



**NATIONAL
ASSOCIATION OF
SCHOOL
PSYCHOLOGISTS**

NASP Analysis of APA's Proposed Model Act for the State Licensure of Psychologists

Introduction to APA's Proposed Model Act for the State Licensure of Psychologists

Licensing acts are helpful to state legislators as they inform them about the standards of practice for professions, provide guidance on how these standards should be articulated in state law, make recommendations on how the public may be protected from harm related to these practices, and seek to set title boundaries for trade and commerce purposes. In 1987, the American Psychological Association (APA) created and promoted to state legislatures a Model Act that served as a prototype for states to draft legislation that regulated the titling and practice of psychology. Many states adopted the specific statutory language recommended by the APA. The general expectations promoted by the 1987 Model Act were that professionals seeking to use the title "psychologist" and to render "psychological services" were to be doctoral level psychologists only. However, given the growing credentialing of school psychologists by state boards of education, the 1987 APA Model Act included an exemption to this doctoral only standard saying, "It is recognized that school psychologists who are certified by the state education agency are permitted to use the term school psychologist or certified school psychologist as long as they are practicing in the public schools." In the subsequent 30 years, school psychology has developed into a distinct, well-established field due in part to recognition through this exemption and to leadership provided by the National Association of School Psychologists (NASP) and other school psychology organizations.

As part of the current revision process, APA is reversing its 30-year policy by removing this exemption in their proposed Model Act (revised 7/3/2007). Adoption by state legislatures of the proposed Model Act as written (without the exemption for state credentialed specialist level or doctoral level school psychologists) would potentially trigger the need for Department of Education credentialing boards to open their statutes and regulations and revise the school psychology title and descriptions of services in order to align state credentialing and licensing requirements. Not only could this cause unnecessary conflict at the state level and potential disruption of services, it could ultimately restrict the trade of currently credentialed specialist level and doctoral level school psychologists. It could also open up state legislatures, licensing and credentialing boards, schools, universities, students, and practitioners to a host of potential legal and practical problems as articulated below. It is imperative that all school psychologists understand how the proposed Model Act threatens their ability to practice their trade and that they take action to encourage the staff and leadership of the American Psychological Association to restore the exemption for school psychologists prior to the final passage of the 5th version of the Model Act.

The table below summarizes a line-by-line analysis of the intended purposes of the proposed Model Act and how specific sections impact the use of the title "school psychologist" and the specific practice of "school psychology," including the ability of school psychologists to render "psychological services" equivalent to their level of training and expertise. An overview of key concepts, additional background material, sample letters, and a timeline for APA decision-making on the Model Act are available at <http://www.nasponline.org/standards/apamla.aspx>.

Model Act Line Numbers	APA Model Act Proposed Language	Implications for School Psychologists	Key Issues
Section I: Proposed Model Act language establishes that one purpose of the Model Act is to regulate the practice of psychology.			
6-8	"As APA policy, the Model Act serves as a prototype for drafting state legislation regulating the practice of psychology . State legislatures are encouraged to use the language of this document and the policies that it espouses as the model for their own state licensure law."	On numerous occasions, APA leaders and staff have stated that the Model Act is a "title act" only and will not impact the actual professional roles or services rendered by school psychologists. The written document clearly states that the purpose of the proposed Model Act is to define and regulate the use of psychological titles and practice .	<ul style="list-style-type: none"> • Regulation of Psychology Practice and Title
13-14	"This is the fifth set of guidelines for state legislation regulating the practice of psychology that has been developed by the American Psychological Association (APA.)"	Again, the language in the proposed Model Act clearly seeks to regulate the titling and practice of psychology.	<ul style="list-style-type: none"> • Regulation of Psychology Practice and Title
58-62	"A. Declaration of Policy: This section declares that the intent of legislation for state licensure of psychologists is to ensure the practice of psychology is in the public interest. The consumer should be assured that psychological services will be provided by licensed and qualified professionals according to the provisions of this act. The public must also be protected from the consequences of unprofessional conduct by persons licensed to practice psychology."	<p>This reaffirms the intent of the Model Act to define practice, and require licensure of psychologists to practice. This policy declaration is based upon the need to protect the public from harm. However, there is no evidence that the current exemption for school psychologists causes public harm. On the contrary, highly trained school psychologists at both the specialist and doctoral levels provide services essential to improving academic and mental health outcomes for children and families. By removing the exemption for school psychologists, the Act potentially risks causing public harm by limiting the availability and accessibility of psychological services provided by qualified school psychologists. Further, the removal of this exemption in effect asserts that the psychological services provided by qualified school psychologists are no longer "qualified" for an unexplained reason and should therefore, no longer be accessible by the public.</p> <p>Without the exemption, this is not just a title act, but a practice act. School Psychologists</p>	<ul style="list-style-type: none"> • Regulation of psychology practice and titling • Restraint of trade • Unnecessary and unsubstantiated recommendations to state policy makers

