

Florida Regulation of the Practice of Psychology, Use of Psychological Titles, and Use of Test Instruments

by

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What is the Florida definition of the Practice of Psychology?

Chapter 490 Florida Statutes Definitions (current as of Dec. 2007)

(4) "Practice of psychology" means the observations, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal behavioral health and mental or psychological health. The ethical practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning, including evaluation of mental competency to manage one's affairs and to participate in legal proceedings; counseling, psychoanalysis, all forms of psychotherapy, sex therapy, hypnosis, biofeedback, and behavioral analysis and therapy; psychoeducational evaluation, therapy, remediation, and consultation; and use of psychological methods to diagnose and treat mental, nervous, psychological, marital, or emotional disorders, illness, or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, or disability, including neuropsychological evaluation, diagnosis, prognosis, etiology, and treatment.

Can results of psychological treatments be guaranteed?

Not in the state of Florida, fines can be imposed

“(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.”

What about bogus Boards, fancy titles, and questionable certifications?

The Florida Board of Health takes unlicensed practice seriously. Language in Ch. 490 which regulates psychology prohibits the unlicensed practice of psychology **or the use of protected titles such as psychologist, psychological assessment, psychological testing, unless on is a psychologist.**

i.e. “No person licensed or provisionally licensed pursuant to this chapter shall hold herself or himself out by any title or description which indicates licensure other than that which has been granted to her or him.”

Psychological trainees, individuals with provisional licenses, etc. should not engage in the independent practice of psychology but must be under supervision of a psychologist. Titles such as “licensed child psychologist”, “licensed clinical psychologist”, etc are not appropriate in Florida. The correct term in Florida would be “licensed psychologist”.

Florida Statutes were enacted in 2007 which seeks to limit the confusion consumers often face with respect to claims of Board or other certification. Consumers may check with the Board if there are doubts about claims of unrecognized certifications. Psychologists may indicate they specialize in a certain area, or limit their practice to specific areas of psychology.

FS Ch 490.0149 Specialties.--

“(1) As used in this section, the term "certified psychology specialist," "board-certified psychology specialist," or "psychology diplomate" means a psychologist with recognized special competency acquired through an organized sequence of formal education, training, experience, and professional standing that is recognized by a certifying body approved by the board pursuant to criteria adopted under subsection (3).

(2) A person licensed as a psychologist may not hold himself or herself out as a certified psychology specialist, board-certified psychology specialist, or psychology diplomate unless the person has received formal recognition from an approved certifying body.”

Psychological Testing Issues:

Florida Administrative Code regulates psychological testing by psychologists. Note that the use of the term psychological assessment, neuropsychological assessment, psychological testing, or neuropsychological testing to describe a service in Florida must be performed or supervised by a licensed psychologist

PART B: Chapter 64B19, Florida Administrative Code, Psychology describes regulations involving the use of test instruments.

64B19-18.004 Use of Test Instruments

This code provides a definition of “test instruments”

(6) “Test instruments” are standardized procedures which purport to objectively measure personal characteristics such as intelligence, personality, abilities, interests aptitudes, and neuropsychological functioning including evaluation of mental capacity to manage one’s affairs and to participate in legal proceedings. Examples of such tests include intelligence tests, multiple aptitude batteries, tests of special aptitudes, achievement tests, and personality tests concerned with measures of emotional and motivational functioning, interpersonal behavior, interests, attitudes and other affective variables.

It sets out regulation of the use of such instruments:

“(2) A psychologist who uses test instruments in the psychologist’s practice of psychology:

(a) Must consider whether research supports the underlying presumptions which govern the interpretive statements which would be made by the test instrument as a result of its completion by any service user;

(b) **Must be able to justify the selection of any particular test instrument for the particular service user who takes the test at the instruction of the psychologist;**

(c) **Must integrate and reconcile the interpretive statements made by the test instrument based on group norms, with the psychologist’s independent professional knowledge, evaluation and assessment of the individual who takes the test;**

(d) **Must specify in the test report the name of each person who assisted the psychologist in the administration of the test, and the role which that person played in the administration of the test. “**

The rules indicate that the psychologist selecting tests and interpreting results is responsible for assuring that test selection is appropriate, and that interpretations are integrated with norms, and knowledge of the individual taking the test.

APA ethics regarding testing recognizes that **sometimes there may be limitations of tests or interpretive statements. Psychologists have a responsibility to discuss such limitations if they apply.** The rules indicate psychologists must ensure that interpretive statements based on group data or computerized programs are integrated with assessment and judgment about the individual and deemed to be appropriate based on training and experience of the psychologist. Finally, all individuals who assisted in test administration, such as assistants, should be identified in the report.

Section 3 of the above rules and code indicate psychologists in the State of Florida may only release raw psychological test data to other licensed psychologists except by court order or otherwise required by law.

Florida Administrative Code quoted below regulating psychologists requires **that unless testing is being performed by a resident or student in training**, which the psychologist supervises, **the psychologist must meet face to face with the person being assessed.** Thus, on-line evaluations or reports on people which the psychologist or specified resident or trainee never met face-to-face are precluded.

“(4) In performing the functions listed at subsection (2) of this rule, the psychologist must meet with the test subject face-to-face in a clinical setting unless the psychologist has delegated the work to a psychological intern, psychological trainee or psychological resident in a doctoral psychology program approved by the American Psychological Association.

(5) It shall be a **violation** of this rule for a psychologist **to sign any evaluation or assessment unless the psychologist has had an active role in the evaluation or assessment** of the subject as required by subsection (4) of this rule. **A psychologist may not sign any evaluation or assessment that is signed by any other person unless the psychologist is signing as a supervisor, in conjunction with an evaluation or assessment performed by a psychological**

intern, psychological trainee or psychological resident, or as a member of a multidisciplinary diagnostic team.”