

**Joint Legislative Committee on Performance
Evaluation and Expenditure Review (PEER)**

Report to
the Mississippi Legislature



A Review of the Board of Psychology

The Legislature should amend state law to strengthen regulation of psychologists. Because some of state law's licensure requirements for psychologists differ from those of states with which Mississippi has reciprocity agreements, at present the board cannot ensure that all licensees enter the profession at the same level of competence. Professional groups have called into question the necessity of postdoctoral experience (which Mississippi law requires) as a licensure requirement, as well as an examination of knowledge of the history of psychology (which Mississippi law also requires). Also, state law does not specifically authorize the board to perform background checks on applicants for licensure.

The Board of Psychology should improve the effectiveness of its processes for licensing psychologists. The board should maintain a log of complaints against licensees, increase the public's awareness of disciplinary actions taken, and correct problems with its financial management.

In this and other recent reports, PEER has noted that the boards responsible for regulating Mississippi's mental health professions (psychology, licensed professional counselors, social workers, and marriage and family therapists) have suffered from conditions such as a lack of permanent staffing, lack of a permanent office location, and insufficient in-house accounting expertise. These deficiencies have impacted the boards' administrative and financial operations. These boards could benefit from a solution that would allow them to pool resources to address common needs and problems. PEER recommends a series of steps moving toward combining the administration of the boards, believing that the boards should be able to set up and operate the administrative support component with current fee structures.

Also, significant overlap in the scopes of practice in Mississippi of psychologists, counselors, social workers, and marriage and family therapists, along with a lack of definition for the unique competencies that define each field, could cause confusion for the public when deciding which professionals are competent to treat certain disorders. Some mental health professionals may be engaging in practices for which they have not been properly trained. PEER recommends a task force composed of members of the three boards to propose revisions to state law regarding scopes of practice.

October 10, 2007

PEER: The Mississippi Legislature's Oversight Agency

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A joint committee, the PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of four Representatives and four Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, special investigations, briefings to individual legislators, testimony, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, and the agency examined.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

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The Mississippi Legislature

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On October 10, 2007, the PEER Committee authorized release of the report entitled **A Review of the Board of Psychology.**

A handwritten signature in cursive script that reads "Harvey Moss".

Representative Harvey Moss, Chair

This report does not recommend increased funding or additional staff.

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A Review of the Board of Psychology

Executive Summary

Introduction

PEER reviewed the Mississippi Board of Psychology (hereafter referred to as “the board”). PEER conducted the review pursuant to the authority granted by MISS. CODE ANN. Section 5-3-57 et seq. (1972). This review is a “cycle review,” which is not driven by specific complaints or allegations of misconduct.

PEER first established the public need for regulation of the psychology profession, then evaluated how well the board carries out its two primary regulatory functions to protect the public: licensing psychologists and handling complaints/investigations. PEER also reviewed the board’s financial management practices.

Background

According to MISS. CODE ANN. Section 73-31-1 (1972), the Legislature created the Board of Psychology to “safeguard life, health, property, and the public welfare in Mississippi in order to protect the people of this state against unauthorized, unqualified, and improper applications of psychology.” Currently, the board regulates approximately 390 psychologists in the state.

The board is composed of seven members appointed by the Governor: one member who is not a psychologist or mental health professional but who has expressed an interest in the field of psychology; three who are faculty at institutions of higher learning that grant doctoral degrees, or staff or faculty of an American Psychological Association-approved doctoral-level internship; and three who are engaged in the professional practice of psychology.

The board contracts for a full-time Board Administrator, who uses an employee of another state agency as an accounting assistant. (The Board Administrator personally provides payment to the accounting assistant, who has no contractual relationship with the board.) Additionally, the board retains legal assistance from a representative of the Attorney General's office, who assists with administrative hearings and provides legal advice.

As a special fund agency, the board's revenues are generated from fees charged for licensure application, examination, and annual license renewal. The board's expenditures have exceeded revenues in three of the last five fiscal years. FY 2006 revenues were \$96,542 and FY 2006 expenditures were \$101,415.

Conclusions Regarding the Board's Regulation of the Practice of Psychology

Regulation of the psychology profession is necessary to reduce risks to the public. PEER found several provisions of state law, as well as the Board of Psychology's licensure process, that should be improved to strengthen regulation of psychologists. Also, the board should maintain a log of complaints against licensees, increase the public's awareness of disciplinary actions taken, and correct problems with its own financial management.

Needed Improvements in Licensure of Psychologists

Needed Improvements in State Law Regarding Licensure of Psychologists

Because some of state law's licensure requirements for psychologists differ from those of states with which Mississippi has reciprocity agreements, the board cannot ensure that all licensees enter the profession at the same level of competence. Professional groups have called into question the necessity of postdoctoral experience (which Mississippi law requires) as a licensure requirement, as well as an examination of knowledge of the history of psychology (which Mississippi law also requires). Also, state law does not specifically authorize the board to perform background checks on applicants for licensure.

Needed Improvements in the Board's Licensure Process

Because of problems with its content and administration, the board's oral examination adds minimal value to the evaluation of licensure applicants. The board's process for utilizing the recommendations of supervisors of post-doctoral supervised experience does not ensure that applicants possess the minimum competencies needed to practice. Also, the process for collecting reference

information and the instruments used provide little, if any, utility in determining an applicant's readiness for independent practice and could ultimately delay the licensure process.

Needed Improvements in the Complaints Process

Because the board does not maintain a log of complaint information, it cannot easily assess its own performance in protecting the public. The Board Administrator created a database of complaint information in response to PEER's request; however, prior to that request, the board did not maintain a master log of complaint information. Because the board does not maintain a complaint log, it is unable to report easily the number of complaints within any given period, effectively monitor the status of complaints to ensure timeliness of resolution, analyze trends in complaint information that might provide rationale for potential statutory or policy changes, track licensees' competence over time, or ultimately assess its own performance.

Needed Improvements in Increasing Public Awareness

Because the board does not provide information that is easily accessible to the public regarding disciplinary actions taken against licensees, the board limits the public's and licensed psychologists' awareness of rules infractions and their consequences. The only method the board uses to disseminate information to the public regarding sanctions is to respond to requests. The public could choose a psychologist from the board's online directory and unknowingly obtain counseling services from psychologists who have had sanctions against them, thereby placing themselves at an increased risk of harm, depending on the reason for the sanction.

Problems with Financial Management

The Board of Psychology has not established a proper internal control environment to ensure the integrity of its accounting and financial reporting processes and compliance with state timely deposits requirements.

The management of an organization is responsible for establishing proper internal controls. During its review, PEER found deficiencies in three areas of the board's financial operations: separation of accounting duties, timely deposit of cash receipts into the State Treasury, and monitoring of expenses and financial reporting.

The board's lack of separation of accounting duties violates state agency accounting policies and procedures set forth by the Department of Finance and Administration and compromises the accuracy and completeness of the board's accounting records. Because of this condition, the board cannot ensure the public that its operations are reasonably free from fraud.

Contrary to MISS. CODE ANN. Section 7-9-21 (1972), the Department of Finance and Administration's policy, and the State Auditor's 2003 recommendations, the board does not always transfer daily collections in excess of \$1,000 from the clearing account to the State Treasury by the next business day or make weekly settlements of amounts less than \$1,000.

Also, the board's practice of allowing the Board Administrator to be reimbursed for board operating expenses prevents members from monitoring the agency's expenses and knowing the agency's actual costs of operations.

Administrative Issues of the Regulatory Boards for Mississippi's Mental Health Professions

The boards responsible for regulating three of Mississippi's mental health professions have suffered from conditions such as a lack of permanent staffing, lack of a permanent office location, and insufficient in-house accounting expertise. These deficiencies have impacted the boards' administrative and financial operations. The boards could benefit from a solution that would allow them to pool resources to address common needs and problems.

In addition to this review, PEER has also recently reviewed the Board of Examiners for Licensed Professional Counselors and Board of Examiners for Social Workers and Marriage and Family Therapists. As described in these reports, all three regulatory boards have managerial and financial deficiencies that limit their effectiveness in protecting the state's citizens and providing services to their respective practitioners:

- Two of the boards—Licensed Professional Counselors and Psychology—do not have office locations in the Jackson metropolitan area, thereby limiting their accessibility to practitioners and the public.
- Two of the boards—Licensed Professional Counselors and Psychology—lack permanent office staff, relying instead on contract administrators. The limited number of administrative staff of each board contributes

to internal control problems for the boards, primarily with regard to the separation of accounting duties.

- Contract administrators for the boards of Licensed Professional Counselors and Psychology acknowledged that they have limited knowledge of the state's accounting system and subcontract with personnel of other state agencies to enter these boards' accounting information into the state system.
- Within recent years, all three regulatory boards have been cited by the State Auditor for failing to comply with the state's timely deposits requirements for transferring funds from clearing accounts to the State Treasury within periods designated by state law or Department of Finance and Administration policies.
- Due to the use of contract staffing and the staffs' unfamiliarity with the state's accounting system, members of the boards sometimes have received limited financial information with which to make programmatic and resource allocation decisions.

In view of the potential for mismanagement or theft of resources, a solution to the problems cited above is both possible and desirable. Such solution could allow the three boards to pool resources to address common needs and problems.

Overlap in the Scopes of Practice of Mississippi's Mental Health Professions

Significant overlap in the scopes of practice in Mississippi of psychologists, counselors, social workers, and marriage and family therapists, along with a lack of definition for the unique competencies that define each field, could cause confusion for the public when deciding which professionals are competent to treat certain disorders. Further, some mental health professionals may be engaging in practices in which they have not been properly trained.

PEER found that the statutory statements of scopes of practice of these four mental health professions overlap significantly. Each of these professions may involve the assessment/diagnosis and treatment of mental and emotional disorders. The overlapping of psychology with the other three professions is noted in MISS. CODE ANN. Section 73-31-27 (1972), which states:

The practice of psychology overlaps with the activities of other professional groups and it is not the intent of this act to regulate them.

In Mississippi, a psychologist is authorized by state law to assess personal characteristics and change or improve behavior or mental health through psychotherapy procedures (e. g., psychoanalysis, biofeedback). However, psychotherapy and psychotherapeutic techniques are also specifically mentioned as part of the scopes of social workers (in the board's *Rules and Regulations*) and of marriage and family therapists (in MISS. CODE ANN. Section 73-54-5 [b] [1972]). Although not specifically mentioned in the law or *Rules and Regulations* of the Board of Examiners for Licensed Professional Counselors, licensed counselors are not prohibited from engaging in psychotherapy, provided that psychotherapy is within the boundaries of their competence.

The overlap in scope of practice would not prove to be a problem in a situation in which all regulated mental health professions recognize common training standards for attaining competency in a given area of practice. However, in Mississippi the licensed mental health professions have not established mutually agreed upon training requirements by service area, nor have they clearly defined boundaries of practice. Such an approach is not in the best interest of the consuming public.

Recommendations

1. By the 2010 legislative session, the Board of Psychology should present sound evidence supporting either the maintenance or modification of the state's educational, experience, and examination requirements for licensure.¹

Specifically, if the board believes that the state should maintain its current requirements, the board should provide sound evidence to demonstrate that:

- individuals who graduate from designated programs (as opposed to APA-accredited programs) are not competent to practice psychology at an entry level;
- individuals who receive 3,000 hours of experience (as opposed to 4,000 hours) are not competent to practice psychology at an entry level;

¹ An example of a process for validating the education- and experience-based minimum qualifications may be found in the Autumn 2005 edition of *Personnel Psychology*, Volume 58, pages 771-799.

- individuals who complete a 1,500 hour internship (as opposed to 2,000 hours) are not competent to practice psychology at an entry level; and,
- the post-doctoral year of supervised experience (as opposed to two years pre-doctoral experience) is needed to ensure competence in practicing psychology at an entry level.

If the board presents sufficient evidence to maintain the present licensure requirements, then the board should eliminate its acceptance of the CPQ and the ASPPB's Agreement of Reciprocity and instead enter into reciprocity agreements only with states that have equivalent education and experience requirements.

If the board does not present sufficient evidence to maintain the present licensure requirements, then the Legislature should consider amending MISS. CODE ANN. Section 73-31-9 (1972) to require that applicants meet only the minimum educational, experience, and examination standards needed to practice psychology competently, as established through research.

2. The Legislature should amend MISS. CODE ANN. 73-31-13 (1972) to remove the requirement that the board's examination measure knowledge in the history of psychology.
3. The Legislature should amend MISS. CODE ANN. Section 73-31-13 (c) (1972) to require the following:
 - that the board conduct background checks on all applicants for licensure;
 - that for purposes of these background checks, "good moral character" shall be established by an absence of felony convictions or convictions for misdemeanors involving moral turpitude; and,
 - that the board may request the assistance of the Department of Public Safety, as well as consulting sex offender registries, in checking criminal histories of applicants.

Additionally, the board should provide to the Legislature for its consideration a list of criminal violations that should disqualify a person from receiving a license.

4. The board should immediately revise the structure and administration of its oral examination in accordance with the ASPPB's Oral Examination Guidelines.
5. The board should consider administering a written jurisprudence examination covering Mississippi law in addition to a valid oral examination.
6. To comply with MISS. CODE ANN. Section 73-31-13 (1972), the board should establish in its *Rules and Regulations* a passing score for its oral examination.
7. To ensure that applicants have the necessary competencies to practice psychology through quality supervised experience, the board should add the ASPPB's Supervision Guidelines, section entitled Guidelines for Supervision of Doctoral Level Candidates for Licensure, to its *Rules and Regulations*.
8. The board should eliminate the licensure requirement for professional references and instead require a more thorough evaluation from clinical supervisors, as described in the ASPPB's Supervision Guidelines.
9. To improve the board's maintenance of complaint information, the Legislature should consider amending Title 73, Chapter 31, of the MISSISSIPPI CODE to require that the board maintain a log of every complaint received to include: the case number, the complainant's name, the licensee's name, the nature of the complaint, the names of investigators, the date assigned to investigators, the results of the complaint, any disciplinary action taken, and the date closed.
10. The board should make information on final disciplinary orders and sanctions readily available to the public through the board's website and in a periodic newsletter distributed to licensees.
11. The board should immediately adopt policies, procedures, and oversight controls to:
 - ensure that the contract administrator records and accounts for all remittances received by the board immediately upon their receipt;
 - require an independent verification, possibly with the assistance of the board's officers, of the Board Administrator's

recording of and depositing of cash receipts into the board's bank clearing account;

- ensure that someone other than the Board Administrator (possibly a board member) reconciles the monthly statement for the bank clearing account; and,
- comply with state law and state agency accounting policies and procedures by depositing all collections into the State Treasury when such collections reach \$1,000 or on a weekly basis.

