Education Standards of Profession Should Serve as Foundation for State Regulation of Professional Training

Jo Linder-Crow, Ph.D. and Charles A. Faltz, Ph.D.
California Psychological Association

In the position statement outlined below CPA discusses our continuing concern about recent credentialing decisions made by the Board of Psychology staff to require individuals to repeat an entire Supervised Professional Experience because of a Supervision Agreement Form deficiency. These decisions have been based on the conclusion that a discrepancy in the Supervision Agreement Form is sufficient evidence to conclude that the trainee's overall SPE performance, notwithstanding other, much stronger evidence of acceptable performance, has not met the necessary minimal performance standard of the profession and that the trainee would reasonably be considered to represent a danger to the public unless the entire training experience was repeated.

Background

Professions such as psychology establish and maintain the credentialing criteria for practice and the professional standards for ethically practicing the profession. When the State determines that the practice of the profession affects the health, safety and welfare of the public, the State asserts the lawful authority to license people who have met the credentialing standards of the professional community as well as to oversee the licensed practice of psychology pursuant to the professional standards of the profession. The point we make here is that the State does not set its own independent standards for professional training but establishes its regulatory oversight to be consistent with the profession's standards for credentialing and ethical practice.

In its regulatory oversight of credentialing, the State, by definition, uses the standards of the profession to determine which persons have, reasonably, satisfied the minimum standards of the multidimensional, overall training guidelines of the profession so they are qualified to practice without endangering the public.

There are a great many elements of a training program. The profession, logically, assumes that some elements of the training program are strongly predictive of satisfactory performance as a psychologist. The Board of Psychology has identified the overall performance ratings of the trainee by the supervisor as the primary predictor of minimally satisfactory performance by the trainee and the corresponding safety of the public. That policy of the Board is consistent with a professional standard of the profession and was accepted by the Board after a determination that the post-training, cross-sectional

assessment of performance by oral examiners was less useful as a global predictor of performance.

It follows that each of the many other, individual elements of training is likely to be assigned a different, lesser weight by the profession in predicting the overall acceptable level of performance by a trainee who had completed the training program. It is in this context that CPA, representing the profession of psychology, argues that the BOP and the Board staff, must be able to demonstrate that the failure to timely complete the Supervision Agreement Form, in itself, overrides all other predictors used by the profession and the supervisor's judgments before concluding that the trainee reasonably represents a threat to the public and that only a repeat of the same or similar training program is required as a remedy.

Problem

It has come to the attention of CPA that in recent months the Board staff has been misinterpreting established Board policy in its response to situations involving a lost Supervision Agreement Form or a failure to timely complete the Form in a training program. In these cases, the training programs have otherwise met their obligation to prepare its graduates to perform at a level minimally acceptable for consumer protection, and have provided documentation to demonstrate this. In these cases, despite the ample documentation provided to the BOP, the staff has denied the hours and notified the individual and the program that a repeat of the full SPE is required. It is our contention that to take a position that a mistake in the use of the SPE form is, by itself, reasonably predictive of a danger to the public is fully inconsistent with the training standards of the profession. We believe that as non-psychologists, the Board staff needs to rely heavily on Board professional members in discerning how training performance is to be evaluated. In turn, the Board professional staff may wish to consult closely with training experts in the profession to determine the relationship such a deficiency has to the assessment of overall performance of the trainee. This is particularly true when the decisions being handed down have such an enormous impact on individuals and the organizations where they work as service providers.

It is relevant that the Supervision Agreement Form is a fairly recent development in psychology training. The Form is a useful device in the training process and its use is recommended today by the profession. But to put the Form into perspective, the lack of this Form in the recent past did not result in danger to the public. The Board staff has no basis for deciding that the failure to complete the Form, in itself, is regarded by the profession as a deficiency so overwhelming that it should negate the overall training experience or that a reasonable basis exists for assuming a danger to the public.

Conclusions and Recommendations

The Board staff decisions to disallow the entire training experience based primarily on a deficiency in completing the Supervision Agreement Form represents a misunderstanding of how the profession evaluates the relative contributions of the elements of training programs to a minimally acceptable training experience. It is imperative that the Board's non-psychologist staff work more closely with the Board's Professional Members in

implementing the policy the Board developed in this area. It is recommended that the Board seek expert education and training input from the profession should it believe it needs to determine the actual effect on minimal professional competency that might be caused by a mistake in completing and retaining the Supervision Agreement Form.

