

Practice Leadership Conference



Practice, Politics & Policy



Practice, Politics & Policy

The Deregulation Movement: Strategies for Policy Advocacy from the National Perspective

Presented by Deborah C. Baker, JD
March 5, 2017



PLC Legacy Sponsor
2017 CE Technology
2017 Pre-Conference Wifi



PLC Gold Sponsor
2017 Conference Wifi



AMERICAN
PSYCHOLOGICAL
ASSOCIATION

APAPRACTICE
ORGANIZATION

Licensing board consolidation: historical context

- The issue of consolidating psychology licensing board with other mental health licensing boards dates back to at least the 1980s
- This issue has emerged periodically every 5-6 years throughout the US
- Budget savings has been the common rationale

PLC 2017 Sponsors



Practice Leadership Conference



Licensing board consolidation: more recent events

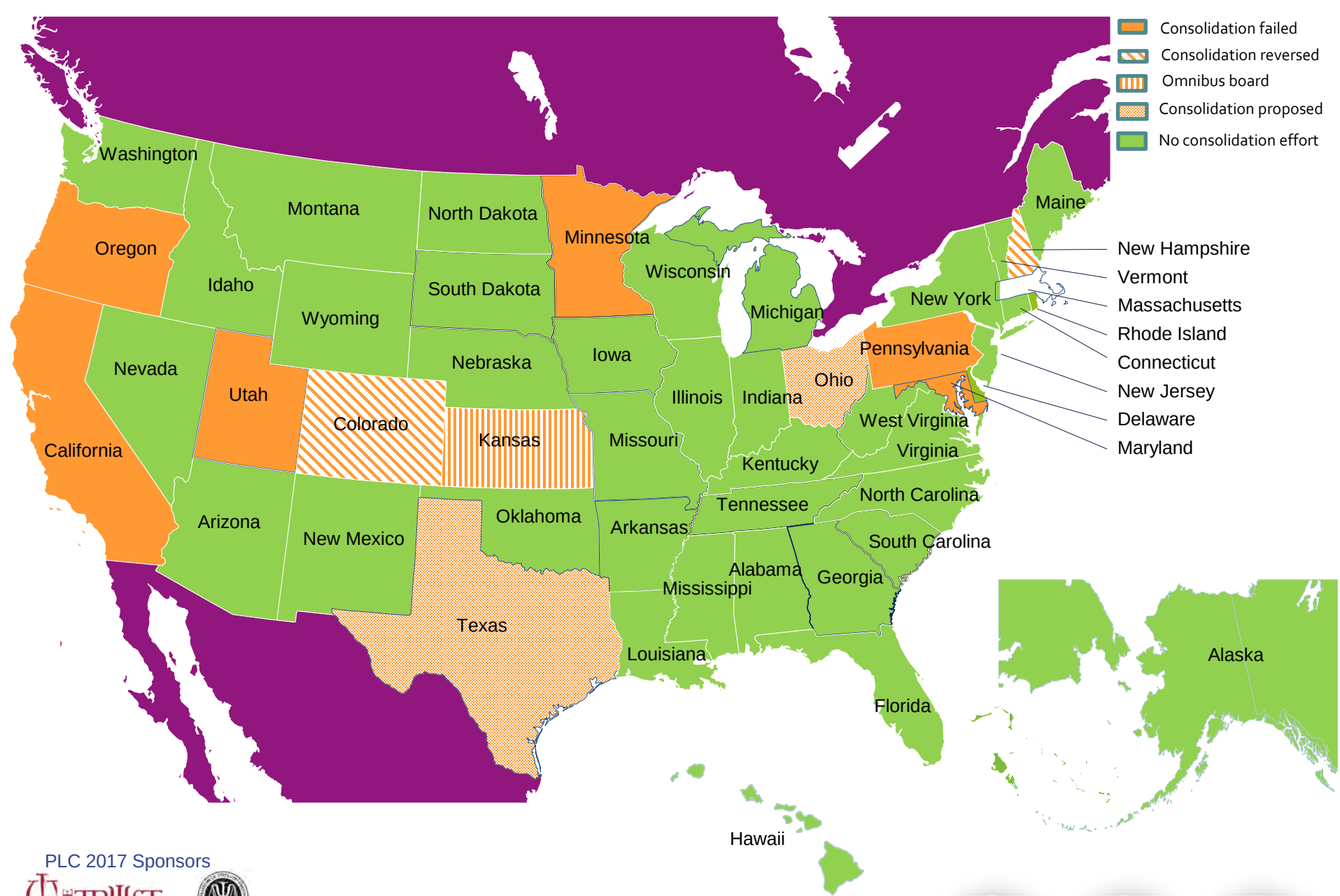
- ❑ LEGAL: 2015 US Supreme Court ruling in NC State Board of Dental Examiners v. FTC
 - Licensing boards often filled with those professionals the board is charged to regulate (“market participants”)
 - Concern about licensing boards’ activities being subject to antitrust litigation; treble damages
 - Concern about how to implement the “active state supervision” requirement for antitrust immunity to apply
- ❑ POLITICAL: Conservative state legislators push for smaller government/deregulation plus budget cuts