12. In order to monitor the agency's financial operations, the board should require that all operating expenses be paid and accounted for through the Statewide Automated Accounting System (SAAS), rather than on a reimbursement basis. Such an arrangement would allow operating expenses to be pre-audited prior to payment and categorized properly according to type of expense.
13. To address the administrative problems cited in this report and in two recently released PEER reports (#497, *A Review of the Board of Examiners for Licensed Professional Counselors*, and #501, *A Review of the Board of Examiners for Social Workers and Marriage and Family Therapists*), the Legislature should create an Executive Committee for the Board of Psychology, the Board of Examiners for Social Workers and Marriage and Family Therapists, and the Board of Examiners for Licensed Professional Counselors consisting of the chairs of each of the three boards.

The Executive Committee should be responsible for developing a plan to manage the administrative support of the three boards. The Executive Committee should design an efficient, effective component to provide administrative support. In developing the administrative component, the Executive Committee should take the following steps:

- a. Determine what type of administrative support (including staffing and resources) is necessary to correct the administrative problems common to the three boards.
- b. Determine the cost of providing this administrative support.

- c. Determine how to distribute equitably the costs of administrative support among the three boards.

Such administrative support activity should include the following:

- the housing of staff and records for the three boards in a single location in the Jackson metropolitan area;
- the selection of a single executive director to support the three boards;
- the selection of clerks, bookkeepers, and other personnel necessary to carry out the financial management and other administrative functions of the three boards; and,
- the selection of an investigator or investigators to support the three boards in reviewing and investigating complaints of misconduct.

In furtherance of these ends, the Executive Committee should become custodian of all funds appropriated to the three boards and should have the sole authority to expend funds in the names of the three boards.

PEER believes that because economies of scale should be achieved by combining the administration of the three boards, the boards should be able to set up and operate the administrative support component with current fee structures. If not, the respective boards should increase annual fees, charging licensees their pro rata share in amounts sufficient to cover the costs of the administrative support component.

The Executive Committee should also make recommendations to the Legislature regarding any changes in law needed to facilitate administrative consolidation of the three boards.

Administrative consolidation should not address such matters as disciplinary hearings and penalties, rule making, fee setting, and the submission of annual budget requests, which shall remain the individual responsibilities of the three boards.

14. The Legislature should create a task force composed of members of the Board of Examiners for Social Workers and Marriage and Family Therapists, the Board of Examiners for Licensed

Professional Counselors, and the Board of Psychology.

The task force should make recommendations no later than November 1, 2008, to the PEER Committee regarding how to remedy the problems related to overlapping scopes of practice for Mississippi's mental health professionals, as well as contradictions and imprecision in laws related to scope of practice. The task force's recommendations should include proposed revisions to existing law.

Subsequently, the PEER Committee should report the efforts of the task force and make accompanying recommendations to the Senate Public Health and Welfare Committee and the House Public Health and Human Services Committee no later than January 1, 2009.

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A Review of the Board of Psychology

Introduction

Authority

The PEER Committee reviewed the Mississippi Board of Psychology (hereafter referred to as “the board”). PEER conducted the review pursuant to the authority granted by MISS. CODE ANN. Section 5-3-57 et seq. (1972). This review is a “cycle review,” which is not driven by specific complaints or allegations of misconduct.

Scope and Purpose

In conducting this review, PEER first determined whether regulation of the psychology profession is necessary in order to reduce risks to the public.

Once PEER established the public need for regulation of the psychology profession, PEER then evaluated how well the board carries out its two primary regulatory functions to protect the public: licensing psychologists and handling complaints/investigations.

PEER also reviewed the board’s financial management practices.

Method

In conducting this review, PEER:

- reviewed relevant sections of federal and state laws, board rules, regulations, policies, and procedures;
- interviewed board members, the Board Administrator, and personnel from relevant state and national professional associations; and,
- analyzed the board's records and financial information.

Background

Statutory Authority for Licensing and Regulation of Psychologists

According to MISS. CODE ANN. Section 73-31-1 (1972), the Legislature created the Board of Psychology to “safeguard life, health, property, and the public welfare in Mississippi in order to protect the people of this state against unauthorized, unqualified, and improper applications of psychology.” The board accomplishes these goals by examining education and training credentials for psychologists, administering examinations for minimal competency to practice, requiring continuing professional education, investigating practice complaints, and enforcing penalties for violations of practice standards or ethical principles.

CODE Section 73-31-13 (1972) establishes a regulatory regimen by which psychologists are licensed. CODE Section 73-31-21 (1972) provides for penalties for violations of laws, rules, and regulations governing the psychology profession. This section authorizes the board to withhold, deny, suspend or revoke a license, or otherwise discipline the licensee. CODE Section 73-31-23 provides that persons representing themselves as psychologists or practicing psychology in the manner prescribed in Section 73-31-3 without having been licensed are guilty of a misdemeanor punishable by a fine of not more than \$300, by imprisonment of no more than sixty days, or by both a fine and imprisonment.

Currently, the Board of Psychology regulates approximately 390 psychologists in the state of Mississippi.

Scope of the Psychology Profession

In order to identify risks to the state and/or its citizens, scope of practice must be defined.

MISS. CODE ANN. Section 73-31-3 (d) (1972) defines the “practice of psychology” as:

. . . the description, interpretation and modification of human behavior through the application of psychological principles and

procedures. The practice of psychology includes, but is not limited to, the assessment of personal characteristics such as intelligence, personality, ability, and other cognitive, behavioral and neuropsychological functioning, and efforts to change or improve symptomatic, maladaptive behavior or mental health through psychotherapy procedures including psychoanalysis, behavior therapy, biofeedback and hypnosis. Psychologists diagnose and treat mental and emotional disorders, disorders of habit and conduct, and disorders associated with physical illness or injury. Psychological services are provided to individuals, families, groups and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

MISS. CODE ANN. Section 73-31-3 (e) (1972) defines a “psychologist” as:

. . .a person who represents himself or herself to be a psychologist by using any title or description of services incorporating the words “psychological,” “psychologist,” “psychology,” or who represents that he or she possesses expert qualification in any area of psychology, or offers to the public, or renders to individuals or to groups of individuals services defined as the practice of psychology by this chapter.

The American Psychological Association’s (APA’s) *Ethical Principles of Psychologists and Code of Conduct* requires that “psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.” Neither the law nor the board prohibits psychologists from diagnosing and/or treating any type of mental or behavioral disorder.

According the Bureau of Labor Statistics, psychologists work in a variety of settings, such as hospitals, schools, business, industry, government, nonprofit organizations, and private practice. Also, approximately forty percent of all psychologists are self-employed.

Risks to the Public and Need for Regulation

All fifty states currently regulate the psychology profession through licensure. The regulation of psychology is based on the premise that the public should be protected from the potentially damaging effects of receiving services from incompetent or unethical professionals.

The typical regulatory functions of licensure and enforcement of applicable laws, rules, and regulations provide a safeguard against public risk. Without the safeguards of licensure and enforcement in place, the likelihood of untrained or unethical psychologists placing the public at risk could occur.

The Association of State and Provincial Psychology Boards (ASPPB), an alliance of state and provincial licensing boards, claims that licensure laws related to the profession of psychology are meant to:

. . .protect the public by limiting licensure to persons who are qualified to practice psychology as defined by state or provincial law. The legal basis for licensure lies in the right of a jurisdiction to enact legislation to protect its citizens. The concept of caveat emptor, or buyer beware, is considered an unsound maxim when the consumer of services cannot be sufficiently informed to beware. Hence, jurisdictions have established regulatory boards to license qualified practitioners.

Risks to the public from the unregulated practice of psychology fall within three broad categories: (1) incompetent practice, (2) unethical practice, and (3) illegal practice. Incompetent and illegal practice may also fall into the category of unethical practice. Examples of incompetent practice include inaccurate diagnoses and corresponding treatment plans resulting from practicing outside of one's scope of competence or lack of knowledge or clinical experience. Examples of unethical practice include forming inappropriate dual relationships with clients or breaching clients' confidentiality. Illegal practice obviously includes the practice of psychology without a license.

Board Composition and Staff

The Legislature established the Board of Psychology in 1966. As presently constituted under MISS. CODE ANN. Section 73-31-5 (1972), the board is composed of seven members appointed by the Governor: one member who is not a psychologist or mental health professional but who has expressed an interest in the field of psychology, three who are faculty at institutions of higher learning that grant doctoral degrees, or staff or faculty of an American Psychological Association-approved doctoral level internship, and three who are engaged in the professional practice of psychology. The members serve five-year terms that begin on their dates of appointment.

The board's appropriation from the Legislature does not include any authorized positions; the board currently contracts for a full-time Board Administrator. The Board Administrator is solely responsible for managing the office of the board, including such duties as receiving and reviewing applications for licensure, processing license renewals, maintaining the board's database, and conducting board communications. The Board Administrator uses an employee of another state agency as an accounting assistant. (The Board Administrator personally provides payment to the accounting assistant, who has no contractual relationship with the board.) Additionally, the board retains legal assistance from a representative of the Attorney General's office, who assists with administrative hearings and provides legal advice.

Revenues and Expenditures

The Board of Psychology is a special fund agency, with revenues generated from fees charged for licensure application, examination, and annual license renewal. The board has established a fee schedule with fees of \$300, \$604 (\$454 for national exam; \$150 for oral exam), and \$200, respectively, for each of these services. The board receives a lump sum appropriation and determines how such funds are to be expended.

As illustrated in Exhibit 1, page 8, the board's expenditures exceeded revenues in three of the last five fiscal years. The increase in expenditures was primarily due to cost increases for contractual services. The decrease in revenues during fiscal years 2004 and 2005 was attributed to a decrease in the number of applications submitted (with a corresponding decrease in application fees). MISS. CODE ANN. Section 73-31-9 (3) (1972) authorizes the board to charge renewal fees up to \$300.

Because the board's current rate is \$200, the board has the ability to increase its renewal fees to remedy the issue of expenditures exceeding revenues. (See Exhibit 2, page 8, for a list of the board's fees.)

Exhibit 1: Board of Psychology Revenues and Expenses, FY 2002-FY 2006

	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
<i>Revenues</i>					
License Fees/Other	\$112,490	\$101,028	\$81,796	\$80,590	\$96,542
<i>Expenditures:</i>					
Travel	6,596	8,707	10,709	10,492	13,729
Contractual Services	58,757	57,825	72,328	70,358	83,108
Commodities	1,350	1,136	0	3,372	4,578
Total Expenditures	\$66,703	\$67,668	\$83,037	\$84,222	\$101,415
<i>Revenues less Expenditures</i>	\$45,787	\$33,360	(\$1,241)*	(\$3,632)*	(\$4,873)*

SOURCE: Staff of the Board of Psychology and Statewide Automated Accounting System records.

*The board had carryover cash balances from FYs 2002 and 2003; therefore, the board had no true deficits in FYs 2004, 2005, and 2006.

Exhibit 2: Board of Psychology, Fee Schedule

Psychologists and Applicants	Fee
Application Fee	\$300
Examination for the Professional Practice of Psychology (EPPP)	\$454
Oral Examination Fee (Jurisprudence, Ethics and Practice)	\$150
Provisional License Fee	\$200
Temporary License Fee	\$ 50
Annual Renewal Fee	\$200
Civil Commitment Certification	\$200
In addition to the fees listed above, the board charges a fee for providing mailing lists of licensed psychologists. The fee ranges from \$50 to \$100, depending on whether the list is typed or on a diskette.	

SOURCE: Board of Psychology website.

Conclusions Regarding the Board's Regulation of the Practice of Psychology

Regulation of the psychology profession is necessary to reduce risks to the public. PEER found several provisions of state law, as well as the Board of Psychology's licensure process, that should be improved to strengthen regulation of psychologists. Also, the board should maintain a log of complaints against licensees, increase the public's awareness of disciplinary actions taken, and correct problems with its own financial management.

Needed Improvements in Licensure of Psychologists

Needed Improvements in State Law Regarding Licensure of Psychologists

Because some of state law's licensure requirements for psychologists differ from those of states with which Mississippi has reciprocity agreements, the board cannot ensure that all licensees enter the profession at the same level of competence. Professional groups have called into question the necessity of postdoctoral experience (which Mississippi law requires) as a licensure requirement, as well as an examination of knowledge of the history of psychology (which Mississippi law also requires). Also, state law does not specifically authorize the board to perform background checks on applicants for licensure.

Title 73, Chapter 31 of the MISSISSIPPI CODE sets forth requirements for licensure of psychologists. The Board of Psychology, through its regulations, is responsible for implementing the public policy set forth in state law to regulate the psychology profession and ensure the protection of the public health, safety, and welfare of those who utilize psychological services. To protect the public, the board should assure applicants' compliance with state law's requirements for licensure and periodically validate the appropriateness of licensure requirements that it sets forth in board regulations.

The Board of Psychology may grant an applicant a license to practice psychology if he or she has met state law's general requirements as well as specified education, experience, and examination requirements, as described in the following sections. State law also allows the board to issue licenses through alternative methods, as discussed on page 11.

Requirements for Licensure

General Requirements for Licensure

MISS. CODE ANN. Section 73-31-13 (1972) states that licensure applicants shall meet the following general requirements:

- be at least twenty-one years of age;
- be a citizen of the United States, a Canadian citizen applying through the reciprocity agreement, or intending to apply for citizenship; and,
- be of “good moral character.”

Education Requirements for Licensure

For licensure as a psychologist, MISS. CODE ANN. Section 73-31-13 (e) (1972) requires that an applicant possess a doctoral degree in psychology from an institution of higher learning that is regionally accredited by an accrediting body recognized by the U. S. Department of Education and from a program accredited by the American Psychological Association (APA) or the Canadian Psychological Association.

Other standards apply for graduates from newly established programs seeking accreditation, in areas where no accreditation exists, and for training programs outside the U. S. or Canada. (See Appendix A, page 57, for a list of these standards.)

Experience Requirements for Licensure

Licensure applicants must complete two years of supervised experience in the same area of emphasis as the academic degree, including an internship and one year of supervised post-doctoral experience.

For licensure as a psychologist, MISS. CODE ANN. Section 73-31-13 (f) (1972) requires that an applicant complete two years of supervised experience in the same area of emphasis as the academic degree, which includes an internship and one year of supervised post-doctoral experience. Each year shall be comprised of at least 2,000 hours of actual work, to include direct service, training, and supervisory time. A pre-doctoral internship may be counted as one of the two years of experience.