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		could be excluded from providing psychological services if they do not hold a license from a State Psychology Licensing Board. The Model Act asserts authority over the practice of psychology, including title and practices currently defined as regulated by over 90% of state Boards of Education.	
81-84	"In defining the practice of psychology for the purpose of licensure, psychological services should be described adequately and specified in order to identify clearly the areas of psychological services, provided to individuals or groups of individuals, that require qualified and sound professional psychology practice."	This section is further evidence that a primary purpose of the Model Act is to define and regulate practices, not just establish the specific guidelines for the use of the title of psychologist. The practices defined in this and subsequent sections clearly include the services in which school psychologists have been and continue to be educated, trained and qualified to practice. Therefore, the consequences for Board of Education credentialed specialist and doctoral level school psychologists go much beyond a change of title as asserted by APA leadership and staff.	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
477, 481-484	"There should be an exemption from licensure for persons engaged solely in teaching in academic institutions, or research in academic and/or research institutions. The exemption should not be determined on the basis of work setting or place of primary employment, but on the basis of the purpose of the activity as defined in Section B3 (Practice of Psychology)." [Reference to lines 101-120]	This purpose of the Model Act is to prescribe practice guidelines and limitations, not just address the title of psychologist. This section limits school psychologists from engaging in activities they are trained to do. Nearly all school psychologists are credentialed by State Boards of Education and provide services appropriate and consistent with the needs of students in school settings. The purpose of school psychology practice is to deliver services consistent with the standards of the profession. These activities clearly fall within the scope of the Practice of Psychology as defined within Section B3 and would thereby be restricted if the exemption language currently existing in Section J3 (lines 510-517) are removed and the Model Act was adopted by state legislatures as recommended.	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
SUMMARY Section I: It is clear from the text of the proposed Model Act that APA intends to regulate the practice of psychology and work to limit that			

