

may license him if they are satisfied as to his qualifications. But, as I understand it, there are very few states that now have a licensing procedure for psychologists. Is that correct? My state has one. The last legislature passed one. Many other states do not.

Dr. CUMMINGS. Did you say "certified", Mr. Whitener?

Mr. WHITENER. Who have an examining board.

Dr. CUMMINGS. 37 states and six Canadian provinces.

Mr. WHITENER. And when we get over to page 9, section 11, you state:

"The Commissioner may, in his discretion, waive all or part of the examination required under section 7(C) of this Act when the applicant has (1) achieved a position of eminence in the practice of psychology."

What sort of guideline do you have in determining that you or I or some other professional man has "achieved a position of eminence"?

Dr. CUMMINGS. I think that the Board of Psychologist Examiners would have to talk with the Commissioner in setting up standards or criteria for that. It is not a large number. Our conservative estimate is that it would be used in no more than four or five cases in a decade to take care of those folks of national prominence.

Mr. WHITENER. We are talking about the practical side of this legislation. You set up a procedure in this legislation whereby an applicant is authorized to take a certain appeal if he feels that he has not been dealt with properly. Suppose that the applicant seeks his license on the ground that he has achieved a position of eminence, where is there anything in this bill that would give to the courts any sort of legal guideline for determining whether or not you are an eminent psychologist or a non-eminent psychologist?

Dr. CUMMINGS. It would be reasonable to expect this to be written into the regulations to accompany this if this Act were to be passed.

Mr. WHITENER. I do not know that these regulations can be written in conflict with the words of the statute. So that the regulations would not necessary be binding on the courts if they were not consonant with the language of the statute. I point this out to you to show that I think somebody has done some rather unusual draftsmanship.

The Senate has amended the legislation as introduced, originally. I understand that the Senate bill originally, before the amendments, was the same as the House bill, H.R. 10407. The Senate says that the District of Columbia Council shall make the regulations. That is agreeable with you, gentlemen, is it not?

I notice that you keep saying that the Commissioner can make the regulations, but the bill as passed by the Senate does not give the Commissioner that authority. It gives it to the Council. Is this in keeping with your wishes?

Dr. CUMMINGS. Yes, sir.

Mr. WHITENER. Thank you. That is all.

Mr. SISK. Thank you.

Well, gentlemen, we appreciate very much your statements. I think that at this time we will go along and see if we can hear from Dr. Brayfield if he has arrived.

Dr. CUMMINGS. Thank you.

Dr. MELTZER. Thank you.