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MEMORANDUM

DATE: September 9, 2010

TO: Examining Board of Psychology
MS: 47869

FROM: Mark Calkins, Assistant Attorney General *MHC*
Agriculture and Health Division, MS: 40109

SUBJECT: *The Definition of the "Practice of Psychology" (RCW 18.83.010(1)) and the "Teaching" and "Conduct Of Research" Exclusions From the Definition as Applied to Supervised Experience Requirements For Licensure*

ISSUE: Can a license applicant obtain qualifying supervised experience for teaching or research related experience?

ANSWER: Under limited circumstances this analysis suggests that the Board may allow a license applicant to obtain qualifying supervised experience when providing psychological services as part of a research study involving human subjects. Qualifying supervised experience does not appear to be possible to obtain in the context of teaching.

DISCUSSION:

1. Statutory Definition

Recent license applications raise questions about whether an applicant can meet the requirements of supervised experience—practicum, pre-internship, internship or post-doctoral experience—when their experience was obtained in a teaching position or a position involving research with human subjects. For example, during (or following) an applicant's participation in a doctoral program he/she obtains a position as a research assistant or graduate teaching assistant and seeks to obtain supervised experience for that work under one of the four rules.

The rules for each of the four categories of supervised experience do not reference "teaching" or "research." Each rule refers to "experience" and uses terms like "psychological services" or "services."¹ The four categories of experience requirements are clearly intended to require and

¹ The four rules for supervised experience are as follows: WAC 246-924-049, -053, -056, and -059.

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obtain documentation that the applicant has met the particular requirements in each rule for supervised experience in the “practice of psychology.”

Under RCW 18.83.010(1), the “practice of psychology” definition includes three categories of services: assessment services, diagnostic services, and treatment services.

RCW 18.83.010(1)(a)-(c). The definition expressly excludes: “the teaching of principles of psychology for accredited educational institutions, or the conduct of research in problems of human or animal behavior.”

2. The Teaching Exclusion

The teaching of psychology does not ordinarily involve any kind of clinical relationship between teacher and student. The student may be assessed, but that assessment is for the purpose of measuring or grading the student’s mastery of course content. A graduate teaching assistant is simply assisting in this process. Even individual tutoring is focused on the academic objective rather than any clinical objective (the student is enrolled to obtain academic credit/learning—not to obtain psychological services). Supervised teaching experience does not appear to meet the definitions of the practice of psychology under RCW 18.83.010(1)(a)-(c) and the exclusionary language in the definition should disqualify any supervised teaching experience from qualifying under any of the four categories of supervised experience.

3. The Research Exclusion

The conduct of research presents a more nuanced picture. It appears possible that an applicant may participate in human subject research where the applicant’s involvement includes supervised experience providing psychological services. For example, in a study comparing different therapies for a clinical condition, such as depression, the license applicant may have participated as a research assistant (supervised by a psychologist or other qualified supervisor), administering standardized psychological tests to the subjects. Such testing would fall under the definition of psychology at RCW 18.83.010(1)(a). The applicant’s “position” as a research assistant is in the context of human subject research, but the applicant’s “function” is providing a service that is within the definition of the practice of psychology. Other functions provided by the research assistant under this example may include duties unrelated to the provision of psychological services to the research subjects—e.g. administrative tasks, data analysis, etc. Time spent in such research functions where psychological services are not provided should not qualify for supervised experience.

4. Summary and Recommendation

If the Board chooses to proceed with review of license applicants consistent with the interpretation offered in this memorandum, it may be important to develop guidance for

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reviewing Board members and Department of Health staff consistent with this advice. Additionally, it would be helpful to provide publically accessible information about these limiting factors for qualifying supervised experience. This could take the form of a formal guidance policy, an interpretative policy statement, or even development of a rule.

This analysis reflects my own considered opinion. It is not a formal opinion of the Office of the Attorney General.

cc: Betty Moe, Program Manager