The board requires that internships be APA-accredited and that a supervised practice plan be approved prior to the start of the post-doctoral year of supervision.

Examination Requirements for Licensure

In FYs 2002-07, approximately twenty percent of all applicants licensed by the board applied through reciprocity or a Certificate of Professional Qualification.

For licensure as a psychologist, MISS. CODE ANN. Section 73-31-13 (g) (1972) requires that an applicant pass a written and oral examination in psychology prescribed by the board.

The board utilizes the Association of State and Provincial Psychology Boards' Examination for Professional Practice in Psychology (EPPP) as its written examination. For its oral examination, the board utilizes an exam created and administered by the board to assess professional practice, ethics, and state law. The oral exam also includes a discussion with applicants regarding scope of practice.

Alternative Routes to Licensure

MISS. CODE ANN. Section 73-31-15 (1972) allows the board to issue a license, without written examination, to any person who provides evidence that he or she:

- is licensed or certified as a psychologist by another state if the requirements for such license or certification are substantially equivalent; or,
- is a diplomate in good standing of the American Board of Examiners in Professional Psychology; or,
- **is licensed in a jurisdiction that is a party to an agreement for reciprocity with the State of Mississippi; or,**
- **possesses a valid Certificate of Professional Qualification (CPQ) granted by the Association of State and Provincial Psychology Boards; or,**
- surrendered a valid Mississippi license which had been held in good standing for not less than twenty years.

[PEER emphasis added]

In fiscal years 2002 through 2007, approximately twenty percent of all applicants licensed by the Mississippi Board of Psychology applied through reciprocity or CPQ.

Licensure through Reciprocity

The ASPPB encourages professional mobility of licensed psychologists through its Agreement of Reciprocity and its

Certification Program. The ASPPB contends that professional mobility “enhances the consumer’s access to a broad range of psychological services across jurisdictions.”

Those individuals applying through reciprocity must live in a state that is a part of the agreement and must meet the following requirements:

- must have been licensed at the doctoral level for independent practice and have been practicing continually for five years; and,
- must have no outstanding complaints or charges pending against them and have not been subject to disciplinary action or felony conviction.

Mississippi participates in ASPPB’s reciprocity agreement with the following jurisdictions: Arkansas, Kentucky, Manitoba, Missouri, Nevada, New Hampshire, Oklahoma, Ontario, Texas, and Wisconsin. As indicated on the ASPPB’s website, entrance into the agreement is dependent on a state or province demonstrating that its requirements for licensure meet the standards required by other participating jurisdictions. (See Appendix B, page 59, for licensure requirements of states that have reciprocity agreements with Mississippi.)

Licensure through Certificate of Professional Qualification (CPQ)

The Association of State and Provincial Psychology Boards issues a Certificate of Professional Qualification (CPQ) to psychologists who meet standards of educational preparation, supervised experience, and exam performance. General requirements for the CPQ include:

- must have been licensed at the doctoral level for independent practice and have a record of practicing psychology for five years in an ASPPB member jurisdiction;
- must have no history of disciplinary actions in any jurisdiction;
- must have graduated from a program accredited by the American Psychological Association or the Canadian Psychological Association, or designated as a psychology program by the Joint Designation Committee of the ASPPB and the National Register of Health Service Providers in Psychology, or meet criteria designed to establish an acceptable level of educational training;

- must have a score on the national exam at or above the ASPPB passing score; and,
- must have two years supervised experience, one of which shall have been completed postdoctoral, for a minimum of 3,000 total clock hours.

Thirty-one states and seven other jurisdictions accept the CPQ as evidence of eligibility for licensure.

Differences in Mississippi's Licensure Requirements and Reciprocity/CPQ Requirements

The Board of Psychology has entered into an Agreement of Reciprocity with ten other jurisdictions and also accepts the Certificate of Professional Qualification in lieu of educational and experience requirements. However, because Mississippi law's licensing requirements differ from those of other states, licensure applicants are subject to different standards, depending on their method of entry into the profession.

Differences in Educational Requirements

Mississippi law's educational requirements for licensure in psychology are more stringent than those of all other jurisdictions participating in the Association for State and Provincial Psychology Boards' reciprocity agreement and those required for the CPQ.

As noted on page 10, MISS. CODE ANN. Section 73-31-13 (e) (1972) requires that licensure applicants have completed a doctoral degree in a program accredited by the American Psychological Association (APA) or the Canadian Psychological Association (CPA). The ten other states participating in the reciprocity agreement with Mississippi all have slightly more flexible educational requirements (e.g., most allow graduates from APA-accredited programs or their equivalent). See Appendix B, page 59, for educational requirements of states participating in the agreement of reciprocity.

In an article in the American Psychological Association's journal *Professional Psychology: Research and Practice* entitled "Licensure Requirements: Have We Raised the Bar Too Far?," Olvey, Hogg, and Counts pointed out that in 2002, Mississippi and Oklahoma were the only states that required applicants to graduate from programs that were APA/CPA-accredited. According to the article, all other states permitted degrees from programs that were accredited, designated, or comparable.² Educational

² The ASPPB and National Register Designation Committee review doctoral programs in psychology in any specialty area to determine whether they meet certain criteria. If all criteria are

requirements for the CPQ include a doctoral degree from a program that is accredited, designated, or equivalent, as determined by the ASPPB.

Differences in Experience Requirements

Mississippi law's experience requirements for licensure in psychology are more stringent than those of eight of the ten other jurisdictions participating in the Association for State and Provincial Psychology Boards' reciprocity agreement and those required for the CPQ.

As noted on page 10, MISS. CODE ANN. Section 73-31-13 (f) (1972) requires that an applicant complete two years of supervised experience that includes an internship and one year of supervised post-doctoral experience. Each year shall be comprised of at least 2,000 hours and a pre-doctoral internship may be counted as one of the two years of experience. The board requires that internships be APA-accredited.

Most other jurisdictions have less stringent experience requirements. For example, other jurisdictions allow applicants who did not complete an APA-accredited internship program to demonstrate how their internships meet certain criteria as defined by the board. Further, many boards only require a total of 3,000 total hours with a 1,500 hour internship, including Wisconsin and New Hampshire, which are included in the reciprocity agreement. The Association of State and Provincial Psychology Boards only requires 3,000 total hours for the CPQ.

Differences in Examination Requirements

Although state law requires that applicants for licensure pass an oral examination in psychology, individuals licensed in Mississippi through reciprocity or CPQ are not required to take an oral exam except for the section that tests knowledge of state law regarding psychology and the discussion regarding scope of practice.

As noted on page 11, MISS. CODE ANN. Section 73-31-13 (g) (1972) requires that an applicant for a license in psychology pass both a written and an oral examination in psychology prescribed by the board.

As of June 1, 2006, the passage of an oral examination is no longer a requirement for obtaining the CPQ, issued by the Association of State and Provincial Psychology Boards. Individuals applying for licensure in Mississippi through reciprocity and CPQ are currently exempt from oral exam

met, the program is designated. All APA-accredited programs are considered designated; forty-four programs that are not APA-accredited are designated.

questions related to professional practice and ethics; thus some individuals receiving a license to practice psychology in Mississippi are not required to complete any type of oral exam except for the state law section of the board's current oral exam (unless they are applying through reciprocity and the state that originally licensed them required an oral exam). (See pages 11 and 21 for a description and discussion of Mississippi's oral exam.)

Analysis of Differences

The contradiction between some of Mississippi's licensure requirements for psychologists and its participation in reciprocity agreements has resulted in a regulatory quandary for the Board of Psychology.

The implication of a reciprocity agreement is that the agreeing jurisdictions' standards are substantially equivalent.

The concept of a reciprocity agreement is that jurisdictions agree to allow licensed practitioners from either jurisdiction to be recognized by the other without having to demonstrate any additional degree of competence. The implication is that the agreeing jurisdictions' standards are substantially equivalent. Nothing in the concept of reciprocity suggests that a Mississippi applicant should actually be meeting a higher standard than is required of an out-of-state applicant or, conversely, that the state should be accepting into practice those individuals who might not be competent.

However, because Mississippi's education and experience requirements for licensure of psychologists differ from the standards of other states participating in the reciprocity agreement, acceptance of the standards of other jurisdictions does not ensure that applicants meet the standards of Mississippi. For example, a person who graduated with a 1,500-hour internship would not be licensed in Mississippi. This person could be licensed in another jurisdiction that participates in the reciprocity agreement and accepts 1,500 hour internships (e. g., Wisconsin), practice for five years in that jurisdiction, and then be eligible for licensure in Mississippi.

Regulatory boards should utilize unbiased procedures, imposing uniform requirements on all applicants.

Also, because state law requires applicants for licensure in Mississippi to pass an oral examination in psychology, whereas applicants licensed through the CPQ must only pass that portion of the exam regarding the state's psychology laws, individuals who choose to seek licensure through Mississippi are held to a different standard than those who are licensed alternatively through holding a CPQ.

The Texas Sunset Occupational Licensing Model, which offers standard practices for evaluating boards' efficiency,

effectiveness, fairness, and accountability, states that for reciprocity or endorsement, boards should utilize an unbiased procedure, imposing uniform requirements on all applicants. However, Mississippi's Board of Psychology is in the position of implementing the public policy set forth in state law while also participating in professional reciprocity agreements, which has resulted in a regulatory quandary.

Unless the state's licensure requirements are based on evidence from research, the state may be preventing qualified psychologists from practicing not based upon competency but based upon their methods of application or, conversely, the state may be allowing individuals to practice in the state without fully meeting necessary licensing requirements, thus placing the public at risk of incompetent practice.

Post-Doctoral Experience Requirement

State law requires that applicants complete a year of post-doctoral supervised experience for licensure. However, a 2006 resolution of the American Psychological Association has raised questions about the necessity of the post-doctoral year as a licensure requirement.

As described on page 10, for licensure as a psychologist, MISS. CODE ANN. Section 73-31-13 (f) (1972) requires that an applicant must have completed two years of supervised experience in the same area of emphasis as the academic degree, which includes an internship and one year of supervised post-doctoral experience, that meet the standards of training as defined by the board. Each year must be comprised of at least 2,000 hours of actual work, to include direct service, training, and supervisory time. A pre-doctoral internship may be counted as one of the two years of experience.

In 2000, the American Psychological Association (APA) created the Commission on Education and Training Leading to Licensure in Psychology, which was charged with developing recommendations for modifications to the training, education, examination, and supervision requirements for licensure (i. e., the point at which basic readiness for independent practice is achieved). The commission's report, released in February 2001, concluded that the current training of many doctoral psychologists provides them with sufficient experience to be competent for entry-level practice upon completion of the internship and doctoral degree (when they have completed two years of organized, sequential, supervised professional training experience predoctorally). The findings of the commission's report led to the adoption of a resolution by

the APA's Council of Representatives in February 2006 that states:

The APA affirms the doctorate as the minimum educational requirements for entry into professional practice as a psychologist.

The APA recommends that for admission to licensure, applicants demonstrate that they have completed a sequential, organized supervised professional experience equivalent to two years of full-time training that can be completed prior or subsequent to the granting of the doctoral degree. For applicants prepared for practice in the health services domain of psychology, one of those two years of supervised professional experience shall be a predoctoral internship.

The APA affirms that postdoctoral education and training remains an important part of the continuing professional development and credentialing process for professional psychologists. Postdoctoral education and training is a foundation for practice improvement, advanced competence, and inter-jurisdictional mobility.

[PEER emphasis added]

The board's chair believes that this resolution is the result of a push from the graduate student affiliates of APA and that the reason for the desire to omit the post-doctoral experience requirement is that students want their licenses immediately upon graduation.

Subsequent to the commission's report, the Association of State and Provincial Psychology Boards surveyed its sixty-three member jurisdictions regarding the issue of post-doctoral experience. The majority of jurisdictions responding to the ASPPB's survey were opposed to the elimination of the post-doctoral year as a licensure requirement. The ASPPB contends that practicum hours are clearly a less sophisticated or advanced level of practice than post-doctoral hours. Also, the ASPPB claims that eliminating this requirement is premature and counterproductive to other initiatives of the profession (e.g., mobility). For example, the post-doctoral year is a requirement for the CPQ and for states included in the reciprocity agreement. Implementation of this action would require changes in at least thirty-eight licensing laws that specifically require a post-doctoral year. Also, ASPPB believes that students would have to remain in the

doctoral program longer to obtain an acceptable number of practicum hours.

Neither the proponents nor the opponents of the requirement for a postdoctoral year of experience have strong research evidence to show what experience requirements are needed to ensure competence in practicing psychology.

The question of whether the post-doctoral year of experience is needed has become a controversial issue. The Texas Sunset Occupational Licensing Model notes that experience requirements should be set to ensure competency and not limit entry to the profession. Unfortunately, neither the proponents of the requirement nor the opponents have strong research evidence to show what experience requirements are needed to ensure competence in practicing psychology.

The 2002 article by Olvey, Hogg, and Counts entitled "Licensure Requirements: Have We Raised the Bar Too Far?" refers to a 1997 survey of clinical psychology program directors conducted by the Council of University Directors of Clinical Psychology. Nearly 60% reported that their students had completed at least two years of supervised externship prior to their predoctoral internship (Belar, 2000). In 1996, the council reported that students generally acquire 1,500 hours of clinical experience prior to internship (Belar, 2000). Still, this research is not sufficient to make a judgment as to whether the post-doctoral year is needed. If future research were to refute the need for such a requirement, Mississippi's requirement for a post-doctoral year of experience could be unnecessarily limiting entry to the profession for competent graduates of doctoral programs in psychology.

Requirement for Testing Knowledge of the History of Psychology

Although state law requires the board's examination to test applicants' knowledge of the history of psychology, such has not been established as a core area of knowledge for the safe and effective practice of psychology, as determined through practice analysis studies conducted by the Professional Examination Service.

As noted on page 11, for licensure as a psychologist, MISS. CODE ANN. Section 73-31-13 (1972) requires applicants to pass written and oral examinations. That section states:

. . . the examination used by the board shall consist of written tests and oral tests, and shall fairly test the applicant's knowledge and application thereof in those areas deemed relevant by the board. These shall include, but not be limited to, the following: history of psychology, statistical methods, experimental design, personality theory and psychology of learning.

The board requires applicants to pass both the national exam, the Examination for Professional Practice in Psychology (EPPP), and an oral exam. The EPPP is widely accepted, as it is used as a licensing exam in all states. It evaluates broad basic knowledge and application of psychology, regardless of specialty area. According to the ASPPB, the eight content domains are:

- biological bases of behavior;
- cognitive-affective bases of behavior;
- social and multicultural bases of behavior;
- growth and lifespan development;
- assessment and diagnosis;
- treatment, intervention, and prevention;
- research methods and statistics; and,
- ethical, legal, and professional issues.