PLC 2017 Sponsors



Practice Leadership Conference





PLC 2017 Sponsors



Practice Leadership Conference



Strategies?

- ❑ Licensing board consolidation is not the only solution to address concerns raised in the US Supreme Court's ruling in the NC Dental Board case.
- ❑ There are other possible options that state attorneys general have explored.
- ❑ The response to consolidation to address state budget shortfalls may depend on whether your board is financially self-sustaining
- ❑ Is the board viewed as overburdened with backlog of applications for licensure and/or complaints?
- ❑ Is there an existing coalition with other affected professions/organizations?
- ❑ Consumer protection perspective – more money, more time required to consolidate boards & regulate multiple professions under one board & fewer volunteers to serve on boards

PLC 2017 Sponsors



Practice Leadership Conference



States' Responses to NC Dental Board ruling

■ Oklahoma:

- July 22, 2015: Governor's executive order required licensing boards to submit "all proposed licensure or prohibition actions" to the attorney general for review and written analysis regarding potential legal violations
- Board members who reject the attorney general's advice would be subject to removal for misconduct

■ California:

- September 10, 2015: Attorney General opinion to state senator outlined several options to protect against antitrust liability
- Change composition of licensing boards; increase state oversight of board decisions; provide indemnification & antitrust training for board members

PLC 2017 Sponsors



Practice Leadership Conference



Why not licensing board consolidation?

- Omnibus licensing structure would combine different disciplines with different education/training standards, different scopes of practice & different ethical requirements
 - Board evaluates applicants for licensure, develops rules and policies, investigates complaints and when necessary, disciplines individuals
 - Omnibus boards can create challenging practice environments dissuading others from coming to the state to practice
 - Under an omnibus board, representatives from different professions would be involved in disciplining individuals not just from own profession but other professions
- Psychology is the only doctoral-level licensed mental health profession
- Scope of practice and number of specialties greater than other mental health professions

PLC 2017 Sponsors



Practice Leadership Conference



Why not licensing board consolidation?

2 of 3 states that have had omnibus mental health licensing boards have since re-established an independent psychology board

- Colorado (1998)
- New Hampshire (2012)

Kansas is currently only state where psychology is under a consolidated licensing board.

Current threats of consolidation – Ohio, Texas, ???

PLC 2017 Sponsors



Practice Leadership Conference



Contact information

Deborah Baker, JD

APA Practice – Legal & Regulatory Affairs

dbaker@apa.org

(202) 336-5886/(800) 374-2723





AMERICAN
PSYCHOLOGICAL
ASSOCIATION

APAPRACTICE
ORGANIZATION

Ψ THE TRUST



apapractice.org

