

TEMPORARY LIMITED LICENSE IN PSYCHOLOGY RENEWAL AND EXAMINATION REQUIREMENTS

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Senate Bill 634 (H-3) as reported from House committee

Sponsor: Sen. Wayne Schmidt

House Committee: Health Policy

Senate Committee: Health Policy

Complete to 1-24-18

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 24 of 2018)

BRIEF SUMMARY: Senate Bill 634 would amend Part 182 (Psychology) of the Public Health Code, to create license renewal options for limited license psychologists (LLPs). It would also exempt certain holders of a temporary license from taking the psychology licensing examination before receiving certification.

FISCAL IMPACT: Senate Bill 634 would not have a fiscal impact on any unit of state or local government.

THE APPARENT PROBLEM:

A temporary limited license in psychology (TLLP) is valid for two years and is not renewable.¹ In early 2017, LARA discovered that TLLPs were being renewed in error and sent a letter to the applicable TLLP holders, informing them of the error and that their TLLPs would expire on August 31, 2017, or the expiration date on their TLLP, whichever was later. In order to remain licensed in Michigan, TLLP holders were informed that they needed to take and pass the Examination for Professional Practice in Psychology (EPPP) before that date. This deadline was later extended in order to give the legislature time to consider the matter.

While the move to enforce the nonrenewable nature of the TLLP was intended to prevent abuse of the rule, an unintended consequence soon emerged. Master's-level TLLP holders must complete several requirements, including 2,000 clinical hours, before qualifying for an LLP. Because most of the jobs for which TLLPs are qualified are part-time, proponents testified that it would be extremely difficult to fulfill this requirement during an 18-month or two-year window. Additionally, individuals completing a doctoral degree in psychology must complete internship training lasting for two to five years, which could also be difficult to complete within the current window. Accordingly, members of those communities have appealed to the legislature to allow limited renewal of a TLLP.

THE CONTENT OF THE BILL:

Currently, a temporary limited license in psychology (TLLP) is valid for two years and is not renewable. The Department of Licensing and Regulatory Affairs discovered in January of 2017 that licenses were being renewed in error and informed license holders in February of 2017

¹ Note: Typically, temporary licenses are valid for 18 months, in accordance with the Public Health Code. During the time that licenses were being renewed in error, TLLPs had terms of two years, presumably in order to maintain consistency with the other psychology licenses. <http://legislature.mi.gov/doc.aspx?mcl-333-16181>

that all TLLPs would expire on August 31, 2017, or the expiration date on their TLLP, whichever was later. The deadline was later extended until December 31, 2017.

Senate Bill 634 would instead implement separate renewal limits for master's- and doctoral-level LLPs to allow those individuals the time to achieve the requisite experience.

For LLPs who have received a master's degree in psychology, beginning on December 31, 2017, a temporary license would be valid for 24 months and renewable for an additional 24-month term. (For TLLPs granted before December 31, 2017, the TLLP is eligible for one 24-month renewal.)

For LLPs enrolled in a qualifying doctoral degree program, beginning on December 31, 2017, a temporary license would be valid for 24 months and renewable for three additional 24-month terms. (For TLLPs granted before December 31, 2017, the TLLP is eligible for three 24-month renewals.)

Additionally, the bill would provide an exemption from the requirement that applicants for a limited license in psychology take the Examination for Professional Practice in Psychology for an applicant who meets all of the following:

- Applies for an initial limited license before March 31, 2018.
- Was granted a master's degree in psychology between January 1, 2007 and June 30, 2010 from a qualifying college, university, or institution.
- Has continuously held the temporary license since initially granted by the board.
- Has not been sanctioned by the disciplinary committee.

This examination exemption was included in House Bill 4549, which was reported from the House Health Policy Committee on September 13, 2017 and passed by the full House on October 11, 2017. A full description of the events precipitating HB 4549 is included in the House Fiscal Agency analysis of that bill:

<http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-4549-109B7200.pdf>

MCL 333.18223

HOUSE COMMITTEE ACTION:

The House Health Policy Committee added the examination exemption from HB 4549 to SB 634. The bill would also extend the date when the bill's provisions would take effect from December 31, 2017 to March 31, 2018.

ARGUMENTS:

For:

LLPs who have master's degrees rather than doctoral degrees often cater to the most vulnerable populations. They work in drug treatment court, veteran's court, hospitals, and halfway houses, and with prisoners and parolees. Often, they work in urban and rural environments, with patients who otherwise would not have access to psychological care. Their salaries are far less

than psychologists with PhDs, with PhDs reportedly making over \$100,000 and LLPs between \$33,000 and \$70,000. According to committee testimony, failing to allow an extension would result in a denial of services to some of Michigan's most underserved citizens.

Against:

Some proponents of the bill as introduced and passed by the Senate opposed the House substitute. They argued that the inclusion of the exam exemption was inappropriate, and that the Michigan Board of Psychology or LARA should consider and institute any such change.

Additionally, they argued that the bill is not necessary to ensure that these individuals retain their licenses. Regardless of their initial confusion over the requirements, they have now practiced using a temporary license—which is only intended to be used for two years—for approximately seven years. In order to continue practicing, they need only to do what the members of every graduating class after them have done: pass the EPPP.

In many professional careers, governing boards institute a set of standards, which often include passage of an examination. Passage of the examination shows that an individual has demonstrated a certain level of proficiency and that clients or patients can have confidence in the person's competence. The EPPP score required of LLPs is 450, lower than the 500 score required of PhDs, and the test has approximately a 50% passage rate—similar to the Michigan bar exam.

POSITIONS:

Representatives of the following organizations testified in support of the bill:

- Michigan School of Professional Psychology (1-17-18)
- Eastern Michigan University (1-17-18)
- University of Michigan (1-17-18)

The following organizations support the bill:

- Michigan Association of Health Plans (1-17-18)
- University of Detroit-Mercy (1-18-18)
- Western Michigan University (1-18-18)
- Michigan State University (1-18-18)
- Wayne State University (1-18-18)
- Central Michigan University (1-18-18)
- Sollars and Associates Integrative Counseling and Psychological Services (1-18-18)

The Department of Licensing and Regulatory Affairs supported the bill as introduced and passed by the Senate but does not support the H-3 substitute. (1-17-18)

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.