The board's oral exam evaluates knowledge in the following three content domains:

- professional practice;
- ethics; and,
- relevant portions of state law.

At present, neither exam explicitly tests for knowledge of the history of psychology. However, according to the board's chair, the board believes that knowledge of the history of psychology is implicit in some of the national exam's questions. Professional Examination Service, which is responsible for developing the EPPP, indicated that the content of its exam has been determined by several practice analysis studies that show what psychologists do and what they need to know; none of these studies have indicated a need for knowledge of the history of psychology in order to practice safely and effectively.

The Principles for the Validation and Use of Selection Procedures, a resource developed by the Society for Industrial/Organizational Psychology that discusses procedures for conducting validation research and indicating principles of good practice in choosing, evaluating, and using selection procedures, state that any selection procedure should reflect an important knowledge, skill, or ability that the individual should possess in order to perform successfully on the job.

If the board modified either of its exams to comply with state law's requirement to test for knowledge of the history of psychology, the board would not be administering a valid exam.

The statutory requirement for knowledge of the history of psychology might stem from a period in the 1960s in which an emphasis was placed on the history of psychology as a specialized area of research.

Although neither of the board's examinations presently tests explicitly for knowledge of the history of psychology, if the board modified either of its exams to comply with CODE Section 73-31-13, the board would not be administering a valid exam.

No Requirement for Background Checks on Applicants

Because state law does not specifically authorize the Board of Psychology to perform background checks on applicants for licensure, the board accepts applicants' self-reporting of criminal history rather than utilizing background check resources available to it. As a result, the board may not be able to protect the public from applicants who do not disclose criminal histories and subsequently obtain licenses.

The licensure prerequisites for psychologists set forth in MISS. CODE ANN. Section 73-31-13 (c) (1972) do not include a requirement for the board to conduct background checks on licensure applicants, but do state that psychology applicants must be "of good moral character." MISS. CODE ANN. Section 73-31-21 (1972) gives the board the authority to withhold, deny, revoke or suspend a license if the applicant or licensed psychologist has been convicted of a felony or any offense involving moral turpitude.

In determining whether applicants have a criminal history that would preclude them from licensure, the board relies on self-reporting on the application forms. For example, the application requires that applicants answer "yes" or "no" to three questions regarding personal and licensure history, such as "Have you ever been convicted of a felony?" or "Have you ever been found guilty of unethical or unprofessional conduct?"

Self-reporting of criminal history is not appropriate due to the seriousness of this information and a higher potential for misreporting.

Since negative information could lead to a denial of licensure for a psychologist, it seems apparent that those with criminal backgrounds would not voluntarily provide this information, even under the threat of committing perjury in a sworn statement. Self-reporting of information might be appropriate in certain situations; however, self-reporting of criminal history is not appropriate due to the seriousness of this information and a higher potential for misreporting.

Due to the nature of the psychology profession, use of criminal background checks and offender registry checks would be justified. According to the Commerce Clearing House, a noted publisher of news and information for business and legal professionals, jobs that are likely to require a criminal background search are ones that have a high degree of public contact, have little supervision, involve working in private residences or other businesses, involve personal care of others, or have direct access to others' personal belongings.

The board lacks explicit statutory authority to conduct background checks. Board members are, however, supportive of this effort.

Relying on self-reporting of criminal history potentially allows unethical applicants with serious criminal histories to be licensed. These licensees would be obvious threats to public safety, as they could take advantage of a vulnerable population.

Needed Improvements in the Board's Licensure Process

Because of problems with its content and administration, the board's oral examination adds minimal value to the evaluation of licensure applicants. The board's process for utilizing the recommendations of supervisors of post-doctoral supervised experience does not ensure that applicants possess the minimum competencies needed to practice. Also, the references that the board requires applicants to obtain are of little use in determining an applicant's readiness for independent practice.

Oral Examination

State law requires an oral examination of applicants for licensure in psychology. However, due to problems with its content and administration, the board's oral examination adds minimal value to the evaluation of licensure applicants.

As described on page 11, for licensure as a psychologist, MISS. CODE ANN. Section 73-31-13 (1972) requires licensure applicants to pass both written and oral examinations. The oral examination is the final step in the licensure process. Applicants must pay \$150 to sit for the oral exam, which is intended to evaluate knowledge and application of professional practice, ethical issues, and Mississippi statutes.

Because licensure applicants have already demonstrated knowledge of psychology by passing the Examination for Professional Practice in Psychology (EPPP), the board must be able to show that the oral examination adds value beyond that of the national exam to the licensure process.

PEER found that:

- The board has not ensured that the oral examination samples the knowledge, skills, and abilities essential for licensure.
- The board utilizes arbitrary standards for determining whether examinees pass or fail the oral examination, demonstrated by the board's failure to establish a minimum passing score (as required by law), the absence of detailed criteria for scoring, and the lack of thorough training for evaluators.
- Because the board's oral examination questions are not categorized based upon degree of difficulty, the content of the oral exam may not be uniform for all applicants.

The following sections contain discussions of each of these issues.

The board's chair stated to PEER that the format of the oral examination needs improvement and is under revision. Although the board has had documented discussions related to the revision of the oral exam since 2003 without much progress, the board's chair has recently begun revising the exam in accordance with the ASPPB's Oral Examination Guidelines.

Lack of Content Validity

The board has not ensured that the oral examination samples the knowledge, skills, and abilities essential for licensing of minimal competency.

The oral examination's professional practice questions include content involving hypothetical client scenarios, decision-making scenarios, and common practice circumstances. Ethics questions pose ethical dilemmas, to which the examinee must formulate an appropriate response based on the APA Code of Ethics. State law questions are specific questions testing for knowledge of Mississippi laws related to the practice and licensing of psychologists.

The board also conducts an open-ended, semi-structured interview to determine the examinee's:

- anticipated scope of practice;
- perceived strengths and weaknesses;

- plans for continued supervision and continuing education;
- experience with past supervision;
- awareness of proficiencies and importance of monitoring need for limiting practice accordingly;
- personal and emotional stability relevant to the practice of psychology; and,
- quality of ethical knowledge and aptitude.

The ASPPB conducted a practice analysis in 2003 to determine the most salient responsibilities of psychologists. The oral exam should reflect skills associated with the tasks defined by the practice analysis. The licensee should be competent to:

- make appropriate referrals;
- coordinate/participate in service delivery with psychologists and others;
- use multiple methods to gather information to identify problems;
- develop procedures/instruments for assessment;
- select, administer, and score instruments;
- evaluate results to formulate hypotheses, descriptions, diagnoses, and intervention recommendations;
- plan, design, implement, and evaluate interventions;
- prepare, present, and coordinate classes, seminars, or workshops;
- document and communicate assessment results, intervention recommendations, progress, and outcomes; and,
- design, implement, and monitor quality efficacy and effectiveness of prevention/intervention.

In the book *Human Resource Selection*, Gatewood and Field (2001) state that “any assessment device should contain several items or parts that gather answers about the same variable in order for the assessment device to be a useful instrument.” The board requires applicants to answer three professional practice questions, two ethics

questions, and one Mississippi statute question; however, the board has not demonstrated that the six questions required are a valid representation of the knowledge, skills, and abilities needed to practice psychology in a competent manner.

According to the Council on Licensure, Enforcement, and Regulation (CLEAR), the following must be true to demonstrate the validity of a licensure exam:

- the examination must measure competencies required for safe and effective entry-level job performance (i. e., should reflect job analysis); and,
- the examination must distinguish between candidates who do and do not possess those competencies.

The oral examination's lack of content validity could prevent a qualified individual from passing it or could allow a person who has not demonstrated knowledge and skills in the core areas of competence to receive a license.

The first criterion is met by establishing a link between the exam questions and tasks essential to public safety that are actually performed on the job (i. e., questions should be based on a job analysis). As noted by the board's chair, some questions on the oral exam are difficult to tie back to core areas provided by the job analysis; therefore, the first criterion to demonstrate validity is not being met.

The oral examination's lack of content validity could prevent a qualified individual from passing it. Conversely, the exam could allow a person who has not demonstrated knowledge and skills in the core areas of competence to receive a license.

Arbitrary Standards and Lack of Training for Evaluators

The board utilizes arbitrary standards for determining whether examinees pass or fail the oral examination, as demonstrated by the board's failure to establish a minimum passing score, the absence of detailed criteria for scoring, and the lack of appropriate training for evaluators.

MISS. CODE ANN. Section 73-31-13 (1972) states:

. . . the passing scores for the written and oral examinations shall be established by the board in its rules and regulations.

As noted above, the second criterion for demonstrating the validity of an exam is that the examination must distinguish between candidates who do and do not possess those competencies. Because the board has not established a passing score for the oral exam in its rules and regulations, this criterion is not being met. The

decision as to pass or fail is based upon evaluators' clinical judgments as to the level of communicated knowledge or competence in answering the question.

Rules have not been developed to specify what constitutes a "passing" response versus a "failing" response.

The oral exam evaluation form provides three evaluators (typically current or former board members) with three options (pass, fail, or undecided); however, none of the questions are referenced to published material that confirms acceptable responses. Rules have not been developed to specify what constitutes a "passing" response versus a "failing" response.

The board does not conduct formal training for oral evaluators. Current board members inform new board members of the oral examination process before sitting on an examination committee. According to the board's chair, outside evaluators are often former board members and are familiar with the process.

In the board's minutes for April 11, 2003, a board member discussed concerns regarding the defensibility of the oral exam. This board member indicated that a multiple-choice administration on ethics and the Mississippi statutes in addition to an oral administration of professional practice questions would be a more defensible alternative than the current format.

CLEAR standards note that the goal for oral exams is to remove as much subjectivity as possible. In order to demonstrate the validity of a licensure exam, the board must establish a minimum passing score, which defines the minimal level of competence required for public protection. Gatewood and Field (2001), authors of *Human Resource Selection*, state that interview formats that apply formal scoring systems are superior to those that do not in terms of "legal defensibility, reliability and validity of judgment by the interviewer, and acceptance by the interviewee."

Training of evaluators is essential to the construction of performance tests that are both legally defensible and valid.

Further, the scoring of verbal performance tests depends on the appropriate training of evaluators. Training is essential to the construction of performance tests that are both legally defensible and valid. Gatewood and Field (2001) write that the three most important skills of interviewers include the ability to receive information accurately, critically evaluate the information received, and regulate his or her own behavior in delivering questions. In order to perfect these three skills, interviewers should be trained to take notes, reduce the anxiety of the applicants, and take measures to reduce loss of interest by the interviewer. In order to evaluate the information critically, interviewers should be trained to improve decision-making by acknowledging common decision errors (e. g., the halo effect, the similar-to-me effect). To regulate behaviors in

delivering questions, interviewers should be trained in questioning techniques and interview structure.

The board's chair stated that evaluators rely on their own professional judgments to assess whether the candidate possesses the minimal level of competence. If an evaluator has a concern, then board members discuss the concern before making the final decision. However, without appropriate training for evaluators and criteria for scoring, evaluators' own professional judgments could be biased and lead to questions regarding fairness.

No Assurance of Uniform Content

Because the board's oral examination questions are not categorized based upon degree of difficulty, the content of the oral exam may not be uniform for all applicants.

During the oral examination, the examinee chooses six numbers (three for professional practice, two for ethics, and one for the MISSISSIPPI CODE) that correspond to unseen oral examination questions. The examinee must then read the selected questions/scenarios aloud and provide a response. Since examinees randomly choose numbers that correlate with certain questions, and since the questions have varying degrees of difficulty, one examinee might choose a much easier set of questions than the next person.

Since examinees randomly choose numbers that correlate with certain exam questions, and since the questions have varying degrees of difficulty, one examinee might choose a much easier set of questions than the next person.

One alternative to the current format for the oral exam would be the use of case vignettes. The ASPPB's Oral Examination Guidelines state that the use of case vignettes in the oral exam would be ideal and would address both reliability and validity. Case vignettes are written to describe clients suffering from common psychological disorders. Each vignette describes the client demographically, the presenting problem, and relevant history. As the exam proceeds, further prepared details may be added to the vignette including a crisis situation, a cultural diversity change, or an ethical issue to consider. The use of case vignettes provides a standardized format in which all examinees answer the same basic questions with similar levels of difficulty. Recently, the board began to modify its oral exam to include case vignettes; however, the board did not provide a time frame to PEER for completion or implementation of the revised exam.

The increases in expenditures for administering the oral exam do not appear to be justified in terms of value to the licensure process.

In recent years, the board has increased the number of its meetings in order to administer oral exams in a timely manner. In FY 2003, the board met six times, but increased the number of meetings to nine in FY 2006 to accommodate licensure applicants. Corresponding travel expenses for board members increased from \$1,983 in FY 2003 to \$4,435 in FY 2006. These increases in expenditures for administering the oral exam do not appear to be justified in terms of value to the licensure process.

Verification of Supervised Experience

The board requires supervisors of applicants' post-doctoral supervised experience to submit verification of supervision, including a brief assessment of the supervisee's performance, to the board in order for the applicant to be considered for licensure. However, the board's process for utilizing supervisors' recommendations does not ensure that applicants possess the minimum competencies needed to practice psychology.

As noted on page 10, MISS. CODE ANN. Section 73-31-13 (f) (1972) requires the licensure applicant to have two years of supervised experience in the same area of emphasis as the academic degree, which includes an internship and one year of supervised post-doctoral experience. Each year (or equivalent) must be comprised of at least 2,000 hours of actual work, to include direct service, training, and supervisory time. A pre-doctoral internship may count as one of the two years of experience.

A board regulation (Section 5.6) specifies that supervised experience must meet standards such as a minimum of two hours per week of formal, face-to-face individual supervision. Further, supervisors must meet specified criteria (e. g., must be licensed in the jurisdiction where the supervision is provided). A plan of supervision for the post-doctoral year must be approved by the board prior to the start of supervision.

PEER found that the board's verification of supervised experience does not ensure that all applicants possess the minimum competencies need to practice because:

- the board does not provide objective criteria by which to make assessments; and,
- the board does not require supervisors to demonstrate competence to provide supervision.

The following sections contain discussions of these deficiencies.

Lack of Objective Criteria for Supervisors' Assessments

The board does not provide supervisors of post-doctoral supervised experience with objective criteria by which to make their assessments, thus allowing for subjective and inconsistent judgments of applicants' competence.