It is also recommended that the Board consider amending its regulation which requires supervisors to regularly complete a course in training. It may be appropriate for the Board to include in its regulations that all introductory courses in supervision include the relevant sections of state law and regulation and clear information about how to stay updated with changes in law relevant to supervising psychologists in training.

Finally, we suggest again that the Board staff decisions to disallow an entire training experience based on a deficiency concerning the Supervision Agreement Form is an action entirely disproportionate to the deficiency's effect on minimally acceptable training. Such a decision delays the trainee's training for nearly a year and results in the trainee losing, in due course, an entire year of compensation as a licensed psychologist. Such a monetary effect is much harsher than, and disproportionate to, those disciplinary decisions the Board routinely makes where there is actual evidence of clear harm to the public.

The requirement that the Supervision Agreement Form be used in training programs is fully justified, and its use is consistent with the standards of profession. When the Board finds a deficiency in this area, along with clear evidence that the trainee's performance was also below a minimally acceptable level, the denial of hours may also be justifiable. However, when ample evidence is presented to the Board of Psychology demonstrating a well-conceived and executed training program, but where a deficiency in the use of the SPE Form is discovered, we contend that it is not reasonable to *necessarily* conclude that the trainee's performance was below standard. Rather than requiring the trainee to start again at the beginning of their training, we believe that a more appropriate response is to carefully consider and weigh the rest of the documentation of the training, require both the trainee and Supervisor to acknowledge the mistake in the use of the form, explain it, and take steps to educate themselves about the training requirements in statute and regulation. We believe this approach will provide a more balanced assessment of the trainee's experience.

Board of Psychology
2005 Evergreen Street. Suite 1400, Sacramento, CA 95815
P (916) 263-2699 F (916) 263-2308 | www.psychboard.ca.gov

CALIFORNIA BOARD OF PSYCHOLOGY
SUPERVISION AGREEMENT FOR SUPERVISED PROFESSIONAL EXPERIENCE
(PURSUANT TO SECTION 1387 OF TITLE 16, CALIFORNIA CODE OF REGULATIONS (CCR))

(All CCR or California Code of Regulations section refer to Title 16)

The purpose of an agreement is to ensure that both the supervisor and supervisee understand and have a plan to comply with the laws and regulations related to the accrual of supervised professional experience (SPE). Please review CCR sections 1387 et seq. prior to developing your plan for SPE. This agreement is to be reviewed, completed, and signed by both the primary supervisor and supervisee prior to the commencement of the supervised professional experience. **Experience prior to preparation of a plan may not count toward qualifying the supervisee for licensure. The primary supervisor agrees to maintain this agreement until the trainee completes the SPE and requests the primary supervisor to rate and verify the experience. The primary supervisor is responsible for submitting this agreement directly to the Board along with the Verification of Experience upon completion of the experience outlined in this document. FOR PSYCHOLOGICAL ASSISTANTS IN PRIVATE PRACTICE SETTING, THIS FORM MUST BE COMPLETED AND SUBMITTED TO THE BOARD FOR PRE-APPROVAL PRIOR TO THE ACCRUAL OF HOURS.**

PRIMARY SUPERVISOR: _____
(Print or Type: First Name, Middle Initial and Last Name)

License Type:_____ License Number:_____

DELEGATED SUPERVISOR(S):_____
Print or Type: First Name, Middle Initial and Last Name)

License Type:_____ License Number:_____

TRAINEE: _____
(Print or Type: First Name, Middle Initial and Last Name)

Registration Number (if applicable): _____

INTRODUCTION

The above trainee will be delivering psychological services described below under one of the following categories under the California Business and Professions Code. (check appropriate category):

_____ Business and Professions Code (BPC) Section 2909(d) - Registered Psychologist

_____ BPC Section 2910 – salaried employee of an exempt setting (Any government agency, public schools or accredited or state approved academic institutions)

_____ BPC Section 2911 - intern in a formal internship placement
- ☐ American Psychological Association (APA)
- ☐ Association for Psychology Postdoctoral and Internship Centers (APPIC)
- ☐ California Psychology Internship Council (CAPIC)

_____ BPC Section 2913 - registered psychological assistant (For accrual of hours in a private practice setting, the plan for SPE must be pre-approved by the Board before the accrual of hours)

_____ Department of Mental Health Waiver (Wel. & Inst. Code § 5751.2)
(Please provide a copy of the DMH Waiver)

_____ Out of State Experience

What is the start and anticipated completion dates of the above checked category?

