial that what is meant by "Psychological Testing" is defined clearly, and that the skill of the practitioner administering and interpreting the test is commensurate to the level of sophistication of the test.

In medicine, a medical student in the first day of training, can easily be taught to obtain a blood pressure. However, the selection of appropriate additional tests once a critically high blood pressure is detected, and managing the increasing risk of stroke and heart failure, after failure of diuretics, beta blockers and angiotensin inhibitors, may be beyond the expertise of a fourth year medical student, a resident, a family physician, an internist, and require referral to an endocrinologist for proper interpretation of the more advanced tests and proper management of the case.

The wrong interpretation of a psychological test may not be as likely to cause death or serious illness in the patient as a wrong interpretation of a medical test or prescription of an ill advised medication. However, they can cause adverse outcomes, such as the placement of a child in a class too far above or too far below their optimal potential.

Accordingly, while HB 2906 could shorten waiting times for access to psychological testing, a misinterpretation and a wrong intervention based on that misinterpretation is worse than not having the test done at all.

Therefore, rather than pass HB 2906 in its current form, please consider first defining the various types of Psychological Testing that may not require a PhD or PsyD, and then define what levels of training and competency are necessary to perform, and then interpret, each test. Perhaps the Department of Psychology at the University of Hawaii, might be approached to establish the standards of appropriate levels of competency for Psychological Testing and Interpretation. They might be an appropriate initial department in which to look for such definitions of psychological tests, as well as to make determinations of the competency levels required to perform, interpret and then develop an appropriate intervention.

Thank you for your consideration of my testimony.

Jeffrey Akaka, MD
Testifying on my own behalf.

wakai2-Daniel

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2010 9:18 PM
To: CPCtestimony
Cc: wailua@eva.yale.edu
Subject: Testimony for HB2906 on 2/10/2010 2:00:00 PM

Testimony for CPC 2/10/2010 2:00:00 PM HB2906

Conference room: 325
Testifier position: comments only
Testifier will be present: No
Submitted by: Wailua Brandman APRN-Rx BC
Organization: Individual
Address: 615 Piikoi St. Suite 1509 Honolulu, HI
Phone: [REDACTED]
E-mail: [REDACTED]@eva.yale.edu
Submitted on: 2/9/2010

Comments:

Whereas "psychological testing" is already defined to be within the SOP of psychologists and what this bill proposes is clearly not that 3-4 hour process of determining data such as IQ or personality type for example that is known as "psychological testing," APRNs will not be performing such complex tasks. What this bill proposes is not psychological testing, but more at a general level of psychosocial assesment, which does fit into the SOPs of MSWs, MFTs and PA's as well as RNs, and is included, in fact, in the RNs SOP. I cannot speak for the other disciplines, and I would hope that they would in turn allow my profession to speak for itself. I do not see a need for APRNs to be included in this bill, nor do I wish to see them included. Thank you so much for this opportunity to give realistic, clinical feedback to your Committee.

Wailua Brandman APRN-Rx BC, President

Hawai'i Association of Professional Nurses APRN Advisory Committee Member to Hawai'i Board of Nursing Director-at-Large, American Psychiatric Nurses Association Hawai'i Chapter