

PSYCHOLOGY LIMITED LICENSURE EXAMINATION REQUIREMENTS

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House Bill 4549 (H-2) as reported from committee
Sponsor: Rep. Martin Howrylak
Committee: Health Policy
Complete to 9-13-17

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

BRIEF SUMMARY:

House Bill 4549 would amend the Public Health Code to provide that an individual applying for an initial limited license in psychology (LLP) before December 31, 2017 who received a master's degree in psychology before June 30, 2010, and who has continuously held a temporary license without sanction by the disciplinary committee, would not be required to take an examination approved by the board in order to be granted the limited license.

FISCAL IMPACT:

The bill would have no fiscal impact on the state, namely LARA, or local units of government.

THE APPARENT PROBLEM:

The Michigan Board of Psychology, within the Department of Licensing and Regulatory Affairs (LARA), currently requires applicants for a master's educational limited license to pass the Examination for Professional Practice in Psychology (EPPP).

However, there is some confusion surrounding the licensure requirements for the graduating classes of 2009 and 2010, described below:

- Administrative Rule R 338.2505a [Rule 5a], promulgated by LARA, which took effect August 14, 2007, exempted applicants who *applied prior to June 30, 2010*, from the exam requirement.
- However, another rule promulgated at the same time, R 338.2507(b)(ii)[Rule 7], stated that individuals enrolled in a master's degree program that qualified them for an LLP "*before the effective date of this amendatory rule*" and who applied for an LLP within 5 years of the effective date, would be eligible under the old (exam-free) rules.
 - The effective date of Rule 7 was August 14, 2007.
 - Some members of the classes of 2009 and 2010 interpreted the effective date of this rule to be June 30, 2010, along with the exam requirement. As such, they believed they had until June 30, 2015, to apply for an LLP. When LARA notified these individuals in the summer of 2011 that they would need to take the exam to earn an LLP (as they had not applied for the LLP by June 30,

2010) they began their fight for an exemption from the rule, which continues in this legislation.

(Both Rule 5a and Rule 7 were rescinded in 2015.)

A TLLP is valid for two years and is not renewable.¹ LARA sent a letter to the applicable TLLP holders in February 2017, informing them that these renewals were issued in 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, they were informed that they needed to take and pass the EPPP before that date. This deadline was later extended until December in order to give the legislature time to consider this matter.

THE CONTENT OF THE BILL:

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:

- Applies for an initial limited license before 2017,
- Was granted a master's degrees in psychology prior to June 30, 2010 from a qualifying college, university, or institution,
- Has continuously held the temporary license since initially granted by the board, and
- Has not been sanctioned by the disciplinary committee.

The bill would take effect 90 days after enactment.

MCL 333.16141, 333.16145, and 333.18223.

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, reportedly with PhDs making over \$100,000 and LLPs between \$33,000 and \$70,000. According to committee testimony, failing to waive the examination requirement for these LLPs may affect anywhere between 1,800 and 11,000 patients. These proponents of the bill state that this loss of care would be catastrophic, but it is eminently preventable through this legislation.

¹ Note: Typically, temporary licenses are valid for 18 months, in accordance with the Public Health Code. During that time, TLLPs had terms of two years, presumably in order to maintain consistency with the other psychology licenses.

[http://www.legislature.mi.gov/\(S\(m4za3zkldft3znjr31nsnsra\)\)/mileg.aspx?page=getObject&objectName=mcl-333-16181](http://www.legislature.mi.gov/(S(m4za3zkldft3znjr31nsnsra))/mileg.aspx?page=getObject&objectName=mcl-333-16181)

Against:

This 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:

LARA's Bureau of Professional Licensing indicated that the Bureau took no position on the bill. (9-13-17)

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■ 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.