Start Date: _____ Anticipated Completion Date: _____

What professional title is the trainee being assigned in this setting? (Only use titles that are consistent with Sections 2909 (d), 2911, 2913 of the Business and Professions Code)

_____

Provide the address(es), location(s), and telephone number(s) where the supervisee will perform psychological services.

_____

_____

_____

On a separate page type your responses to the following items:

1. Describe the specific duties the supervisee will perform as they engage in psychological activities that directly serve to prepare the supervisee for the independent practice of psychology once licensed.

2. Summarize the goals and objectives of this plan for SPE, including how socialization into the profession will be achieved.

When answering each of the above questions, describe how the plan will meet the requirements of SPE as:

- an organized program that consists of a planned, structured and administered sequence of professionally supervised comprehensive clinical training experiences. SPE shall have a logical training sequence that builds upon the skills and competencies of the trainee to prepare him or her for the independent practice of psychology once he or she becomes licensed.

- a plan that includes socialization into the profession of psychology and how this socialization will be augmented by integrated modalities including mentoring, didactic exposure, role modeling, enactment, observational/ vicarious learning, supervision and consultative guidance.

- planned activities that address the integration of current and evolving psychological knowledge, principles, and theories to the professional delivery of psychological services to the consumer public.

----------Supervision Requirements----------

IN ADDITION TO THE ABOVE PROVISIONS, THE FOLLOWING PROVISIONS OF THIS AGREEMENT ARE TO BE COMPLETED BY BOTH THE PRIMARY SUPERVISOR AND THE TRAINEE AND REVIEWED BY ALL SUPERVISORS:

In any supervised professional experience, the primary supervisor assumes professional and ethical responsibility for the psychological functions performed by the trainee. The supervisor is also responsible for ensuring that the supervised professional experience meets all requirements set forth in CCR section 1387 and, in the case of registered psychological assistants, in CCR section 1391.
Supervised professional experience under Section 1387 states: SPE is defined as on organized program that consists of a planned, structured and administrative sequence of professional supervised comprehensive training experiences.

The supervisor(s) and trainee agree as follows: (Please check yes or no as it is reviewed).

SUPERVISION REQUIREMENTS: (California Code of Regulations Section 1387)

	Yes	No	
1.	___	___	The trainee will be provided with at least 1 hour of face-to-face, direct, individual supervision by the primary supervisor each week.
2.	___	___	The trainee will be provided with supervision for 10% of the total time worked each week.
3.	___	___	A maximum of forty-four (44) hours per week, including the required 10% supervision will be credited toward meeting the supervised professional experience requirement.
4.	___	___	The trainee shall have no proprietary interest in the business of the primary or delegated supervisor(s) and shall not serve in any capacity which would hold influence over the primary or delegated supervisor(s)' judgment in providing supervision.
5.	___	___	Neither the primary supervisor nor any delegated supervisors will receive payment, monetary or otherwise, from the trainee for the purpose of providing supervision.
6.	___	___	The trainee will not function under any other license to accrue SPE.
7.	___	___	The supervisor(s) will maintain a clear and accurate record of trainee supervision. This record may be in the form of the SPE log required to be maintained by the trainee pursuant to section 1387.5 of Title 16, of the Code of Regulations.

QUALIFICATIONS AND RESPONSIBILITIES OF PRIMARY SUPERVISORS: (CCR Section 1387.1)

THE PRIMARY SUPERVISOR:

	Yes	No	
1.	___	___	Must be a licensed psychologist, except Board certified psychiatrists may be primary supervisors of their own registered psychological assistants.
2.	___	___	Shall possess and maintain a valid, active license free of any formal disciplinary action, and will notify the trainee of any disciplinary action that affects his or her ability or qualifications to supervise.
3.	___	___	Shall be employed by the same work setting as the trainee.
4.	___	___	Shall be available to the trainee 100% of the time the trainee is working. This availability may be in person or through telephone, beeper or other appropriate technologies.
5.	___	___	Shall complete a minimum of six hours of supervision coursework every two years as described in section 1387.1(b).
6.	___	___	Shall be in compliance at all times with the provisions of the Psychology Licensing Law or the Medical Practice Act, whichever might apply, and the regulations adopted pursuant to these laws.
7.	___	___	& Shall be responsible for ensuring that the trainee is in compliance at all times with the provisions of the Psychology Licensing Law or the Medical Practice Act, whichever might apply, and the regulations adopted pursuant to these laws.
8.	___	___	& Shall ensure that all SPE and record keeping is conducted in compliance with the Ethical Principles and Code of Conduct of the American Psychological Association.
9.	___	___	Shall monitor the welfare of the trainee's assigned clients.

