



January 24, 2020

VIA EMAIL

Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

Re: Sunset Review - Mental Health Professionals

Dear Sirs and Madams:

On behalf of the American Psychological Association (APA), I submit our comments on proposed changes to the Colorado Mental Health Practice Act (Act) based on the recommendations of the 2019 Sunset Review Report by the Colorado Department of Regulatory Affairs.

APA is the professional organization representing more than 121,000 members and associates engaged in the practice, research, and teaching of psychology. APA works to advance psychology as a science and profession and as a means of promoting health, education and human welfare. We work closely with our state affiliate, the Colorado Psychological Association, to further those goals in Colorado.

APA strongly opposes the provision implementing Sunset Review Report Recommendation 8, which seeks to repeal the current requirements for continuing professional development (CPD) for psychologists. As described more fully below, our opposition to the proposed change is based on the following two concerns:

- 1) Replacing the current broad, but structured, CPD requirements with the vague standard applied to master's level providers would undermine consumer protection and run counter to the goal of promoting continued competency for licensed psychologists.
- 2) Shifting the responsibility of verifying the quality and substance of a psychologist's CPD activities from approved sponsors of formal, organized continuing education (CE) activities to the State Board of Psychologist Examiners may overwhelm the Board's resources and result in a number of licensed psychologists not appropriately maintaining competence.

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1) Abandoning current CPD requirements in favor of a vague, general standard would threaten the goal of continued competency for licensed psychologists and undermine consumer protection.

In the Sunset Review Report, Recommendation 8 urges repeal of the existing CPD requirements for psychologists as enumerated in CRS § 12-245-307(2). It mistakenly claims that those requirements place improperly narrow limits on the types of activities psychologists can pursue in order to comply with their CPD obligations, and therefore run counter to the more general standards applicable to master's level providers.

It is important to note that psychology elected to opt out of those general requirements that were added to the Act for other mental health providers. Psychologists recognized that those parameters were too vague to ensure ongoing competency; they provided no clarity on the types of activities required and no quality standards that those activities had to meet. As a result, psychology then established its own requirements to provide clearer guidance on the nature and types of activities that could ensure a higher threshold of quality CPD/CE activities for psychologists as doctoral-level health care providers.

That effort was in keeping with APA's 2013 resolution on Quality Professional Development and Continuing Education, which defines CE as "an ongoing process consisting of formal learning activities that 1) are relevant to psychological practice, education, and science; 2) enable psychologists to keep pace with emerging issues and technologies; and 3) allow psychologists to maintain, develop, and increase competencies in order to improve services to the public and enhance contributions to the profession."¹

The 2013 resolution also recognizes that quality CPE/CE is "vital to enhancing consumer confidence and to demonstrating the link between ongoing professional development and professional competence." Quality CPD/CE should be based on a "scientific, evidenced-based approach," using "content substantiated by the empirical literature," "reflecting current research on diversity related topics and be committed to a multiculturally competent approach," and involving experts, multiple teaching methods, and active engagement of the learner.

The extensive list of types and formats of CPD/CE activities found in CRS §12-245-307(2) reflects these goals and concerns, and also provides a broad, but structured, framework for complying with current requirements.

That list includes – in part – the following types of activities:

- Attending workshops, symposia or other programs offered by approved CE sponsors, including APA, or a regionally accredited higher education institution
- Completing ethics coursework offered by approved CE sponsors, including APA, or a regionally accredited higher education institution

¹ Quality Professional Development and Continuing Education Resolution, APA (August 2013)

- Developing and presenting at a workshop, symposium or other similar program at a meeting of a professional or scientific organization
- Authoring or editing a psychology publication

Contrary to what the Sunset Review Report claims, the current statutory requirements do not overly restrict or limit the CPD compliance options available to Colorado psychologists. As just one example, many CPD programs now offer virtual attendance or self-study through on-demand offerings presented by approved CE sponsors. While that particular modality is not explicitly spelled out in the statute, it would clearly qualify under the first bullet point above.

The current requirements also provide clarity for both licensed psychologists and the public as to the nature and quality level of appropriate CPD/CE activities. The language proposed by Report Recommendation 8 completely lacks this clarity: “[p]eriodic demonstration of knowledge and skills through documentation of activities necessary to ensure at least minimal ability to safely practice the profession.”²

The existing requirements strike an effective balance between flexibility and quality assurance; they provide psychologists with a broad array of options but also act as guideposts in determining what kinds of activities are appropriate to support continued competence and ongoing professional development. This, in turn, better serves the people of Colorado – both in consumer confidence and consumer protection.

2) The State Board of Psychologist Examiners may not have the resources to effectively evaluate each licensed psychologist’s learning plan to ensure ongoing competence.

Rolling back the statute that currently describes the kinds of activities that meet a minimum threshold of quality professional development for licensed psychologists would invariably shift the burden of critically evaluating activities listed on a psychologist’s learning plan to the psychology licensing board. If psychologists would be required to follow the vague criterion of “documentation of activities to ensure at least minimal ability to safely practice the profession,” then the responsibility to determine whether the documented activities demonstrate a “minimal ability to safely practice” shifts entirely to the licensing board.

If CRS § 12-245-307(2) is amended, as proposed, psychologists will have less clarity about how to comply with CPD requirements. The licensing board will have to spend far more time and resources critically evaluating each individual licensee’s learning plan to determine whether those documented activities are appropriate for quality professional development. Given that there are more than 5300 licensed psychologists in Colorado, this proposal would greatly increase the workload for the licensing board members and staff.

On a final note, the lack of standardization that this proposal would create (not only for licensees and the licensing board, but also the public) is not only inconsistent with other states, it is also inconsistent

² See Draft Bill, page 10 – Section 8(2)(a)-(c).

with best practices for other doctoral health professions in Colorado and inconsistent with best practices for professional education overall.

Thank you for the opportunity to provide comments on these proposed statutory changes to the Colorado Mental Health Practice Act. For the aforementioned reasons, maintaining the current statutory CPD requirements for psychology is in the best interest of Colorado psychologists, the licensing board, and ultimately and most importantly, Colorado residents. Therefore, we strongly urge you to amend this draft legislation and eliminate the provision seeking to revise CRS §12-245-307(2) and roll back the existing CPD requirements.

If you have any questions or need further information, please contact Deborah Baker, JD, Director of Legal & Regulatory Policy by telephone at (202) 336-5886 or by email at dbaker@apa.org.

Cordially,



Jared L. Skillings, PhD, ABPP
Chief of Professional Practice
American Psychological Association

cc: Colorado Psychological Association