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practice to licensed doctoral level psychologists through public policy at the state level.			
Section II: Proposed Model Act language establishes that one purpose of the Model Act is to define terms associated with the practice of psychology.			
101 -106	<p>" 3. Practice of psychology is defined as the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods and procedures for the purposes of (a) preventing, eliminating, evaluating or assessing symptomatic, maladaptive, or undesired behavior; (b) evaluating and assessing and/or enhancing individual, group, and/or organizational effectiveness—including personal effectiveness, interpersonal relationships, work and life adjustment, health and individual, group and/or organizational performance, or (c) assisting in legal decision making."</p>	<p>This part of the Model Act describes exactly what school psychologists are trained and qualified to do in their daily work with children, educators and families to enhance the school performance of children and youth. These functions are recognized in the professional NASP Standards for Training and Practice in School Psychology, Principles for Professional Ethics: Guidelines for the Provision of School Psychological Services, requirements for the Nationally Certified School Psychologist credential, and the credentialing requirements of 49 state boards of education plus the District of Columbia.</p> <p>School psychological services are defined and recognized in most state codes for the regulation of schools and educational services. Additionally, federal law and regulations acknowledge the expertise of school psychologists in providing these services. In Federal law and regulations the expertise of school psychologists is recognized as a source of expert testimony for the purpose of establishing impairment. According to federal guidelines, the credibility of this testimony by licensed or certified school psychologists at both the doctoral or specialist levels is given equal weight to that of licensed psychologists, licensed physicians, and other licensed or qualified professionals.</p>	<ul style="list-style-type: none"> • Regulation of Psychology Practice and Title • Potentially unconstitutional claiming of exclusive property rights to psychology titles, terminology, and services. • There is substantial and well corroborated documented evidence that school psychology is an established practice area and such services are provided by qualified, credentialed persons trained at both the specialist and doctoral level who are not necessarily licensed by state boards of psychology
108-120	<p>"Practice of psychology includes, but is not limited to a) psychological testing and the evaluation or assessment of personal</p>	<p>Here the Model Act seeks to clarify the breadth of specific services rendered by psychologists. Within this definition, all of the</p>	<ul style="list-style-type: none"> • Regulation of Psychology Practice and Title

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	<p>characteristics, such as intelligence, personality, cognitive, physical, and/or emotional abilities, skills, interests, aptitudes, and neuropsychological functioning; b) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; c) diagnosis, treatment and management of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; (d) psycho-educational evaluation, therapy and remediation; e) consultation with physicians, other health care professionals and patients regarding all available treatment options, including medication; and f) consultation to individuals and organizations including advising management on human behavior in organizations; individual psychological assessment for selection and/or development; test and survey development, validations and interpretation; and organizational assessment, diagnosis and intervention. Psychological services may be rendered to individuals, families, groups, and/or organizations. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered."</p>	<p>services provided by school psychologists are addressed in whole or in part. This portion of the Act defines psychological practice and essentially removes the right of Board of Education credentialed specialist and doctoral level school psychologists to engage in these practices.</p>	<ul style="list-style-type: none"> • Restraint of Trade
510-517	<p>The proposed Model Act recommends removing the following language that provides for an exemption for school psychology.</p> <p>"3. It is recognized that school psychologists who are certified by the state education agency are permitted to use the term school psychologist or certified school psychologist</p>	<p>By removing this exemption for school psychologists, the Model Act unnecessarily and capriciously recommends to state legislatures that they limit the use of the title "school psychologist" and the practice of "school psychologists" who are Board of Education credentialed specialist or doctoral level school psychologists. APA has a</p>	<ul style="list-style-type: none"> • Restraint of trade • Unnecessary and unsubstantiated recommendations to state policy makers

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	<p>as long as they are practicing in the public schools. Individuals who have been certified as school psychology by the (cite relevant state education authority or statutory provisions) shall be permitted to use the term "school psychologist" or "certified school psychologist." Such persons shall be restricted in their practice to employment within those settings under the purview of the state board of education. By 1995 such exempted persons should be certificated by the state board of education on the basis of having completed a program for the preparation of school psychologists that is accredited by a specialized professional accrediting body recognized by the Council on Postsecondary Accreditation."</p>	<p>professional responsibility to recommend to state legislatures amendments to their state psychology licensing acts that are based only on empirical, evidentiary grounds for the purpose of protecting the public.</p> <p>The existence of a professional Model Act can and should be in the public interest. And in fact, for over thirty years, this exemption has served the public well and contributed to the development of school psychology and helped make accessible to millions of children and families school psychological services that have contributed significantly to the right of students to receive a Free Appropriate Public Education (FAPE). Unfortunately, through this arbitrary and unfounded recommendation to remove the exemption for school psychologists, the APA potentially compromises the integrity of all of the recommendations of the Model Act.</p> <p>Case law establishes that the basis for legislative change to licensure must be factual, rationale, and sound. Limiting the ability of professionals to practice within the scope of their education, training, and expertise may only be done when the benefit to the public outweighs the right of the professional to practice their trade. The APA has no empirical evidence that this change in their policy is necessary in order to benefit the public and, in fact, the recommendation for the removal of this exemption suggests to many that this move is merely an attempt to infringe on a market largely served by school psychologists.</p>	
<p>SUMMARY Section 11: APA's Model Act defines the practice of psychology, including the training and job functions that have been capably performed by school psychologists for over 50 years. In addition, APA's Model Act removes the rights of school psychologists to use a professional title that APA has</p>			