Since supervisors are responsible for providing an assessment to the board regarding an applicant's readiness for licensure, the board should make an effort to obtain an objective recommendation based on the supervisor's assessment of the knowledge and skills obtained within the clinical experience that are needed to perform the practice of psychology in a competent manner.

The board does not require any documentation from supervisors of internships or post-master's clinical experience that the applicants for whom they provide positive assessments have demonstrated the competencies necessary to perform as an entry-level psychologist.

Prior to granting a license to applicants, the board requires verification of an applicant's post-doctoral supervised experience. This verification form requires supervisors to document specific information, such as the total number of practice hours and total number of one-on-one specific case discussions/skill training. Further, the form allows for a brief assessment of supervisee's performance, asks whether there are any areas of practice that are beyond the applicant's competence or experience, and whether the supervisor, if he/she were a member of the board, would have any reservations about granting the applicant a license.

The board does not require any documentation from supervisors of internships or post-master's clinical experience that the applicants for whom they provide positive assessments have demonstrated the competencies necessary to perform as an entry-level psychologist.

Human resources literature suggests that subjective judgments are inadequate in making recommendations (Gatewood and Field, 2001). An objective method for evaluating all licensure applicants would ensure that the same type of information is obtained on all applicants and that the information is utilized in the same manner.

Further, the ASPPB's Supervision Guidelines recognizes the value of periodic, objective evaluations based upon pre-determined competencies to be evaluated and goals to be obtained. The guidelines also state that standards should be specified for measuring performance and a time frame for goal attainment should be established.

The APA Code of Ethics states that:

. . .psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

The board's current procedure for supervisors' assessments allows the licensure of individuals based upon potentially subjective judgments of competence.

However, without requiring more specific information from supervisors, the board's current procedure allows the licensure of individuals based upon potentially subjective judgments of competence. Applicants who have not demonstrated the necessary competencies to practice psychology in their post-doctoral experience could receive positive assessments from their supervisors, become licensed, and practice psychology in an incompetent manner due to insufficient clinical skills. In addition, the supervised experience requirement is devalued for supervisees if supervisors do not provide periodic evaluations that allow the supervisee to improve in specific areas targeted by the supervisor.

No Requirement for Supervisors' Demonstration of Competence

Because the board does not require supervisors to demonstrate competence to provide supervision, the board cannot assure quality post-doctoral supervised experience.

According to one board regulation (Section 5.6 [b]), supervisors must meet the following criteria:

- Supervisors must be employed no less than twelve hours per week at the facility where the experience is obtained.
- Supervisors must be licensed for practice of psychology in the jurisdiction where the supervision is provided.
- Supervisors' professional qualifications must be appropriate to the services rendered (documented through vita or other evidence).
- Supervisors must not be in a dual relationship with the supervisee.
- Supervisors must have sufficient knowledge of all clients for whom supervision is provided.

While these criteria are listed in the board's rules and regulations, PEER did not find evidence of the board's verification that supervisors are employed no less than

twelve hours per week at the facilities where the experience is obtained, verification of the supervisors' professional qualifications, or statements from supervisors to verify that they are not in dual relationships with supervisees. The Supervised Practice Plan does, however, show evidence that supervisors are licensed in the jurisdiction where supervision is provided and that supervisors should have sufficient knowledge of all clients for whom supervision is provided.

The Association of State and Provincial Psychology Boards recognizes that supervision plays a critical role in training future psychologists; however, the board does not require supervisors to have completed training in supervision.

The Association of State and Provincial Psychology Boards recognizes that supervision plays a critical role in training future psychologists; however, the board does not require supervisors to have completed training in supervision.

In 2003, the ASPPB published a revised version of its Supervision Guidelines, which were developed by a Task Force whose mission was to review and develop guidelines for the supervision of doctoral level candidates for licensure. The guidelines specifically recommend that supervisors have at least three years of post-licensure experience and training and/or experience in supervision. Further, the guidelines state:

In order to assure quality supervision, supervisors must register with the jurisdiction. Registrants shall submit academic credentials, applied training and experience, as well as formal and informal training in supervision. Based on those materials, the jurisdiction will evaluate the supervisor's qualifications for providing supervision.

The board's Credentialing Coordinator recognizes that the current supervision guidelines need improvement; however, the board has focused its immediate attention on revising other aspects of the licensure process (i. e., the oral exam).

Without requiring supervisors to register with the board by providing evidence of competence to provide supervision, the board cannot ensure that supervisees receive quality supervised experience. The lack of quality supervised experience is a disservice to the supervisee and could ultimately lead to incompetent practices by the supervisee if the individual obtains a license.

Applicant References

The board requires licensure applicants to submit the names and addresses of three references who must submit completed reference forms to the board for review. However, the process for collecting reference information and instruments used provide little, if any, utility in determining an applicants' readiness for independent practice and could ultimately delay the licensure process.

One section of the board's licensure application requires applicants to "list 3 licensed psychologists who are well acquainted with you and with your professional activities within the past 5 years. The board will mail reference forms to these psychologists."

Unfortunately, there is little research evidence to support the reliability and effectiveness of reference information in predicting future job performance.

The forms require reference givers to provide information such as the areas in which the applicant is judged to be technically competent. (See Appendix C, page 60, for a copy of the reference form.) Because the reference givers for licensure applicants may be previous supervisors, colleagues, personal acquaintances, or others, differences could be expected in the type and quality of the information provided. It has been shown that previous supervisors are the best source for assessing applicants' work habits. Unfortunately, there is little research evidence to support the reliability and effectiveness of reference information in predicting future job performance.

Gatewood and Field, authors of the 2001 book *Human Resource Selection*, point out that the few studies that have been conducted on this topic have concluded that there is a weak relationship between reference givers' ratings and measures of success on the job (as indicated by performance ratings and turnover). One possible explanation for this weak relationship includes applicants' self-selection of reference givers.

The Board Administrator stated that she has no recollection of instances in which an applicant was denied licensure based upon information given by references, which further calls into question the utility of these instruments. Also, the Credentialing Coordinator stated that, depending on the timeliness of reference givers, this step in the application process can delay the process considerably.

In their book *Human Resource Selection*, Gatewood and Field (2001) suggest that an essential element to having useful reference data is the reference giver. Reference givers should meet the following conditions:

- must have had a chance to observe the applicant in relevant situations;

- must be competent to make the evaluations requested;
- must want to give frank and honest assessments; and,
- must be able to express themselves so their comments are understood as intended.

As mentioned previously, it appears that previous supervisors would provide the most useful reference data.

The Texas Sunset Occupational Licensing Model recommends that because qualifications for licensure should not unreasonably restrict entry into practice, licensure applicants should not be required to obtain permission from others within that profession who might view the applicant as a future competitor.

The Texas Sunset Occupational Licensing Model recommends that because qualifications for licensure should not unreasonably restrict entry into practice, licensure applicants should not be required to obtain permission from others within that profession who might view the applicant as a future competitor.

Like Mississippi, many states require completed reference forms from licensed psychologists before granting licenses (e. g., Georgia, Alabama, and Louisiana). This requirement might appear to have face validity, as reference checks are widely used in selection programs. However, this step in the application process seems to be an unnecessary burden for the applicant, as it could delay the process, and for the board, which is responsible for mailing, receiving, and reviewing the reference forms.

Needed Improvements in the Complaints Process

Because the board does not maintain a log of complaint information, it cannot easily assess its own performance in protecting the public.

The enforcement of psychology law and regulations is greatly dependent on how well the regulatory body administers processes for receiving and handling complaints against psychologists and the expediency and uniformity with which it takes disciplinary action against violators. PEER examined the complaint and disciplinary processes of the Board of Psychology.

The board's website provides basic complaint procedures for the board and licensees to follow. The procedures state that after a complaint is received, a file is created and copies of the complaint are sent to the Attorney General's Office and the Executive Secretary of the Board. The accused licensee is notified of the complaint and offered a chance to respond. An investigation of allegations takes place under the direction of the Executive Secretary, and experts may be appointed by the board to review the complaint materials and render an opinion. The board

then conducts a meeting to determine whether to take no action, authorize a disciplinary hearing, or take other appropriate action. Disciplinary hearings result in final orders, in which a variety of sanctions may be imposed.

Because the board did not maintain a master record or log of complaints received prior to PEER's request, neither the status/disposition of a complaint, nor the name of the investigator to which it was assigned, could be quickly identified.

The Board Administrator created a database of complaint information in response to a request from PEER; however, prior to that request, the board did not maintain a master log of complaint information. Because the board did not maintain a master record or log of complaints received, neither the status/disposition of a complaint, nor the name of the investigator to which it was assigned, could be quickly identified. That information may be available in one or more other locations (e. g., minutes, complaint case files); however, it is not maintained in a centralized report/complaint log.

The Texas Sunset Occupational Licensing Model states that boards should maintain general complaint information so that they can monitor and analyze the information to ensure that they are adequately protecting the public.

Neither the Action on Complaints section of the board's Rules and Regulations nor the Complaints Process description on the board's website addresses maintaining a complaints log.

Because the board has no complaints log, board members and/or staff members cannot quickly verify the status or disposition, with certainty, of any one case for a licensee who is the subject of a complaint, the complainant, someone inquiring of a psychologist's disciplinary history, or even an outside observer such as an auditor or evaluator who needs to know a case's status.

Also, because the board does not maintain a complaint log, it is unable to report easily the number of complaints within any given period, effectively monitor the status of complaints to ensure timeliness of resolution, analyze trends in complaint information that might provide rationale for potential statutory or policy changes, track licensees' competence over time, or ultimately assess its own performance in protecting the public.

Needed Improvements in Increasing Public Awareness

Because the board does not provide information that is easily accessible to the public regarding disciplinary actions taken against licensees, the board limits the public's and licensed psychologists' awareness of rules infractions and their consequences.

In interviews with PEER, the Board Administrator stated that the board reports sanction information to the Association of State and Provincial Psychology Boards. The ASPPB produces a monthly report listing sanctions imposed by all state boards. This report is distributed to all member boards; however, the public does not have access to this report. In order for someone to learn about a licensee's complaint history, that person would have to contact the board.

The only method that the board currently uses to disseminate information to the public is responding to requests from the public.

The board does not use an adequate method of disseminating information to the public regarding sanctions. The only method currently used is responding to requests from the public. Other states use such methods as board websites (e. g., California) and periodic newsletters distributed to licensees (e. g., Kentucky) to disseminate such information. While the board's website allows the public to search for a currently licensed psychologist, the website does not contain information regarding disciplinary sanctions against psychologists.

The Texas Sunset Occupational Licensing Model recommends that boards provide information that is easily accessible to the public regarding sanctions against licensees so that the public can make informed choices when obtaining services.

The board's website states its purpose is to protect its people against "unauthorized, unqualified, and improper applications of psychology" by regulating the practice of psychology." However, the board's lack of disclosure to the public regarding sanctions defeats this purpose.

While the board's website allows the public to search for a currently licensed psychologist, the website does not contain information regarding disciplinary sanctions against psychologists.

MISS. CODE ANN. Section 73-31-21 (4) (1972) does not require the board to provide information to the public regarding sanctions against licensees; however, it states that the board may make its orders and judgments available to the public as it deems appropriate. The board has determined that it is appropriate to report sanction information to the ASPPB and to general telephone or written inquiries from the public or other licensing jurisdictions.

The public could choose a psychologist from the board's online directory and unknowingly obtain counseling

services from psychologists who have had sanctions against them, thereby placing themselves at an increased risk of harm, depending on the reason for the sanction.

Problems with Financial Management

The Internal Control Environment

The management of any organization is responsible for establishing a proper control environment. Management's attitude toward providing strong internal controls directly impacts the effectiveness of the organization's accounting system. As stated in *Auditing, A Risk Management Approach* (5th Ed.) by Larry Konrath:

*The control environment is determined by the attitudes of the persons in charge of the internal control system. Management's attitude toward control has a significant impact on control effectiveness; thus, management must be **strongly supportive** of internal control and must **communicate that support** throughout the organization. Management that does not possess a control-conscious attitude will serve to undermine the system. . . .Lack of concern for accurate accounting can negate other controls and cause the entire system to be ineffective. Internal control is only as strong as the **ethics and competence** of the persons who are responsible for it. (Author's emphasis)*

An internal control system is a system of checks and balances put into place by management of an organization to provide reasonable assurance regarding the achievement of objectives in the reliability of financial reporting, compliance with applicable laws and regulations, and the effectiveness and efficiency of operations.

For state entities such as the Board of Psychology, the Department of Finance and Administration provides guidelines for internal controls through its state agency accounting policies and procedures—i. e., the Mississippi Agency Accounting Policy and Procedure Manual.

During its review, PEER found deficiencies in three areas of the board's financial operations:

- separation of accounting duties;
- timely deposit of cash receipts into State Treasury; and,
- monitoring of expenses and financial reporting.

The Board of Psychology has not established a proper internal control environment to ensure the integrity of its accounting and financial reporting processes and compliance with state timely deposits requirements.

Lack of Separation of Accounting Duties

The board's lack of separation of accounting duties violates state agency accounting policies and procedures set forth by the Department of Finance and Administration and compromises the accuracy and completeness of the board's accounting records. Because of this condition, the board cannot ensure the public that its operations are reasonably free from fraud.

An effective internal control environment includes, to the degree possible and practical, adequate separation of accounting duties. The purpose of separation of accounting duties is to create an environment in which a misstatement would be identified. If duties are properly separated, overriding the system of internal controls would require collusion by employees. Strong internal controls regarding separation of duties reduce the risk of the misuse of funds, misstatement of accounting records, and fraud.

Contrary to state agency accounting policies and procedures, the Board Administrator has absolute control over the billing, collecting, and depositing process, with no independent verification as to the accuracy of these actions.

Contrary to state agency accounting policies and procedures, the Board Administrator has absolute control over the billing, collecting, and depositing process, with no independent verification as to the accuracy of these actions. She mails renewal notices to licensees, collects fees for renewals and other services provided by the board, enters amounts received into a computerized accounting system, and deposits collections into the board's bank clearing account. No third party reconciles the Board Administrator's accounting records to renewal notices mailed to licensees or checks and money orders deposited into the bank. Therefore, no independent party ensures that all amounts that should have been collected and deposited were in fact received and deposited. The board's treasurer periodically meets with the Board Administrator to review amounts collected but does not formally perform any type of reconciliation of collections to deposits. Also, the Board Administrator reconciles the bank statements of the board's clearing account, with no independent review of such reconciliations.

