

Proponent Testimony on HB 496

House Committee on Health and Aging

David Hayes, PhD, ABPP

On behalf of the

Ohio Psychological Association

May 23, 2012

Good morning Chairman Wachtmann and members of the committee. My name is Dr. David Hayes. I am a board certified clinical psychologist and the Liaison from the Ohio Psychological Association (OPA) to the Ohio Board of Psychology. I have been licensed as a psychologist in Ohio since 1982, and I have served in a variety of clinical and administrative roles in healthcare and in the corporate world. I am speaking in support of HB 496 on behalf of the more than 2,000 members of OPA.

The process of agreeing to the language that now appears in HB 496 was intentionally designed by the Psychology Board and Dr. Ross to be inclusive of stakeholders, a decision that contributed to the collaborative nature of the work apparent from the very beginning of the task. I would like to give you three examples of areas in which our collaboration led to good outcomes.

Let me start with the issue of subpoena power. Right now, the Ohio Board of Psychology is one of only three of the twenty five healthcare regulatory boards in Ohio that does not have subpoena power. (The Board of Optical Dispensers and the Board of Orthotics, Prosthetics and Pedorthics are the other two.) The Psychology Board has an obvious interest in being able to stop “bad actor” psychologists from practicing in ways that harm the public. Sometimes, the only way to get the evidence the Board needs to stop such bad actors is to subpoena records, which is why the Board has asked for subpoena power. From OPA’s perspective, the power to subpoena records must be balanced by protections for psychologists against the Board accusing them of being bad actors without good cause, then going on fishing expeditions or engaging in retaliatory actions against psychologists they don’t like. In this matter, OPA, as a professional organization, has an obligation to represent psychologists’ interests, so it was important for us to find common ground with the Psychology Board. Since the members of OPA also have no interest in protecting bad actors – when psychologists behave destructively, it hurts the public and it hurts the profession as well – finding common ground turned out to be relatively easy. The resulting language, acceptable to OPA and the Board, gives the Board an important investigatory tool, but also protects psychologists against potential bad actions by the Board. To be clear, I am not suggesting bad faith or bad actions on the part of the current Board. The successful negotiations around language for this section were important to provide protections in the future.

Next, let me talk about a new category of license. Under current Ohio law, no one may call himself or herself a psychologist unless he or she holds a valid license. So, for example, if I were to retire, strictly

speaking, I could not call myself a psychologist unless I continued to renew my license every two years, incurring that cost, even if I were no longer practicing at all. While the Psychology Board has not ever taken action against a retiree who did not renew his or her license and then continued to use the title psychologist, some retirees or prospective retirees were nevertheless uneasy about this aspect of the current (1972-era) law. The new category, Psychologist, Retired (and School Psychologist, Retired), that HB 496 would establish, addresses this problem at a much lower cost to the retiree.

Finally, a third area in which the Psychology Board and the stakeholders worked together effectively relates to the fees that the Board charges. As Dr. Ross just explained in his testimony, the world has changed since 1972, and the costs associated with the Board's functioning have changed as well. OPA supports the proposed fee changes. HB 496 would raise the cost of initial license application, modestly increase the amount for license renewal (although not for retirees), and permit the Board to charge for some tasks it must now do for free, such as verifying for another Board that a person holds a valid license in Ohio (something that many other Boards charge for and that requires Board resources to do). The proposed amounts are not arbitrary. They were established after reviewing similar fees in other jurisdictions and they would permit the Board to continue to function fiscally as a self-supporting Board.

The OPA Board of Directors voted its support for HB 496. Please vote yes to update Psychology's licensing law. Thank you, Mr. Chairman.