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<p>recognized as legitimate for 30 years. APA has an obligation to put forth to legislators factual information regarding the necessity of removing the exemption. At this point we find no evidence that specialist level or non-licensed doctoral level school psychologists, as a whole, harm children, families or the educational professionals by their practice of school psychology. Indeed, we find innumerable instances of powerful assistance provided to these groups by school psychologists.</p>			
<p>Section III: Proposed Model Act language establishes that one purpose of the Model Act is to require a license for the practice of psychology. Additionally, the proposed Model Act would require that licensees be graduates of only APA or CPA accredited institutions limiting the training options available to consumers and placing an undue burden on universities who otherwise produce graduates with training consistent with professional standards.</p>			
81-84	<p>"In defining the practice of psychology for the purpose of licensure, psychological services should be described adequately and specified in order to identify clearly the areas of psychological services, provided to individuals or groups of individuals, that require qualified and sound professional psychology practice."</p>	<p>This section requires that a person be licensed in order to engage in the practice of psychology. Requiring all persons practicing psychology to be licensed, while at the same time removing the long-established, widely recognized exemption for Board of Education credentialed specialist and doctoral level school psychologists, could potentially result in "restraint of trade." By revising and promoting the Model Act along these lines, APA is arbitrarily and irresponsibly recommending to state legislatures that they adopt policy that could put them in violation of interstate commerce law and open them up to civil litigation. In effect, this would disenfranchise the credentialing of school psychologists by Boards of Education and create multiple regulatory and statutory conflicts at the state and federal levels. Additionally, this action would potentially cause harm to the public as it would compromise the availability and accessibility of school psychological services currently being delivered to millions of children, families and school communities.</p>	<ul style="list-style-type: none"> • Restraint of trade
235-238	<p>"All applicants for licensure must minimally be graduates of a regionally accredited institution of higher education and must have completed a planned program of study which reflects an integration of the science and practice of psychology. A formal training program accredited by the American</p>	<p>Unless the American Psychological Association and the Canadian Psychological Association are planning to offer their accreditation to all public and private universities free of charge, it is inappropriate for a professional association to require that the route to licensure be through their own association's</p>	<ul style="list-style-type: none"> • Restraint of trade • Unnecessary and unsubstantiated recommendations to state policy makers

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	Psychological Association or the Canadian Psychological Association is required. For areas of psychology where APA or CPA program accreditation does not exist, psychology program must meet all the requirements listed below (D1)." [Referring to lines 246-307]	accreditation process.	
274-289	<p>"The curriculum shall encompass a minimum of three academic years of full time graduate student and a minimum of one year's residency or the equivalent thereof at the educational institution granting the doctoral degree. The core program shall require every student to demonstrate competence in each of the following substantive areas. This typically will be met through substantial instruction in each of these foundational areas, as demonstrated by a minimum of three graduate semester hours, five or more graduate quarter hours (when an academic term is other than a semester, credit hours will be evaluated on the basis of fifteen hours of classroom instruction per semester hour) or the equivalent:</p> <ol style="list-style-type: none"> a. scientific and professional ethics and standards; b. research design and methodology c. statistics d. psychometric theory e. biological bases of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, and psychopharmacology; f. cognitive-affective bases of behavior: learning, thinking, motivation, and emotion; g. social bases of behavior: social 	<p>The Standards for School Psychology training as published by the National Association of School Psychologists and adopted by NCATE, are consistent with these requirements, but permit this training to occur within the scope of specialist level as well as doctoral level graduate education programs. NASP course content and training and supervision standards are comparable with the APA standards articulated here. School psychology graduate students are required to engage in both supervised practicum experiences concurrent with course instruction (typically 500 hours) and a culminating 1200 hour supervised internship that matches the public school calendar. Six hundred (600) of the required internship hours must occur in the schools.</p> <p>There is no empirical evidence currently available that specialist level certified school psychologists have a proportionally greater number of ethical complaints made against them or that the quality of services rendered by these professionals is sub par or dangerous to the public. Both federal law and regulations recognize that the expert opinions offered by specialist or doctoral level certified school psychologists be considered with equivalent weight in a court of law, within the context of expert testimony.</p>	<ul style="list-style-type: none"> • Regulation of Psychology Practice and Title • There is substantial and well corroborated documented evidence that school psychology is an established practice area and specialist level school psychologists are appropriately trained to engage in school psychology practice.

