

February 17, 2010

California Board of Psychology  
2005 Evergreen Street, Suite 1400  
Sacramento, CA 95815-3894

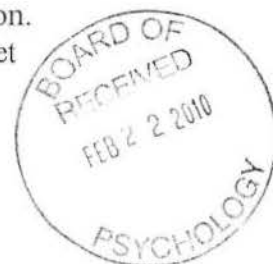
Members of the Board,

We, the twenty-one undersigned, are training directors and coordinators for internships or postdoc fellowships in California. We write to express our deep misgivings about the ethics and legality of the Board of Psychology's recent decision to disallow license applicants' experience hours solely on the basis of Supervised Professional Experience (SPE) forms.

Following a review by the Board's staff, some of our program graduates applying for licensure have received letters disallowing SPE hours due to the perception that their SPE forms were backdated or otherwise completed improperly. We acknowledge that the intent of the SPE forms is the execution of a contract designed to improve compliance and standardization for SPE hours--and are important as such. However, we are deeply concerned about what appears to be an unjust interpretation of the SPE form requirement, and an interpretation that does not actually provide such standardization or additional protection to consumers. The form is not the experience but rather the documentation of that experience; it is the supervised training experience itself that assures adequate preparation and protects consumers.

Our concerns are summarized below:

1. We believe that principles of due process are not followed when experience hours are disallowed solely on the basis of SPE forms.
  - We advocate that any hours submitted by a license applicant who completed supervised professional experience at an APPIC-member or APA-accredited site be regarded as meeting California's SPE criteria, whether or not an SPE form was completed. Such sites are already reviewed by these professional bodies as having met required standards and such standards are in full accordance with the SPE criteria.
  - Internship sites that participate in the APPIC Match service for placing predoctoral interns post detailed information about and requirements for the internship. This information is fully accessible to the intern applicant prior to ranking. The act of posting the information demonstrates the training site's awareness of and agreement to such information and requirements, and, the act of accepting an internship at a particular site demonstrates the same on the part of the applicant. Thus the components of the "SPE Agreement" are already executed when the MATCH occurs and the SPE form is redundant in function. We advocate that if Match participant sites' internships can be shown to meet



SPE criteria, such documentation be accepted as a sufficient substitute for the SPE form.

- We advocate that any license applicant without an adequate SPE form for hours completed at non-APPIC or non-APA sites be allowed the same alternative process for documenting supervised experience as the Board provides for license applicants who completed supervised hours outside of California.
2. We believe the practice of disallowing hours solely on the basis of the SPE form is unjust.
- Based on our cumulative experiences, very few interns have read California licensing laws prior to starting internship training; even fewer out-of-state interns have done so. It is unreasonable to expect an incoming intern to comprehend the details and importance of the SPE requirement to later licensing procedures. Because most interns are unaware that an SPE form is required at the start of internship training, the supervisor is the only truly responsible party for the form's creation. We advocate that, because interns cannot reasonably be expected to be responsible for the SPE form, the Board not punish the applicant for inadequately completed or missing SPE forms.
  - The consequence to license applicants when denied a year's worth of hours due to the SPE form is severe and far out of balance with the consequence of a violation of procedure regarding the forms. We advocate that the Board notify applicants of problems with the SPE form and offer the applicant clear remedies for documenting experience hours before disallowing the hours.
  - Denial of SPE hours that did in fact meet statutory SPE criteria requires applicants to repeat hours unnecessarily, and does not further the Board's consumer protection mission in any substantial way. We advocate that the Board discontinue rejection of hours that can be reasonably documented to meet statutory SPE criteria.
  - SPE hours are typically acquired at as little as one third of typical entry level position salaries. When applicants who already acquired appropriate SPE hours have to complete more SPE hours, they very likely take a significantly reduced income for that time period. We encourage the Board to take into account the severe consequences to the license applicant relative to the lack of benefit to consumer protection in these cases.
3. We believe the practice of disallowing hours of experience solely on the basis of the SPE form is of questionable legality.
- When the Board prevents applicants who have actually accumulated appropriate experience from sitting for licensure, it would appear this could be a restraint of trade violation. [Sherman Anti-Trust Act (15 U.S.C.A. § 1 et seq.)]

- Many applicants would receive a significant and deserved increase in pay when they are licensed. For all applicants, a delay in sitting for licensure delays the point at which they become eligible for higher paid jobs. When the unnecessary prevention of qualified applicants from sitting for licensure directly results in less earned income, this practice may qualify as a lost earnings tort claim.

We believe this issue can be remedied if:

1. The Board accepts hours of experience from APPIC or APA sites with no additional documentation.
2. For non-APPIC and non-APA sites, the Board accepts alternative, reasonable documentation that the completed hours match the Supervised Professional Experience criteria when the SPE form is missing or inadequate. Sufficient documentation could include, but is not limited to, documentation of an internship site's participation in the APPIC Match along with documentation of the internship's posted information that conforms to SPE criteria.

We hope that you will take our concerns and suggestions under advisement as you consider how to maintain a fair and reasonable process for licensure that serves your dual mission of ensuring the appropriate standardization and verification of professional qualifications and the protection of the public consumers of psychological services.

We can be contacted through Barbara Gilbert, listed first below.

Sincerely,

*Barbara J. Gilbert Ph.D.*

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