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October 30, 2019

Daniel P. Collins, J.D.  
Executive Director  
North Carolina Psychology Board  
895 State Board Road, Suite 101  
Boone, NC 28607

Dear Mr. Collins:

While I am currently president of the North Carolina Psychological Association ("NCPA"), I am not writing in that capacity, but am speaking for myself about the proposed North Carolina Psychology Board ("Board") rule changes. NCPA's official response will be sent separately by Steve Shaber, J.D.

There are several changes that I support and believe are a good idea. First, the increase in hours required for continuing education seems warranted (21 NC 54.2104), and allowing for diagnoses under the International Classification of Diseases instead of just the Diagnostic and Statistical Manual of Mental Disorders is also welcome. I also find the idea of psychologists being required to complete a three hour training session and pass an examination in order to supervise an applicant, a licensed psychological associate, or a provisionally licensed psychologist in North Carolina to be a concept worth developing.

On the other hand, I feel a major proposed change to the rules exceeds the authority of the Board; namely, eliminating all supervision of some Licensed Psychological Associates. I believe that any fair reading of the entire statutory authority for the Psychology Practice Act, North Carolina General Statutes, Article 18A, Chapter 90-270.1 through Chapter 90-270.23 ("the Act"), would make it clear that supervision was always intended for Licensed Psychological Associates unless changed by the legislature. I base this conclusion on a number of factors. First, I spoke with Drs. Richard Rumer and William Burlingame who were both involved in the re-writing of the current version of the licensure law which was adopted in 1994. They both indicated to me that the Act was intended to provide for permanent supervision of Licensed Psychological Associates. Every other North Carolina Psychology Board has interpreted the Act similarly. It is only this Board's interpretation that it has the authority to make such changes. If this is the case, apparently the next Board could reinstate the

supervision requirements. I understand that both Dr. Rumer and Dr. Burlingame are writing separately to you about this matter.

Second, Chapter 90-270.5(e) clearly states that Licensed Psychological Associates **shall** (emphasis added) be supervised. The Board is apparently interpreting the language in this section that the Board will designate the time frame and amounts of supervision to allow the Board to say that at some point no supervision will be required. This does not seem consistent with the rest of the language in the Act. The Act specifically lays out areas that are required for supervision, and this section ends with the statement, "(t)he Board shall adopt rules implementing and defining this provision, and as the practice of psychology evolves, may identify additional activities requiring supervision in order to maintain acceptable standards of practice." This language strongly states that additional areas may require supervision, and the statute allows the Board to reserve the right to expand rather than subtract from the requirements.

Third, the Act specifically exempts those who are providing certain psychological services from this Act in Chapter 90-270.4, and clearly specifies the time frame for supervision of provisionally Licensed Psychologists after completing their training. Licensed Psychological Associates are neither exempted nor given a set time framework. The Act uses the same language of "time frame and amounts of supervision" for provisionally Licensed Psychologists as is used for Licensed Psychological Associates and then specifies two years to receive full licensure as a Licensed Psychologist. Since there is no similar specified time frame for Licensed Psychological Associates, the logical reading of "time frame and amounts of supervision" for them would indicate that the intention is for continuing supervision. Thus, I feel the Board's proposed rules are overreaching the clear intent of the underlying statutory authority.

In addition, I feel I should comment on providing a pathway for independent practice for those Licensed Psychological Associates who pass at the 440 level rather than the American Psychological Association and the previous North Carolina Psychology Board required minimum score of 500 for independent practice. The fact that the Board allows for a lower passing rate for Licensed Psychological Associates to practice would further indicate that supervision should be required and was intended to be required. I know of no other profession that allows practitioners to practice with a lower pass rate and then after a number of years allows them to practice independently despite not meeting the minimum passing level for independent practice. North Carolina would have the lowest standards for independent practice in the United States. This provision would allow master's level practitioners from unaccredited programs who could not practice independently anywhere else to move to North Carolina and obtain a pathway to independent practice. There seems little justification for such an outcome.

Thank you for your consideration.

Sincerely,

Elliot M. Silverstein, J.D., Ph.D., ABPP