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	psychology, group processes, organizational and systems theory; and h. individual differences: personality theory, human development, and abnormal psychology."		
<p>SUMMARY Section III: APA has fixated on licensure as the only route to ensure competency by psychologists and protection of the public. This is an overly narrow view of the world as state credentialing bodies work very carefully to also ensure the capabilities of school based personnel. In addition, APA is ignoring evidence that NASP also has a process for evaluating school psychology training programs that is recognized and valued by NCATE, the premier accrediting body in the United States for colleges of education.</p>			
<p>Section IV: Proposed Model Act language establishes that one purpose of the Model Act is to assert a property right regarding the use of the titles "psychology, psychological, or psychologist."</p>			
88-91	<p>"The title "psychologist" is also used by psychologists who are exempt from licensure as specified in Section J of this Act in their roles as teachers and/or researchers."</p>	<p>These sections (81-91) establish that the titles and use of the words "psychologist", "psychology" and "psychological" are a distinct property right of persons licensed as a psychologist. By removing the exemption for school psychologists (lines 510-517), and reversing its policy of over 30 years, the APA is claiming that this property right, which has been shared with school psychologists for more than thirty years, should no longer be extended to this group of professionals. The adoption by a state of this Model Act as recommended (without the current exemption for school psychologists) would be a probable restriction of trade without due process, and would permit school psychologists affected by such infringement to file class action lawsuits against the state, licensing and credentialing bodies, and the APA. Licensed, doctoral level psychologists do not have exclusive property rights to the title "psychologist" and use of "psychology" related terms in describing professional services.</p>	<ul style="list-style-type: none"> • Restraint of trade • Unnecessary and unsubstantiated recommendations to state policy makers • Potentially unconstitutional claiming of exclusive property rights to psychology titles, terminology, and services.
122-126	<p>"4. Psychologist: Means any person licensed as a psychologist under this act and includes a person representing himself or herself to be a psychologist if that person uses any title or description of services incorporating</p>	<p>Again, school psychologists have expertise in school psychological practice, and have properly used the title per the policy of APA and by virtue of established credentialing in every state. The revised Model Act severely</p>	<ul style="list-style-type: none"> • Restraint of trade • Potentially unconstitutional claiming of exclusive property rights to psychology titles, terminology, and services.