Subsection 30.40.20 (A) of the Department of Finance and Administration's state agency accounting policies and procedures states:

Division of duties in the handling of cash is one of the most effective ways to ensure control of cash. No one individual is to have complete control in the handling of cash. Specifically, there is to be a separation of duties in the actual handling of money, recording the transactions, and reconciling bank accounts. Employees handling cash are to be assigned duties that are complementary to or checked by another employee.

In addition, Subsection 30.40.30 (A), states:

. . .there is to be a separation of duties with regard to billing, collection, cash receiving, receivables accounting, and the maintenance of general ledger control accounts.

Thus, the board's procedures for receiving and accounting for and depositing cash received from licensees violate state agency accounting policies and procedures.

PEER recognizes that it is difficult for a small entity such as the Board of Psychology to achieve segregation of duties, especially since the board has no full-time employees and relies on a contract administrator for primary accounting duties. PEER did not audit for or observe any fraudulent activities. However, it is incumbent upon the board to ensure that its financial management processes are above reproach.

Timely Deposits of Cash Receipts into State Treasury

Contrary to MISS. CODE ANN. Section 7-9-21 (1972), the Department of Finance and Administration's policy, and the State Auditor's 2003 recommendations, the board does not always transfer daily collections in excess of \$1,000 from the clearing account to the State Treasury by the next business day or make weekly settlements of amounts less than \$1,000.

During FY 2006 (and in previous fiscal years), the Board of Psychology maintained a clearing account for the deposit of funds received by the board. (The State Treasurer and Department of Finance and Administration most recently reauthorized the board's use of a clearing account on March 29, 2005.)

Procedurally, the Board Administrator deposits funds received by the board into the clearing account. Periodically, the Board Administrator notifies her accounting assistant (who is a full-time employee of another state agency who provides part-time accounting assistance to the Board Administrator) to draw a check on the clearing account, have it signed by a board member who is a signatory on the account, and deposit the funds into the State Treasury. According to the Board Administrator, she instructs the accounting assistant to transfer funds to the State Treasury when the balance in the clearing account exceeds \$5,000, the minimum balance at which the board may earn interest on its clearing account. During FY 2006, the accounting assistant made eighteen transfers to the State Treasury, with the amounts ranging between \$1,100 and \$15,700.

MISS. CODE ANN. Section 7-9-21 (1972) states the following regarding the transfer of public funds into the State Treasury:

*. . . All state officials shall make a detailed report to the State Fiscal Officer and pay into the State Treasury all public funds...which are required to be paid into the Treasury. Such funds shall be deposited in the State Treasury **by the end of the next business day following the day that such funds are collected.** . . . [PEER emphasis added]*

This CODE section also allows the Department of Finance and Administration (DFA), with the advice and consent of the State Treasurer, to promulgate regulations to provide for other than daily deposits of accounts by a state agency. In 1998, DFA promulgated a policy whereby state agencies must deposit funds into the State Treasury when such funds accumulate to \$1,000 or on a weekly basis, whichever occurs first.

In 2003, the State Auditor determined that the board did not make transfers of funds to the State Treasury in a timely manner. Despite subsequent procedural changes, the board still does not consistently transfer funds to the State Treasury as required by state law and DFA policy.

PEER performed test work on the board's accounting records to determine whether the board had complied with state law and DFA policies regarding timely deposits. PEER reviewed FY 2006 deposits into the board's bank clearing account and checks written on the account to the State Treasury. The Board Administrator provided evidence to show that she deposits collections into the board's clearing account upon receipt. However, the board's transfer of funds from the clearing account to the State Treasury were not in compliance with state law and DFA policy. For example, of the fifty-eight deposits into the bank clearing account during FY 2006, the Board Administrator did not notify the accounting assistant to transfer funds from fourteen deposits (24%) to the State Treasury by the next business day—i. e., amounts in excess

of \$1,000 received in one day—and the Board Administrator did not notify the accounting assistant to transfer funds from twenty deposits (34%) to the State Treasury within a week of receipt—i. e., amounts less than \$1,000 received in one week.

In 2003, the State Auditor conducted a limited internal control and compliance review of the board and determined that the board did not make transfers of funds to the State Treasury in a timely manner. In response to the State Auditor’s management report, the then-administrator for the board acknowledged that the board had not made timely transfers to the State Treasury, primarily because board members who were required to sign checks to transfer funds from the clearing account did not reside in the Jackson metropolitan area. The board approved an additional signatory on the clearing account to allow more timely transfers to the State Treasury. Despite such actions, the board does not always transfer funds to the State Treasury as required by state law and DFA policy.

The current Board Administrator and accounting assistant stated that they were aware of the timely deposits requirements but did not comply with such. While the board’s cash collections vary from day to day and represent relatively small amounts (except during months in which psychologists renew their licenses), it is imperative that the board’s staff comply with state law and DFA policy and deposit the collections into the clearing account and subsequently the State Treasury on a regular and timely basis.

Failure to make prompt deposits and timely transfers of funds could result in the loss of investment earnings and increases the risk of theft or misplacement of funds.

As stated in the State Auditor’s 2003 report, failure to make prompt deposits and timely transfers of funds could result in the loss of investment earnings and increases the risk of theft or misplacement of funds while held at the board. MISS. CODE ANN. Section 73-31-9 (1972) states, “any interest earned on this special fund [Board of Psychology] shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund.” Therefore, it is incumbent upon the board’s staff to comply with state law, DFA policy, and the State Auditor’s recommendations and make timely transfers from the bank clearing account to the State Treasury so that investment earnings on the fund may be maximized.

Insufficient Monitoring of Expenses and Financial Reporting

The board's practice of allowing the Board Administrator to be reimbursed for board operating expenses prevents members from monitoring the agency's expenses and knowing the agency's actual costs of operations.

The Board of Psychology entered into a professional services contract with its current Board Administrator on September 1, 2005. (The board has renewed the contract on three occasions since September 1, 2005.) In return for providing administrative, clerical, and financial services to the board, the Board Administrator receives a monthly management fee, currently \$4,300 per month. The contract also provides that the board will reimburse the Board Administrator for the following expenses (at cost) incurred on behalf of the board:

- outside mailing services;
- postage;
- printing, including stationery and copying;
- faxes;
- telephone lines;
- long distance telephone calls;
- meeting costs, including meals, space, etc.;
- travel and transportation for meetings approved by the board;
- consulting fees with prior approval of the board;
- extraordinary storage with prior approval of the board; and,
- computer software programs uniquely for the board.

Because the board has a fiduciary responsibility regarding the receipt and disbursement of public funds, prudent financial management principles require that the board stay abreast of the agency's financial condition.

Each month, the Board Administrator submits to her accounting assistant an invoice (and documentation) that includes her monthly management fee and items for which the Board Administrator is requesting reimbursement. The Board Administrator's accounting assistant enters the invoice amount into the Statewide Automated Accounting System (SAAS) and codes the expenditure as "Contractual Services—Other Fees and Services." (The SAAS system allows state agencies to account for expenditures by "major" objects—i. e., personal services, contractual services, commodities, and capital outlay—as well as "minor" objects within the major categories—e. g., mileage, meals, postage, and paper supplies.) Once the invoice is

entered into and processed by the SAAS system, the Board Administrator receives payment for her fees and reimbursable expenses.

Payment of the Board Administrator's monthly invoice is problematic for the following reasons.

- Although the board's contract with the Board Administrator requires some expense items for which the Board Administrator may request reimbursement to be approved in advance by the board, PEER detected no formal method by which the board grants such approval.
- The Board Administrator submits monthly invoices and supporting documentation for entry into SAAS by the accounting assistant, who is employed by the Board Administrator and has no employment relationship or contractual arrangement with the board. Once the accounting assistant enters the invoices into SAAS and finalizes them electronically for payment, SAAS produces a paper payment voucher that the accounting assistant submits to the board chair or treasurer for signature. Neither the chair nor the treasurer has an opportunity to review the Board Administrator's invoices and supporting documentation or give approval for such expenses to be paid prior to their being entered into SAAS for payment.
- The accounting assistant codes the Board Administrator's monthly invoices as "Contractual Services—Other Fees and Services," although some of the reimbursed items should more appropriately be coded as personal services-travel and commodities. For example, of the total amount of \$5,896.65 on the Board Administrator's May 25, 2006, invoice, \$79.20 represented personal services-travel expenses; \$5,221.54 represented contractual services expenses; and, \$595.91 represented commodities expenses.
- For each of the board's quarterly meetings, the accounting assistant provides to the board treasurer a financial report for presentation to the members. Because the Board Administrator's reimbursed expenses are accounted for in total as "Contractual Services—Other Fees and Services," rather than accounting categories that reflect the types of expenses incurred, board members do not have sufficient information regarding the board's financial operations. Therefore, it is difficult for members to monitor actual costs of operation and

make informed decisions as to the board's resources.

Because the board has a fiduciary responsibility regarding the receipt and disbursement of public funds, prudent financial management principles require that the board stay abreast of the agency's financial condition. Because board members are part-time and not involved in the day-to-day management of the agency, they are dependent on financial information prepared by the staff to use in exercising their fiduciary responsibilities.

Administrative Issues of the Regulatory Boards for Mississippi's Mental Health Professions

The boards responsible for regulating three of Mississippi's mental health professions have suffered from conditions such as a lack of permanent staffing, lack of a permanent office location, and insufficient in-house accounting expertise. These deficiencies have impacted the boards' administrative and financial operations. The boards could benefit from a solution that would allow them to pool resources to address common needs and problems.

Because regulatory boards' resources are limited, in both personnel and money, they must assure that resources are deployed where they will have the most impact.

Regulatory boards are, in effect, similar to small businesses that need organized and systematic management, especially with regard to their administrative and financial operations. Essential to the boards' successful operation are executive leadership to formulate management decisions and control systems to provide information with which to make such decisions. Because regulatory boards' resources are limited, in both personnel and money, they must assure that resources are deployed where they will have the most impact.

In addition to this review of the Board of Psychology, PEER has also recently reviewed the Board of Examiners for Licensed Professional Counselors (#497) and Board of Examiners for Social Workers and Marriage and Family Therapists (#501). As described in these reports, all three regulatory boards have managerial and financial deficiencies that limit their effectiveness in protecting the state's citizens and providing services to their respective practitioners. The following illustrate such deficiencies.

- Two of the boards—Licensed Professional Counselors and Psychology—do not have office locations in the Jackson metropolitan area, thereby limiting their accessibility to practitioners and the public. Only the Board of Examiners for Social Workers and Marriage and Family Therapists has an office in Jackson. In fact, the Board of Psychology has no permanent office location, but is headquartered at the contract administrator's personal residence in rural Yazoo County.
- Two of the boards—Licensed Professional Counselors and Psychology—lack permanent office staff, relying instead on contract administrators, both of whom are located in Yazoo County. Only the Board of Examiners for Social Workers and Marriage and Family Therapists has permanent staff, consisting of five authorized positions for FY 2008. As

noted in PEER's reviews of the three regulatory boards, the limited number of administrative staff of each board contributes to internal control problems for the boards, primarily with regard to the separation of accounting duties.

- Contract administrators for the boards of Licensed Professional Counselors and Psychology acknowledged that they have limited knowledge of the state's accounting system and subcontract with personnel of other state agencies to enter these boards' accounting information into the state system. Therefore, the administrators' abilities to retrieve, analyze, and report accounting and financial information to board members is limited, at best.
- Within recent years, all three regulatory boards have been cited by the State Auditor for failing to comply with the state's timely deposits requirements for transferring funds from clearing accounts to the State Treasury within periods designated by state law or Department of Finance and Administration policies. Despite each board's assertions to the State Auditor of future compliance, PEER determined that each board has, on occasion, not transferred collections to the State Treasury in a timely manner.
- Due to the use of contract staffing and the staffs' unfamiliarity with the state's accounting system, members of the Licensed Professional Counselors and Psychology boards have received limited financial information with which to make programmatic and resource allocation decisions.

PEER believes that the permanent and contract staffs of these three regulatory boards have attempted to provide administrative and accounting services to their respective boards to the best of their abilities.

PEER believes that the permanent and contract staffs of these three regulatory boards have attempted to provide administrative and accounting services to their respective boards to the best of their abilities. However, the conditions described above have impacted their administrative and financial operations. In view of the potential for mismanagement or theft of resources, a solution to the problems cited above is both possible and desirable. Such solution could allow the three boards to pool resources to address common needs and problems.

Overlap in the Scopes of Practice of Mississippi's Mental Health Professions

Significant overlap in the scopes of practice in Mississippi of psychologists, counselors, social workers, and marriage and family therapists, along with a lack of definition for the unique competencies that define each field, could cause confusion for the public when deciding which professionals are competent to treat certain disorders. Further, some mental health professionals may be engaging in practices in which they have not been properly trained.

Regulation of the Professions Should Safeguard Public Safety and Trust

A 2004 report of the Federation of State Medical Boards (FSMB) of the United States points out that consumers generally trust that practitioners who are authorized to provide health care services are competent; therefore, regulation serves as a safeguard to enhance public safety and engender public trust. The report further states that while there has been an increasing number of debates regarding changes in scopes of practice for these professions, public protection must be the primary consideration for policy makers and regulators. PEER agrees with the assessment of the FSMB and believes that it applies to regulation of the mental health professions as well.

The very fact of regulation through independent boards presumes that each profession is trained to provide at least some distinct mental health services and will have at least some distinct competencies. However, current state law regarding these professions does not demonstrate distinct scopes of practice for each profession.

The American Psychological Association has determined that the doctoral degree is the minimum needed to practice psychology independently in a competent manner. This requirement infers that certain diagnoses or treatments applied by psychologists for mental disorders are not within the boundaries of other professional groups' competence. Although psychologists, counselors, social workers, and marriage and family therapists share some skills and procedures, the very fact of regulation through independent boards presumes that each profession is trained to provide at least some distinct mental health services and will have at least some distinct competencies. However, current state law regarding these professions does not demonstrate distinct scopes of practice for each profession. Rather, there is significant overlap among the professions as to allowable practice under law.

State Law Does Not Provide Discrete Statements of Scope of Practice

Following are excerpts from state law and regulations regarding the definitions and practice of each of these four mental health professions. Each of these definitions is sufficiently broad to encompass the scopes of practice of one or more of the other social service professions.

- **Psychology**--MISS. CODE ANN. Section 73-31-3 (d) (1972) defines the “practice of psychology” as:

. . . the description, interpretation and modification of human behavior through the application of psychological principles and procedures. The practice of psychology includes, but is not limited to, the assessment of personal characteristics such as intelligence, personality, ability, and other cognitive, behavioral and neuropsychological functioning, and efforts to change or improve symptomatic, maladaptive behavior or mental health through psychotherapy procedures including psychoanalysis, behavior therapy, biofeedback and hypnosis. Psychologists diagnose and treat mental and emotional disorders, disorders of habit and conduct, and disorders associated with physical illness or injury.