10. ___ ___ Prior to rendering services shall ensure that the trainee inform each client or patient is unlicensed and is functioning under the direction and supervision of the supervisor and that any fees paid for the services of the trainee must be paid directly to the primary supervisor or employer.
11. ___ ___ Shall monitor the performance and professional development of the trainee.
12. ___ ___ Shall ensure that the supervisor has the education, training, and experience in the area(s) of psychological practice supervised.
13. ___ ___ Shall have no familial, intimate or other relationship with the trainee that would compromise the supervisor's effectiveness, and/or would violate the Ethical Principles and Code of Conduct of the American Psychological Association.
14. ___ ___ Shall not supervise a trainee who is now or ever has been a psychotherapy client of the supervisor.
15. ___ ___ Shall not exploit or engage in sexual relationships or any other sexual contact with the trainee.
16. ___ ___ Shall provide a copy of the pamphlet "Professional Therapy Never Includes Sex" to the trainee.
17. ___ ___ Shall monitor the supervision performance of all delegated supervisors.

PRIMARY SUPERVISOR'S SIGNATURE

I understand and accept this agreement, including, but not limited to my duties as a supervisor, and will ensure to the best of my abilities that the trainee and all delegated supervisors will comply with the terms and conditions of this agreement. All the foregoing is true and correct.

Name (Print or Type) _____ License #: _____

Signature _____

Email Address _____ Date _____

QUALIFICATIONS AND RESPONSIBILITIES OF DELEGATED SUPERVISORS: (CCR Section 1387.2)

THE DELEGATED SUPERVISOR(S):

Yes No

1. ___ ___ Must be a licensed psychologist or those other licensed mental health professionals listed in section 1387(c)(1).
2. ___ ___ Shall possess and maintain a valid, active license free of any formal disciplinary action, and will notify the trainee and primary supervisor of any disciplinary action or change in license status that affects his or her ability or qualifications to supervise.
3. ___ ___ Shall be in compliance at all times with the provisions of the Psychology Licensing Law and the regulations adopted pursuant to this law.
4. ___ ___ Shall be responsible for ensuring compliance at all times by the trainee with the provisions of the Psychology Licensing Law and the regulations adopted pursuant to this law.
5. ___ ___ Shall ensure that all SPE and record keeping conducted under the supervision delegated to them is in compliance with the Ethical Principles and Code of Conduct of the American Psychological Association.
6. ___ ___ Shall monitor the welfare of the trainee's clients while under their delegated supervision.
7. ___ ___ Shall be responsible for monitoring the performance and professional development of the trainee and for reporting this performance and development to the primary supervisor.
8. ___ ___ Shall ensure that they have the education, training, and experience in the area(s) of psychological practice to be supervised.
9. ___ ___ Shall have no familial, intimate, business or other relationship with the trainee which would compromise the supervisor's effectiveness, and/or would violate the Ethical Principles and Code of Conduct of the American Psychological Association.

10. ___ ___ Shall not supervise a trainee who is now or ever has been a psychotherapy client of the supervisor.
11. ___ ___ Shall not exploit or engage in sexual relationships, or any other sexual contact with the trainee.

DELEGATED SUPERVISOR(S) SIGNATURE(S)

I understand and accept this agreement, including, but not limited to, my duties and responsibilities as a delegated supervisor and will ensure to the best of my abilities that the trainee and I will comply with the terms and conditions of this agreement. All the foregoing is true and correct.

- Name (Print or Type) _____

  Signature _____

  City and State _____ Date _____

- Name (Print or Type) _____

  Signature _____

  City and State _____ Date _____

TRAINEE'S SIGNATURE

I understand and will comply with the terms and conditions of this agreement. I will cooperate with my supervisor(s) to ensure that conditions of the supervision are fulfilled and will provide my supervisor(s) with all information necessary to supervise me on matters involving professional, ethical or legal concerns. All of the foregoing is true and correct.

Name (Print or Type)_____

Signature _____

Address: _____

City and State: _____

Telephone: _____

Email Address: _____ Date _____

FOR BOARD USE ONLY

Denied _____ **Approved** _____ **Date** _____

Reason for denial

_____

Revised 01/28/2011