

July 20, 2010

Carol D. Goodheart, EdD  
President  
American Psychological Association  
750 First Street, NE  
Washington, D.C. 20002-4242

Dear Dr. Goodheart:

On behalf of the undersigned organizations, we are writing to express our concerns over the recently approved American Psychological Association's (APA) Model Act for State Licensure of Psychologists ("Model Act"). This is a priority issue for our members and for many human resource (HR) professionals and consultants.

Our organizations, which represent professionals in every industry and sector, are very concerned that the Model Act as written will have a profound and adverse effect on HR's day-to-day responsibilities – including the recruiting, hiring, evaluation and management of employees – at hundreds of thousands of worksites. Specifically, the broad definition of a "general applied psychologist" in Section B(5)(b) is so far-reaching that common HR practices, such as conducting compensation or job analysis or designing and administering performance appraisal systems, would be covered under the act, thereby requiring all HR professionals to be licensed psychologists to perform those activities legally.

We believe the most problematic language is Section B(5)(b) of the Model Act, which is shown below:

b. "General applied psychologist"

General applied psychologists provide psychological services outside of the health and mental health field and shall include: 1) the provision of direct services to individuals and groups, using psychological principles, methods, and/or procedures to assess and evaluate individuals on personal abilities and characteristics for individual development, behavior change, and/or for making decisions (e.g., selection, individual development, promotion, reassignment) about the individual, all for the purpose of enhancing individual and/or organizational effectiveness; and 2) the provision of services to organizations that are provided for the benefit of the organization and do not involve direct services to individuals, such as job analysis, attitude/opinion surveys, selection testing (group administration of standardized tests in which responses are mechanically scored and interpreted), selection validation studies, designing performance appraisal systems, training, organization design, advising management on human behavior in organizations, organizational assessment, diagnosis and intervention of organizational problems, and related services.

As currently written, we believe the above language could cause a state psychology licensing board enforcing state law based on the Model Act to feel that it must apply the licensing requirement to the standard practices performed by HR professionals and consultants, even if such professionals do not claim to be psychologists.

Additionally, Section J of the Model Act is sufficiently vague so as to allow the interpretation that in cases where an HR professional is retained by an organization or is an employee of the organization, he or she is not exempted if he or she interacts with employees as part of performing his or her services.

Our organizations understand that a central purpose of the Model Act is to ensure that individuals who practice psychology maintain the proper licensure and hold the requisite doctoral degree in the appropriate field. The general public should be protected from unprofessional conduct by individuals licensed to practice psychology and other unlicensed individuals who portray themselves as psychologists. However, the Model Act needlessly casts too broad a net in the Section 5(b) definition of "General Applied Psychologist" and then fails to clearly exempt traditional HR functions from that broad definition as part of the Section J exemption.

The Section 5(b) "General Applied Psychologist" definition should simply be significantly narrowed to make it clear that where an HR professional performs traditional HR functions and does not characterize or hold himself or herself out as a psychologist, he or she is not acting as a "General Applied Psychologist."

We request that APA makes clear that the Model Act is not intended to apply to HR professionals and consultants who perform many of the functions described in the definition of "general applied psychologist." It is particularly important that this message be communicated directly to all state legislatures and state psychological licensing boards.

In an effort to resolve this issue in a way that benefits APA and our organizations, I suggest that a meeting between our organizations be scheduled at the earliest convenient time. Michael Layman, Government Relations Manager at the Society for Human Resource Management, will contact APA next week to discuss a meeting.

Thank you for considering our position and request. We look forward to meeting with you.

Sincerely,



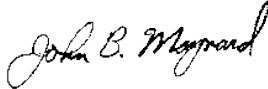
Laurence G. O'Neil  
President and Chief Executive Officer  
Society for Human Resource Management



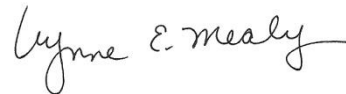
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CC: Lynn Bufka, Ph.D., Assistant Executive Director, Practice Research and Policy