- **Counseling**--In regard to licensed professional counselors, MISS. CODE ANN. Section 73-30-3 (c) 1972 states that “counseling procedures:”

. . .include but are not restricted to (i) the use of counseling methods and techniques, both verbal and nonverbal, which require the application of principles, methods or procedures of understanding, predicting and/or influencing behavior, and motivation; (ii) the use of informational and community resources for personal or social development; (iii) the use of group placement methods and techniques which serve to further the goals of counseling; (iv) designing, conducting and interpreting research on human subjects or any consultation on any item above; and (v) appraisal techniques including but not limited to testing of achievement, abilities, interests, and aptitudes.

- **Social work**--MISS. CODE ANN. Section 73-53-3 (b) (1972) defines “social work practice” as:

. . .the professional activity directed at enhancing, protecting or restoring people’s capacity for social functioning, whether impaired by physical, environmental or emotional factors.

CODE Section 73-53-3 (c) (1972) defines “clinical social work practice” as:

. . .the application of social work methods and values in diagnosis and treatment directed at enhancing, protecting or restoring people’s capacity for social functioning, whether impaired by physical, environmental or emotional factors.

- **Marriage and Family Therapy**--MISS. CODE ANN. Section 73-54-5 (b) (1972) defines “marriage and family therapy” as:

. . .the rendering of professional therapy services to individuals, families or couples, singly or in groups, and involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of therapy services to those persons.

Also, according to the board’s *Rules and Regulations Regarding the Licensure of Social Workers and Marriage and Family Therapists* and the American Association of Marriage and Family Therapy, marriage and family therapists can use assessment instruments and applied understanding of dynamics of marriage and family systems to diagnose, identify, evaluate and treat emotional, cognitive, affective, behavioral or psychological problems and conditions.

Each of these four professions may involve the assessment/diagnosis and treatment of mental and emotional disorders. The overlapping of psychology with the other three professions is noted in MISS. CODE ANN. Section 73-31-27 (1972), which states:

The practice of psychology overlaps with the activities of other professional groups and it is not the intent of this act to regulate them.

As noted on page 4, in Mississippi a psychologist is authorized by state law to assess personal characteristics and change or improve behavior or mental health through

psychotherapy procedures (e. g., psychoanalysis, biofeedback). Psychotherapy and psychotherapeutic techniques are also specifically mentioned as part of the scopes of social workers (in the board's *Rules and Regulations*) and of marriage and family therapists (in MISS. CODE ANN. Section 73-54-5 [b] [1972]). Although not specifically mentioned in the law or *Rules and Regulations* of the Board of Examiners for Licensed Professional Counselors, licensed counselors are not prohibited from engaging in psychotherapy, provided that psychotherapy is within the boundaries of their competence.

Some of the statutes addressing “psychotherapy” and “psychotherapeutic techniques” seem to contradict each other and the public could be confused about what type of practitioner to engage for treatment.

As noted in PEER’s recent report on the Board of Examiners for Social Workers and Marriage and Family Therapists (#501, August 14, 2007), MISS. CODE ANN. Section 73-54-9 (3) (1972) expressly prohibits marriage and family therapists from engaging in the practice of psychology. However, because “psychotherapy” and “psychotherapeutic techniques” are arguably part of the practice of psychology, the statutes seem to contradict each other and the public could be confused about what type of practitioner to engage for treatment.

Research Regarding Scopes of Practice of Mental Health Professions

The Maine Rural Health Research Center reviewed the licensure laws for psychologists, professional counselors, social workers, and marriage and family therapists and published a report in 2002 entitled “State Licensure Laws and Mental Health Professions: Implications for the Rural Mental Health Workforce.”

Researchers found that if a professional is allowed to provide assessment, he or she is typically allowed to provide individual and group counseling and treatment planning as well. This is true for Mississippi psychologists and clinical social workers; however, the researchers could not determine whether marriage and family therapists in Mississippi are able to assess and develop treatment plans. The researchers also could not determine whether professional counselors in Mississippi are able to develop treatment plans.

Related to diagnosis, researchers found that while no state explicitly restricts any of the professions from diagnosing individuals, many simply do not address it. For Mississippi, psychologists and clinical social workers have legal authority to diagnose; however, statutes do not address diagnosis for professional counselors or marriage and family therapists.

Related to psychotherapy, researchers found that while no state explicitly restricts any of the professions from performing psychotherapy, many simply do not address it. For Mississippi, psychologists and marriage and family therapists have statutory authority to perform psychotherapy; however, statutes do not address psychotherapy for professional counselors or clinical social workers.

Why Clear Statements of Scope of Practice are Needed

In Mississippi, the licensed mental health professions have not established mutually agreed upon training requirements by service area.

The overlap in scope of practice would not prove to be a problem in a situation where all regulated mental health professions recognize common training standards for attaining competency in a given area of practice. However, in Mississippi the licensed mental health professions have not established mutually agreed upon training requirements by service area, nor have they clearly defined boundaries of practice. Such an approach is not in the best interest of the consuming public.

Since each group has completed different education and training, each group has the ability to identify clearly its scope of practice, including any limitations in scopes of practice. This has not happened in Mississippi. Instead, Mississippi's regulatory boards rely on practitioners' adherence to their respective codes of ethics for scope of practice, which states that practitioners practice only within the boundaries of their own competence. Therefore, practitioners are able to determine for themselves who and what they are able to diagnose and treat. As noted previously, the public not only could be confused about what type of practitioner to engage for treatment, it is possible that unqualified practitioners could be using methodologies they have not been trained to use.

In Mississippi, practitioners are able to determine for themselves who and what they are able to diagnose and treat.

Such a loose system for defining competency to practice also presents the state with a logical inconsistency in protecting the public interest. If the various mental health professions cannot agree on a clear scope of practice for each profession, including specific areas of both overlap and exclusive practice, PEER questions why the state should maintain independent licensing boards and standards for each profession. Clearly, if "one size fits all," separate regulatory boards are not needed. The PEER Committee contends that there should be reasonable boundaries to practice in the field of mental health that should be recognized and sanctioned by the state and only those attaining the required level of competence in a given area of service should be admitted to practice.

Recommendations

Needed Improvements in Licensure of Psychologists

1. By the 2010 legislative session, the Board of Psychology should present sound evidence supporting either the maintenance or modification of the state's educational, experience, and examination requirements for licensure.³

Specifically, if the board believes that the state should maintain its current requirements, the board should provide sound evidence to demonstrate that:

- individuals who graduate from designated programs (as opposed to APA-accredited programs) are not competent to practice psychology at an entry level;
- individuals who receive 3,000 hours of experience (as opposed to 4,000 hours) are not competent to practice psychology at an entry level;
- individuals who complete a 1,500 hour internship (as opposed to 2,000 hours) are not competent to practice psychology at an entry level; and,
- the post-doctoral year of supervised experience (as opposed to two years pre-doctoral experience) is needed to ensure competence in practicing psychology at an entry level.

If the board presents sufficient evidence to maintain the present licensure requirements, then the board should eliminate its acceptance of the CPQ and the ASPPB's Agreement of Reciprocity and instead enter into reciprocity agreements only with states that have equivalent education and experience requirements.

³ An example of a process for validating the education- and experience-based minimum qualifications may be found in the Autumn 2005 edition of *Personnel Psychology*, Volume 58, pages 771-799.

If the board does not present sufficient evidence to maintain the present licensure requirements, then the Legislature should consider amending MISS. CODE ANN. Section 73-31-9 (1972) to require that applicants meet only the minimum educational, experience, and examination standards needed to practice psychology competently, as established through research.

2. The Legislature should amend MISS. CODE ANN. 73-31-13 (1972) to remove the requirement that the board's examination measure knowledge in the history of psychology.
3. The Legislature should amend MISS. CODE ANN. Section 73-31-13 (c) (1972) to require the following:
 - that the board conduct background checks on all applicants for licensure;
 - that for purposes of these background checks, "good moral character" shall be established by an absence of felony convictions or convictions for misdemeanors involving moral turpitude; and,
 - that the board may request the assistance of the Department of Public Safety, as well as consulting sex offender registries, in checking criminal histories of applicants.

Additionally, the board should provide to the Legislature for its consideration a list of criminal violations that should disqualify a person from receiving a license.

4. The board should immediately revise the structure and administration of its oral examination in accordance with the ASPPB's Oral Examination Guidelines.
5. The board should consider administering a written jurisprudence examination covering Mississippi law in addition to a valid oral examination.
6. To comply with MISS. CODE ANN. Section 73-31-13 (1972), the board should establish in its *Rules and Regulations* a passing score for its oral examination.
7. To ensure that applicants have the necessary competencies to practice psychology through quality supervised experience, the board should add the ASPPB's Supervision Guidelines, section

entitled Guidelines for Supervision of Doctoral Level Candidates for Licensure, to its *Rules and Regulations*.

8. The board should eliminate the licensure requirement for professional references and instead require a more thorough evaluation from clinical supervisors, as described in the ASPPB's Supervision Guidelines.

Needed Improvements in the Complaints Process

9. To improve the board's maintenance of complaint information, the Legislature should consider amending Title 73, Chapter 31, of the MISSISSIPPI CODE to require that the board maintain a log of every complaint received to include: the case number, the complainant's name, the licensee's name, the nature of the complaint, the names of investigators, the date assigned to investigators, the results of the complaint, any disciplinary action taken, and the date closed.

Needed Improvements in Increasing Public Awareness

10. The board should make information on final disciplinary orders and sanctions readily available to the public through the board's website and in a periodic newsletter distributed to licensees.

Problems with Financial Management

11. The board should immediately adopt policies, procedures, and oversight controls to:
 - ensure that the contract administrator records and accounts for all remittances received by the board immediately upon their receipt;
 - require an independent verification, possibly with the assistance of the board's officers, of the Board Administrator's recording of and depositing of cash receipts into the board's bank clearing account;

- ensure that someone other than the Board Administrator (possibly a board member) reconciles the monthly statement for the bank clearing account; and,
 - comply with state law and state agency accounting policies and procedures by depositing all collections into the State Treasury when such collections reach \$1,000 or on a weekly basis.
12. In order to monitor the agency's financial operations, the board should require that all operating expenses be paid and accounted for through the Statewide Automated Accounting System (SAAS), rather than on a reimbursement basis. Such an arrangement would allow operating expenses to be pre-audited prior to payment and categorized properly according to type of expense.

Administrative Issues of the Regulatory Boards for Mississippi's Mental Health Professions

13. To address the administrative problems cited in this report and in two recently released PEER reports (#497, *A Review of the Board of Examiners for Licensed Professional Counselors*, and #501, *A Review of the Board of Examiners for Social Workers and Marriage and Family Therapists*), the Legislature should create an Executive Committee for the Board of Psychology, the Board of Examiners for Social Workers and Marriage and Family Therapists, and the Board of Examiners for Licensed Professional Counselors consisting of the chairs of each of the three boards.

The Executive Committee should be responsible for developing a plan to manage the administrative support of the three boards. The Executive Committee should design an efficient, effective component to provide administrative support. In developing the administrative component, the Executive Committee should take the following steps:

- a. Determine what type of administrative support (including staffing and resources) is necessary to correct the administrative problems common to the three boards.

- b. Determine the cost of providing this administrative support.
- c. Determine how to distribute equitably the costs of administrative support among the three boards.

Such administrative support activity should include of the following:

- the housing of staff and records for the three boards in a single location in the Jackson metropolitan area;
- the selection of a single executive director to support the three boards;
- the selection of clerks, bookkeepers, and other personnel necessary to carry out the financial management and other administrative functions of the three boards; and,
- the selection of an investigator or investigators to support the three boards in reviewing and investigating complaints of misconduct.

In furtherance of these ends, the Executive Committee should become custodian of all funds appropriated to the three boards and should have the sole authority to expend funds in the names of the three boards.

PEER believes that because economies of scale should be achieved by combining the administration of the three boards, the boards should be able to set up and operate the administrative support component with current fee structures. If not, the respective boards should increase annual fees, charging licensees their pro rata share in amounts sufficient to cover the costs of the administrative support component.

The Executive Committee should also make recommendations to the Legislature regarding any changes in law needed to facilitate administrative consolidation of the three boards.

Administrative consolidation should not address such matters as disciplinary hearings and penalties, rule making, fee setting, and the submission of annual budget requests, which shall remain the individual responsibilities of the three boards.

Overlap in the Scopes of Practice of Mental Health Professionals

14. The Legislature should create a task force composed of members of the Board of Examiners for Social Workers and Marriage and Family Therapists, the Board of Examiners for Licensed Professional Counselors, and the Board of Psychology.

The task force should make recommendations no later than November 1, 2008, to the PEER Committee regarding how to remedy the problems related to overlapping scopes of practice for Mississippi's mental health professionals, as well as contradictions and imprecision in laws related to scope of practice. The task force's recommendations should include proposed revisions to existing law.

Subsequently, the PEER Committee should report the efforts of the task force and make accompanying recommendations to the Senate Public Health and Welfare Committee and the House Public Health and Human Services Committee no later than January 1, 2009.

Appendix A: Education Requirements for Licensure for Graduates from Newly Established Programs Seeking Accreditation, in Areas Where No Accreditation Exists, and for Training Programs Outside of the U. S. or Canada

MISS. CODE ANN. Section 73-31-13 (e) (1972) authorizes the Board of Psychology to set educational standards for graduates from newly established programs seeking accreditation, in areas where no accreditation exists, and for training programs outside of the United States or Canada.

When a new specialty of professional psychology is recognized as being within the accreditation scope of the American Psychological Association (APA), doctoral programs within that specialty will be afforded a transition period of five years from their first graduate to the time of their accreditation. During that transition period, graduates of such programs may be eligible for approval provided that the program is designated as a psychology program by the Designation Committee of the National Register of Health Service Providers and the Association of State and Provincial Psychology Boards. The same principle applies to the new doctoral programs of specialties recognized within the scope of APA accreditation.