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	<p>the words psychology, psychological, or psychologist or if he or she uses any term that implies that he or she possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this Act."</p>	<p>limits the ability of school psychologists to describe accurately their training, expertise, and services. The title "school psychologist" is clearly associated with the profession of school psychology and the professionals who provide these services in every public school system across the country, almost all of whom are credentialed by their state boards of education.</p> <p>Limiting use of this title to licensed psychologists, most whom DO NOT work in, nor are trained to work in schools, will cause unnecessary, capricious confusion and limit the availability and accessibility of these services to children in need.</p>	<ul style="list-style-type: none"> • There is substantial and well corroborated documented evidence that school psychology is an established practice area and specialist level school psychologists are appropriately trained to engage in school psychology practice.
494-495	<p>"Nothing in this act will prevent the provision of expert testimony by psychologists who are otherwise exempted by this Act."</p>	<p>Although the Model Act asserts that this act will not prevent the provision of expert testimony, the removal of the exemption for School Psychologists would in affect create barriers to credentialing of school psychologists and impugn the credibility of this group of professionals. Specialist-level certified school psychologists who provide expert testimony in cases of Special Education Due Process hearings and SSI disability hearings are explicitly recognized by Federal statute as experts, with their testimony given equal weight to licensed doctoral level psychologists and pediatricians in cases of determining eligibility. The basis for legislative changes as recommended here by the Model Act are not substantiated and infringe on the rights of school psychologists to offer their expert testimony consistent with the weight given it in federal law and regulations.</p>	<ul style="list-style-type: none"> • Restraint of trade • Unnecessary and unsubstantiated recommendations to state policy makers
499-501	<p>"2. Members of other established professions, such as physicians, attorneys, and clergy, may provide services that are similar or related to the scope of practice of</p>	<p>School psychologists are trained according to nationally recognized standards of training and practice according to guidelines for practice and ethical principals established by</p>	<ul style="list-style-type: none"> • Unnecessary and unsubstantiated recommendations to state policy makers

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	psychology. They should be exempted from licensure on the condition that they not represent themselves to be psychologists.”	the National Association of School Psychologists. The title, “school psychologist” is well established as a distinct profession and has been for nearly fifty years. The title is an accurate description for professionals delivering school psychological services.	
SUMMARY Section IV: APA’s language in the Model Act infringes upon the rights of school psychologists to not only their title but also to their roles and function. APA appears to assert authority over school psychology, but fails to acknowledge and recognize 70% of the current practitioners providing school psychological services.			
Section V: Proposed Model Act language establishes that one purpose of the Model Act is to define what constitutes a “developed area of practice vs. an “emerging area” of psychological practice.			
136-137	“6. Developed area of practice . Developed practice areas of psychology have all of the following characteristics:	School Psychology is a developed area of practice and meets all of characteristics identified here.	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title Substantial evidence exists that school psychology is an established practice area and specialist level school psychologists are appropriately trained to engage in school psychology practice.
138-140	National recognition of the practice by a national organization(s) whose purpose includes recognizing or representing and developing the practice area, by relevant divisions of the APA, or by involvement in similar umbrella organizations.	NASP is a recognized and respected national organization with over 25,000 members. Two-thirds of the members are specialist level, school psychologists while one-third are doctoral level certified and/or licensed school psychologists working in schools, universities and community settings.	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
141	An accumulated body of knowledge in the professional literature that provides a scientific basis for the practice area including empirical support for the effectiveness of the services provided	For more than fifty years, practitioners and researchers relevant to the field of school psychology have been building the knowledge base for school psychology through empirical scholarly research. School psychology has a distinct professional knowledge base as evidenced by published works including reference materials, textbooks, training tools, and periodicals, as well as hundreds of conferences and websites. There are three prominent refereed school psychology journals available: School Psychology	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title

