

Our position that this bill would eliminate existing regulatory provisions of the Healing Arts Practice Act is not mere surmise. California had a statute quite similar in scope to the one being presented to this Subcommittee. The Attorney General of that state was forced to conclude in a written opinion that that law, by implication, abrogated protections of the medical licensing law applicable to the practice of psychotherapy. The California Legislature acted promptly to amend its laws, and today licensing of psychologists in California is done ultimately by the Board of Medical Examiners, and I am advised that psychology is recognized as being controlled by the same body of law which has developed with respect to the practice of medicine.

I would now like to depart from my prepared statement to enlarge somewhat on this focal point of California's experience.

The difficulties in the California Act derived from the presence in it of a clause similar to Section 20(B) of H.R. 10407 which reads:

Nothing in this Act shall be construed to prevent qualified members of other professions from doing work of a psychological nature consistent with their training and with the code of ethics of their respective professions: *Provided*, that they do not hold themselves out to the public by any title or description incorporating the words "psychological," "psychologists," or "psychology," unless licensed under this Act . . . * * *

I submit that by this wording H.R. 10407 would authorize any group of people whatsoever forthwith to found a new profession and to proceed to practice psychotherapy with the mentally ill.

Dr. Malcolm Meltzer in his testimony before this committee the other day said that the bill does not prevent the members of "bona fide professions" from "doing work of a psychological nature." I see nothing in the bill that specifies in any way what is meant by the phrase "qualified members of other professions." Possibly again this is an instance of the loose wording that is characteristic of this bill and is meant to mean members of other qualified professions, but then, of course, one would have to define what the qualified professions are which nowhere appears in the bill.

To illustrate the difficulties that such wording might cause, may I recount that a few years ago in the District of Columbia an individual whose sole professional qualifications consisted of his having been a science fiction writer decided that his fertile imagination would be better occupied in treating the mentally ill. He called the pseudo-science he established by a fancy title and its practitioners whom he recruited by a fancier one. The case is well known to most professional persons in this room.

Our pseudo-scientist would have been gratified by Section 20(B) of this act for he could hasten to claim that doing psychotherapy with the mentally ill would be certainly "doing work of a psychological nature" as defined in this act, would be certainly within the "code of ethics" and "consistent with the training" of his new "profession" and who could gainsay since he and his group had thus defined it.

He would, of course, be careful not to use the title "psychologist" or any other term proscribed in this act, thus easily evading the provisions the psychologists have claimed would protect the public against charlatans.