For applicants trained in non-APA or -CPA accredited programs and in institutions outside the U. S. or Canada, the following requirements must be met:

- Doctoral training in professional psychology offered in an institution of higher learning that is accredited by a body that is deemed by the ASPPB/National Register Joint Designation Committee to be performing a function equivalent to U. S. regional accrediting bodies.
- The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.
- The psychology program must stand as a recognizable, coherent organizational entity within the institution.
- There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

- The program must be an integrated, organized sequence of study.
- There must be an identifiable psychology faculty on site sufficient in size and breadth to carry out its responsibilities and a psychologist responsible for the program.
- The program must have an identifiable body of students who are matriculated in that program for a degree.
- The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.
- The curriculum shall encompass a minimum of three academic years of full-time graduate study, including the requirement of a minimum of one year's residency at the educational institution granting the doctoral degree. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in each of these four substantive content areas:
 - Biological bases of behavior: Physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.
 - Cognitive affective bases of behavior: Learning, thinking, motivation, emotion.
 - Social bases of behavior: Social psychology, group processes, organizational and system theory.
 - Individual differences: Personality theory, human development, abnormal psychology.

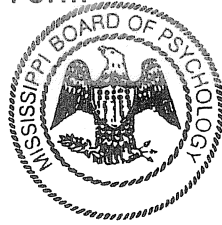
In addition, all professional education programs in psychology will include course requirements in specialty areas. The burden of proof for a program's compliance with the above requirements is upon the applicant.

SOURCE: Board of Psychology's *Rules and Regulations*

Appendix B: Licensure Requirements of States included in Agreement of Reciprocity

	Education	Experience (Total Number Hours)	Internship (Total Number Hours)	Exam
Mississippi	APA accredited programs only	4,000	2,000	EPPP and oral exam
Arkansas	APA accredited programs or equivalent	4,000	2,000	EPPP and oral exam
Kentucky	Any regionally accredited program	3,600	1,800	EPPP and oral exam
Manitoba	APA accredited programs or equivalent	3,000	1,500	EPPP and oral exam
Missouri	APA accredited programs, designated programs, or equivalent	3,000	1,500	EPPP, written jurisprudence, and oral exam
Nevada	APA accredited programs or equivalent	3,500	1,750	EPPP and oral exam
New Hampshire	APA accredited programs or equivalent	3,000	1,500	EPPP and oral exam
Oklahoma	APA accredited programs or designated programs	4,000	2,000	EPPP, written jurisprudence, and oral exam
Ontario	Doctoral degree that meets published College Guidelines	3,000	1,500	EPPP, written jurisprudence, and oral exam
Texas	APA accredited programs or equivalent	Hours not specified; at least 2 years full time (35 hours/week)	Hours not specified; at least 1 year full time (35 hours/week)	EPPP, written jurisprudence, and oral exam
Wisconsin	Degree from accredited school or equivalent	3,000	Not specified (only require minimum of 1,500 hours post-doc)	EPPP, written jurisprudence, and oral interview

SOURCE: Interviews with state board staffs and reviews of board websites and state licensure laws.



Mississippi Board of Psychology

Mississippi Board of Psychology

Professional Reference Form

Dear: _____

_____ has applied for licensure as a psychologist in the State of Mississippi and listed you as a reference or former supervisor. Consequently, we would appreciate your completing this reference form and returning it to the Executive Secretary of the Board in the enclosed, self-addressed envelope. Your cooperation is essential to the Board's work in ensuring high standards for the profession of psychology, and therefore, we request that you complete the following question as objectively as possible.

Thank you very much.

Sincerely yours,

Executive Secretary
Mississippi Board of Psychology

Please Complete The Following To The Best of Your Ability

1. YOUR PROFESSIONAL RELATIONSHIP WITH THE APPLICANT

YOUR RELATIONSHIP WAS:	DATES		PER CENT OF TIME APPLICANT SPENT IN PURELY PSYCHOLOGICAL WORK	TITLE OF APPLICANT POSITION AND NAME OF ORGANIZATION
	FROM	TO		
<input type="checkbox"/> Immediate Supervisor				
<input type="checkbox"/> General Supervisor				
<input type="checkbox"/> Colleague				
<input type="checkbox"/> Personal Acquaintance				
<input type="checkbox"/> Other				

2. DESCRIBE BRIEFLY THE APPLICANT'S DUTIES, AS YOU KNEW THEM.

3. IN WHICH OF THE FOLLOWING AREAS WOULD YOU JUDGE APPLICANT TO BE TECHNICALLY COMPETENT TO ENGAGE WITHOUT DIRECT SUPERVISION:
(REMEMBERING THAT NO ONE IS EXPERT IN ALL FIELDS OF PSYCHOLOGY, AND ONLY RARELY IN ALL BRANCHES OF ONE FIELD.)

POPULATION: Child Adolescent Adult Geriatric Other: _____

DIAGNOSTIC CLASSIFICATION: Normal Neurotic Psychotic Disabled Other: _____

TYPES OF EVALUATION: Child Custody Educational Forensic Group Dynamics Needs Assessment Organizational Personality Vocational Other: _____

EVALUATION TECHNIQUES: Achievement Tests Intelligence Tests Interest Tests Neuropsychological Tests Objective Personality Tests Personnel Selection Tests Projective Tests
 Vocational Tests Other: _____

INTERVENTION TECHNIQUES: Behavior Therapy Biofeedback Brief Therapy Counseling Divorce Mediation Family Therapy Group Therapy Hypnosis Individual Therapy
 Marital Therapy Organizational Development Parental Counseling Pain Management Play Therapy Psychoanalysis/Psychotherapy
 Sex Therapy Smoking Cessation/Weight Reduction Therapy Substance Abuse Counseling Training & Development Other: _____

4. GIVEN THE OPPORTUNITY WOULD YOU EMPLOY THE APPLICANT IN YOUR ORGANIZATION? Yes No

IF NO, WHY NOT? _____

5. BASED ON YOUR KNOWLEDGE OF THIS APPLICANT'S EDUCATION, TRAINING, VALUES AND PERSONALITY, ARE THERE ANY AREAS YOU WOULD SUGGEST THE APPLICANT SHOULD NOT ATTEMPT IN INDEPENDENT PRACTICE?

6. DO YOU FEEL THAT ON AN OVERALL BASIS, INCLUDING TRAINING AND EXPERIENCE, PERSONAL CHARACTER, AND ETHICAL CONDUCT, THE APPLICANT IS A CREDIT TO THE PROFESSION OF PSYCHOLOGY? Yes No

IF NO, EXPLAIN _____

7. DO YOU HAVE ANY RESERVATION AGAINST GIVING THE APPLICANT YOUR UNQUALIFIED SUPPORT? Yes No

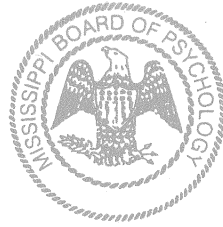
GIVEN THE OPPORTUNITY, WOULD YOU ENCOURAGE THIS APPLICANT TO PURSUE INDIVIDUAL PRACTICE IN YOUR COMMUNITY? Yes No

COMMENTS _____

IF YOU A MEMBER OF American Psychological Association	CLASS OF MEMBERSHIP	DIPLOMATE OF ABEP <input type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, AREA	ARE YOU CERTIFIED OR LICENSED IN ANY STATE? WHERE? <input type="checkbox"/> Yes <input type="checkbox"/> No
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If you have any further comments that will help the board conduct its work, and to maintain the standards of our profession, please add them.

DATE	TITLE	SIGNATURE
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Mississippi Board of Psychology

October 2, 2007

Max Arinder, Ph.D.
Executive Director
Joint Legislative Committee
on Performance Evaluation and Expenditure Review
Post Office Box 1204
Jackson, MS 39215-1204

RE: MS Board of Psychology's Response

Dear Dr. Arinder,

Thank you for the opportunity to offer our response to the draft PEER Review Report. As you are aware, we are a very small agency with no Executive Director, a volunteer board and we contract for management services. We have had an opportunity to review the Executive Summary and several Board members skimmed through the entire report on September 17, 2007. Due to the time constraints, we will primarily offer a cursory response at this time. We look forward to the release of your final report. In the coming months we will invest sufficient time in thoroughly reviewing the document. I am confident that we will consider all PEER recommendations, along with other data we gather, in order to guide us in making informed Board decisions.

Please find our responses to each recommendation:

1: Provide evidence supporting either the maintenance or modification of educational, experience, and examination requirements for licensure.

The Board of Psychology will thoughtfully consider this recommendation. We will elicit the consultation of psychological and consumer protection organizations in examining what requirements best reflect minimal competency to practice psychology independently in Mississippi. (e.g. ASPPB, CLEAR, APIC, APA).

2: Remove the requirement that the Board’s examination measure knowledge in the history of psychology.

Although the EPPP does not have a specific content section entitled “history of psychology,” it is our understanding that some EPPP questions continue to be grounded in a historical context of psychology. The Board could be agreeable to the legislature removing the “knowledge of the history of psychology” element in MISS CODE ANN. 73-31-13 (1972), but not to any extent that might then exclude the EPPP as a required written test.

3: Require background checks on all applicants in order to define “good moral character” as an absence of felony convictions or convictions for misdemeanors involving moral turpitude.

The Board agrees with this recommendation. Many other jurisdictions include such background checks as a part of the licensing process. Further, the Board could identify and provide the legislature with a list of offenses, which would disqualify an applicant.

4: Revise the oral exam

Prior to the PEER evaluation, the Board had begun the process of revising the Oral Examination using the ASPPB Oral Examination Guidelines. The Board hopes to have this revision completed within FY 2008.

5: Consider administering the jurisprudence exam in a written format.

This is a recommendation that the Board will certainly take into consideration. Other jurisdictions use a written format to evaluate jurisprudence knowledge. We will elicit the consultation of psychological and consumer protection organizations in examining applicants for minimal competency to practice psychology independently in Mississippi (e.g. ASPPB, CLEAR, APIC, APA).

6: Should comply with MISS.CODE ANN. Section 73-31-13 (1972) in establishing a passing score for its oral examination.

As presently worded, the Board’s *Rules and Regulations* define the “passing” of the oral examination as occurring when the Board votes to pass the examinee. Understandably, there is a process of collective judgment that occurs when arriving at this vote – as is the case for any vote. While this collective judgment process is not specifically quantified in our *Rules and Regulation*, the actual vote tally is a quantifiable measure. The required vote tally on this specific issue could be included in our *Rules and Regulations* and will be considered for addition.

As the Board is now in the process of revising the oral exam, when complete, there will be a quantifiable definition of “passing” the oral exam. Further, if the Board began to administer a written jurisprudence exam that too would ensure a quantifiable definition of “passing.”

7: Add ASPPB Supervision Guidelines to Rules and Regulations.

The Board agrees that adding the ASPPB Supervision Guidelines would be helpful in assuring that the supervision structure and process met the expectation of the Board and increase the likelihood of producing a qualified applicant.

8: Eliminate the requirement for professional references.

The Board’s experience is that professional references can sometimes help identify areas in an applicant’s practice experience and/or training that may elicit further exploration by the Board. We do not want to eliminate the requirement for professional references.

Additionally, the Board is frequently faced with having to consider licensure of applicants whose formal supervision occurred many years earlier, sometimes 10 or 20 years earlier. These cases often involve practitioners who have been licensed and working in other jurisdictions for quite some time. Obtaining contemporary professional references about the applicant’s work can, in such situations, prove quite valuable to the Board’s decision about granting licensure.

9: Maintain a log of complaint

We have already implemented such a complaint logging process.

10: Should make final disciplinary orders and sanctions readily available to the public.

This is a worthy recommendation that the Board will consider. Currently, there is a requirement that the Board report adverse actions to the Executive Council of the Mississippi Psychological Association (MPA), the Executive Committee of the American Psychological Association (APA), and the Association of State and Provincial Psychology Boards (ASPPB) disciplinary data bank. We are unaware of any statutory mandate to publish such adverse actions in other forms or forums.

11: Should adopt policies, procedures, and oversight controls RE: contract administrator.

The Board of Psychology is administered by an individual contractor whose lack of additional staff makes it impractical to have a complete separation of duties. Even though the board does not feel that any type of fraud is being committed, the board will research the various accounting functions performed by the administrator to determine how duties might be changed or periodically reviewed by board members in such a manner that would strengthen the separation of duties and make the system as free from the possibility of fraud as possible.

In response to the issue of timely deposits into the State Treasury, the board will review current procedures followed by the administrator in making deposits and make necessary changes and updating procedures to ensure that deposits are made timely in accordance with state law. The board administrator also is researching other types of checking accounts for the board that will enable her to keep a smaller balance in the board's clearing account while incurring the least amount of fees as possible. The Board is actively pursuing all of oversight suggestions.

12: Use SAS instead of reimbursement

The Board of Psychology feels that its current arrangement with the administrator where many of the board's routine operating expenses are paid by the administrator and reimbursed to the administrator on a monthly basis is still the most efficient process for the board. This process decreases the number of accounting transactions that must be processed for the board. The board has been operating in this manner for many years and has not had a problem with monitoring the expenses or determining the actual costs of operations for the board. Even though a board member has not reviewed the administrator's invoices and supporting documentation prior to their being entered in SAAS, a board member does review the expenses that are reimbursed to the administrator prior to their being approved in SAAS. The board has always had or been able to get the reports and adequate information it needs to effectively monitor the Board's budget.

13: Create an Ex. Committee for Psychology, Social Work and Professional Counselor

The Board is more familiar with a central agency that coordinates all credentialed professionals in a jurisdiction. The administrative coordination among all licensed professions would enable the agency to have legal, accounting, investigative and management departments. With the combined funds the agency could hire an Executive Director with professional experience and credentialing knowledge. It would probably be work well in MS as it has been proven to work in numerous jurisdictions. The Board looks forward to exploring this recommendation.

14: Overlapping scope of practice

The Board agrees that multiple professions in a variety of fields overlap in general services provided to consumers. We maintain that independent psychology practitioners must be "doctorally-trained" licensed "health care" professionals. Our training and experience differentiates us from "master-level" trained "mental health" professionals. There is no evidence that other "doctorally-trained health care disciplines" are thrust together with other various boards in spite of overlapping scopes of practice.

The practice of psychology tends to overlap more with the scope of practice in psychiatry in which we provide "evidence based psychological treatments" in the health care setting versus "therapy" in "mental health settings." The APA changed its mission statement a few years ago to define psychology as a "health" profession to create this very differentiation.

Thank you for the thorough evaluation your staff conducted on the Board of Psychology. We have appreciated their professionalism and recognition of our desire to ensure that all licensed psychologists offer high quality psychological services to the citizens of our state. Please contact me at (601) 662-716-3934 for further clarification or if you have any questions.

Respectfully submitted,



Mardi F. Allen, Ph.D.
Chair

PEER Committee Staff

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James Barber, Deputy Director
Ted Booth, General Counsel

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Linda Triplett, Division Manager
Larry Whiting, Division Manager
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