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		<p>Quarterly (published by the American Psychological Association), Journal of School Psychology, and, School Psychology Review. The latter, School Psychology Review, is published by NASP and is the second largest journal in the field of psychology.</p>	
143	<p>Representation by or in a national training council that is recognized, functional, and broadly accepted;</p>	<p>NASP is a member of the National Council for Accreditation of Teacher Education (NCATE). NASP is recognized by NCATE, the premier accrediting body for education, to approve specialist and doctoral programs in school psychology. The only standards specific to the training of school psychologists that are approved by NCATE are the NASP standards. NCATE has the same level of accrediting authority as does APA. Both NCATE and APA are members of the Commission on Recognition of Postsecondary Accreditation (CORPA).</p>	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
144-146	<p>Development and wide dissemination by the training council of doctoral educational and training guidelines consistent with the Accreditation Guidelines and Principles; Existence of the practice area in current education and training programs</p>	<p>NASP Approves APA Accredited school psychology doctoral programs which also meet NASP Internship standards relevant to the school-based internship hours.</p>	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
<p>SUMMARY Section V: It is illogical to conclude that the practice of school psychology is not legitimate if conducted by a credentialed specialist level or unlicensed doctoral level school psychologist when all other criteria required for concluding that school psychology is a 'developed area' of psychological practice are met.</p>			
<p>Section VI: Proposed Model Act language establishes that one purpose of the Model Act is to recommend penalties for non-doctoral, non-licensed practitioners who use the title "psychologist" or render services equivalent to "psychological services" as defined by this act.</p>			
454-457	<p>"It shall be violation of this Act for any person not licensed in accordance with this Act to represent himself or herself as a psychologist... It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to engage in the practice of psychology as defined in this Act, whether practicing as an individual, firm, partnership, corporation, agency, or other</p>	<p>This portion of the Model Act intends to limit the use of the title "school psychologist" and the practice of the school psychology by qualified, trained, and credentialed school psychologists.</p>	<ul style="list-style-type: none"> Unnecessary and unsubstantiated recommendations to state policy makers Restraint of trade Regulation of Psychology Practice and Title Potentially unconstitutional claiming of exclusive property rights to psychology titles, terminology, and

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459-461	<p>entity.”</p> <p>“Any person who shall represent himself or herself as a psychologist in violation of this Act, or who shall engage in the practice of psychology in violation of this Act, shall be guilty of a misdemeanor and shall be fined not less than [] dollars and not more than [] dollars and, in addition thereto, maybe imprisoned for not more than [] months.”</p>	<p>Taken as a whole, the Model Act language asserts authority over the practice of “school psychology” by those appropriately credentialed as school psychologists by state boards of education which, is a departure from APA’s policy per the 1987 Model Act. Additionally, if the Model Act was adopted by a state legislature as proposed, all current graduate students in school psychology training programs within that state would be essentially limited in their ability to practice the profession for which they are being trained. This could potentially deliver a crushing blow to higher education institutions who would be charged with trying to “clean up the mess” by revising course program titles, descriptions, training standards and expectations, accreditations, etc. all while seeking to prevent the mass exodus of students from graduate programs that have been essentially rendered useless.</p>	<p>services.</p> <ul style="list-style-type: none"> • Unnecessary and unsubstantiated recommendations to state policy makers • Restraint of trade • Regulation of Psychology Practice and Title • Potentially unconstitutional claiming of exclusive property rights to psychology titles, terminology, and services.
581-584; 600	<p>“The Board shall have the power and duty to suspend, place on probation, or require remediation for any psychologist for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology or to take any other action specified in the rules and regulations whenever the Board shall find by a preponderance of the evidence that the psychologist has engaged in any of the following acts or offenses: ...</p> <p>10. Aiding or abetting the practice of psychology by any person not licensed by the Board.”</p>	<p>This portion of the Model Act essentially asserts that in the event that the school psychologist exemption was adopted by a state as proposed, any licensed psychologist who provided supervision for any unlicensed school psychologist (e.g. a school psychologist intern, a specialist level certified school psychologist, or a doctoral level certified school psychologist) who was providing school psychological services, would be considered “aiding and abetting” and thereby, subject to disciplinary action from the licensing board.</p>	<ul style="list-style-type: none"> • Unnecessary and unsubstantiated recommendations to state policy makers • Restraint of trade • Regulation of Psychology Practice and Title • Potentially unconstitutional claiming of exclusive property rights to psychology titles, terminology, and services.
<p>SUMMARY Section VI: If the Model Act is adopted by state legislators as written, Department of Education credentialed specialist and doctoral level school psychologists, engaged in the practice for which they are appropriately trained, are subject to criminal penalties such as fines (Lines 460) and imprisonment (lines 461).</p>			