

Second, he is also permitted to divulge communications when he is testifying as to the validity of a document such as the will of a client. We feel in the original Senate bill again that this is appropriate, that often mental competence of the deceased may be in issue and he should be allowed to go ahead and testify on that.

Mr. SISK. Is there any quick comment on that, Dr. Legault?

Dr. LEGAULT. I have no comment. Mr. Kuder is here.

Mr. KUDER. As a lawyer, I felt it was appropriate that the privilege question be handled in that section of the D.C. Code which has been codified by Act of Congress so that the privilege of the psychologist would be in the same section as the privilege of the surgeon or the physician. That is why we did it the way we did. As for these other points raised, there is a great deal of law about patient privilege. What we have done here is really made it applicable to psychologists in the same as doctors. If amendments are required, in time they would apply to doctors and psychologists in the same way. It would seem appropriate that they follow each other.

Mr. SISK. Fine. That is a legal question the committee will have to make a determination on.

SECTION 20. NON-INTERFERENCE WITH OTHER PROFESSIONS

We see a rewrite of Section 20. That concludes, I understand, the differences here.

As passed by the Senate, it read :

SEC. 20. (A) Nothing in this Act shall be construed as restricting the use of tools, tests, instruments, or techniques usually denominated "psychological," provided that the user does not represent himself or itself in a manner prohibited by this Act.

(B) 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 of the public by any title or description incorporating the words "psychological," "psychologist," or "psychology," unless licensed under this Act, and except as provided in section 5 (D) of this Act.

As proposed to be amended, it would read :

SEC. 20. Nothing in this Act shall be construed to limit or restrict qualified members of other professions in the practice of their respective professions: *Provided*, That they do not hold themselves out to the public by any title or description stating or implying that they are practicing psychologists or are licensed to practice psychology as defined in this Act.

Dr. Cummings, quickly on the rewrite of Section 20.

Dr. CUMMINGS. Yes. We are determined that the psychologist licensing bill shall in no way interfere with the professional activities of colleague disciplines, as long as members of these other professions operate within their code of ethics. The psychiatrists' rewriting of this section omits reference to this important matter of ethics and is thus seen as slightly inferior to Section 20(B) in the original, which it was intended to replace. Section 20(A) in the original was dropped by the psychiatrists, and we accept its elimination.