

Opposed Testimony
ND State Board of Psychologist Examiners
Senate Bill No. 2357
Senate Workforce Development Committee
Senator Michael Wobbema, Chair
February 13, 2025 - 2:45 pm

Chairman Wobbema, members of the Workforce Development Committee, I am Dr. Renee Boomgaarden, representing your Board of Psychologist Examiners. I am a Psychologist, licensed under Chapter 43-32 of the ND Century Code. The Board asked that I appear today to express our extreme concerns about SB2357 for the likely adverse impact this legislation will have on the regulation of psychology and the other four mental health disciplines it affects. We are concerned specifically for the field of psychology, the effective practice of clinical psychology for the citizens of North Dakota, and the potential disruption of behavioral health services throughout North Dakota.

Let me be brief as we know there are a number of other regulatory boards and professional associations waiting to speak to the bill's serious disadvantages. The Board of Psychologist Examiners has voted to express opposition when our usual posture is to present neutral testimony. However, when a bill has specific features to undermine the safety of the citizens of North Dakota it is our duty to advise you in as clear a voice as possible.

Regulatory boards, such as the Board of Psychologist Examiners, are not created by the legislature and appointed by the Governor to promote specific disciplines – instead, their sole purpose is to protect the citizens of North Dakota. These protections are accomplished in 3 fundamental ways, briefly:

- Protection from unethical actors
- Ensure quality professional ongoing services by the discipline
- Ensure those entering the profession meet professional standards.

Composite Board

The proposed ‘composite’ board reduces all the functions the North Dakota legislature, historically assigned to the Psychology regulatory board, to that of administrative functionaries.

- The proposed legislation summarily removes access to the Administrative Code necessary to apply the specific Ethical Standards which governs the practice of psychology, and does the same for the other disciplines and their specific Ethics Codes.
- Passing this bill will immediately hamstring normal operations of licensing psychologists and other disciplines as it will take months to establish the required Administrative Code. During this time:
 - No new professionals of the five disciplines will be issued as there is not any Administrative Code to direct issuing licenses.
 - Web-based application software is required to be developed, tested, and implemented in the bill.
 - Administrative staff will need to be hired and trained in Primary Source Verification for each of the disciplines. For Psychology, this is already addressed (web-based application and Primary Source Verification) through use of the professional PLUS Application Service.
 - Oral Jurisprudence Examination, expressly included in the bill, will need to be done monthly and by the two psychologist appointees resulting extreme workload.
 - Ethical complaint investigations will not be able to be acted upon until the Administrative Code is in place. Administrative

code requires time to develop, hold hearings, and receive approval for implementation which will be at least 3 to 6 months at the fastest.

- License renewals of all disciplines, especially psychology, will be unable to be issued until
 - Administrative Code is in place,
 - staff are hired and trained across the disciplines, and
 - required web-based software is created from scratch.
- Transition costs will be devastating to hire the multiple staff that will be needed to replace the free, voluntary board members of each discipline currently in place.
- Staff-operated processes of a combined board across 5 disciplines will likely require at least 3, if not 5 or more, full-time staffers. This replaces part-time board support staff and appointed (no per diem cost) board members, currently.
- Board operations across disciplines will be handled by paid administrative staff with only summary discipline-specific oversight by 5 different disciplines with 5 different Ethics Codes.
 - This serious oversight fails to recognize the substantial differences of the varying professional practices, roles, responsibilities, and training levels and requirements.
- Psychology is a doctoral level profession, in contrast to the masters-preparation levels required to meet the standards of Social Work, Counseling, Marriage and Family Therapy and Addiction Counselor.
 - Complicated cross-discipline leveling will occur (for supposed efficiencies) within the administration of the

board which devastates any capacity to sustain psychology-specific standards.

- Psychology licenses non-mental health psychologists. This regulatory management (non-clinical and industrial/organizational psychologists) will be coordinated by disciplines unfamiliar with the breadth of psychology as a discipline.

The most significant concern is where Section 38 repeals several sections of existing law for all five of these licensing boards. Specifically, as it relates to the Psychologists, Section 38 repeals N.D.C.C. § 43-32-08, which contains the general authority for the Board to adopt administrative rules including a code of ethics and certain educational programs.

Almost all disciplinary complaints submitted to the Board, beyond compliance with the statutory criteria, are violations of compliance with the Professional Code of Ethics. Repealing this section would invalidate all existing rules created under this authority including the authority of the Professional Code of Ethics. Although the Board may reenact administrative rules under the additional statutory authority, there are several provisions of administrative rules that are critical to the board's day-to-day function that are seriously disrupted. Administrative code generally takes several months to a year to get into place, especially when highly complicated.

Conclusions:

The legislature has studied professional regulatory boards every session for at least the last 20 years and has consistently found existing boards are as efficient, consistent, and effective as can be expected for professional regulation.

- Such studies have been by legislative hearings, the department of defense, Secretary of Labor, and interim legislative committees. Findings have consistently reported the boards to be highly efficient and effective, and that adjustments to existing regulatory statutes have resolved all areas of concern for timeliness and efficiency.
- People with appropriate credentials are often provided with a license allowing practice within a few days of being submitted, also allowing the applicant to practice while awaiting the Oral Exam.
- The specialized boards deliver appropriate protections to the people of North Dakota to ensure continuous delivery of quality, ethical practices.
- These 5 distinct boards address the diverse and unique disciplines at no cost to the taxpayer.
- The professional regulatory boards services are voluntary with costs absorbed by the licensees, with no taxpayer funding involved.

I would be happy to answer any questions.