

TRENDS AND REGULATORY REACTION

Trends and Regulatory Reaction Affecting Arizona Mental Health Professionals

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In my community, Tucson, Arizona the counseling/therapy profession is in trouble. Licensed psychologists are facing challenges that lead many of them to believe that the local profession is on the verge of a crisis. Some of these challenges are related to the present economic crisis that everyone else is experiencing, but there are also long term systemic problems arising out of economic and social trends. The reaction of state regulatory bodies is not entirely positive, and contributes to the challenge facing licensed psychologists in Tucson. Many local clinical directors and managers of therapeutic programs express a fear that a crisis is looming and a shortage of therapists and psychologist is looming.

The trends that create a challenge to psychologists are not independent or linear. A number of dynamic processes interweave to create environmental conditions that are complex and difficult to explain. I will organize this paper by first looking at historical and social trends, then focus more closely on the role of regulatory bodies and how they contribute to the present situation.

Pop psychology can be traced back to James Watson's articles in popular women's magazines in the 1920's, but the zenith of popular psychology was in the 1970's and 80's. This was a time when just about any book promising to improve marriage, self-image or relationships could be a best seller.

People defined themselves by membership in dysfunctional groups – women who loved too much, people who are codependent, adult children of their parents' dysfunctions, and survivors of a range of non-lethal activities and events. Psychology had become democratized in the sense that it was available to anyone, but only if a disorder existed. Pop psychology filled this need for disorders by medicalizing what had previously been character flaws, idiosyncrasies or poor decision-making. The mass paperback book market that exploded in the 1960's carried the

first wave of what came to be known as pop psychology books. For the most part the initial offerings were legitimate objects of psychological research written for a lay audience. *Games People Play*, the popularization of Transactional Analysis was one of the first highly successful pop psychology books in the mass paperback genre.

By the mid 80's the movement had taken a decidedly negative outlook on the human condition. This was an era of repressed memory syndrome, devil worshipping pedophile witch covens, therapy groups for the endless discussion of every addiction possible, and intolerance for dissent from prevailing beliefs.

These events were not happening in a vacuum on books shelves. Working counselors and therapists took much of the quasi-scientific conclusions to heart and incorporated them into their therapeutic processes.

As part of my graduate training in Marriage Counseling in 1987 I attended group therapy addressing anger and depression issues with ten or so other students once a week with a local therapist. Every week this group would sit down and share all the hurtful slights and insults that had occurred in childhood. It did not take long for people to get in the swing of things and begin yelling and screaming at absent parents, crying over 20 year old hurts, and generally making themselves miserable. After a few weeks of this, the group leader chided me for not "working" on my issues.

I pointed out that the central idea of therapy was to bring improvement to peoples' lives, yet I was seeing the people in my group leaving in worse shape than they had arrived. This was all I needed to see to conclude that this type of therapy was ineffective, and even hurtful. I was told that I was "in denial", that I would never "get healthy", and that my presence was detrimental to the group. He characterized me as "a cancer on the therapeutic process that must

be excised for the health of the group” and told me not to return until I was ready to undergo therapy.

This was not an isolated incident in which one professional “jumped the tracks” and lost his scientific objectivity. Schools were being victimized by the same lack of hardnosed skepticism.

At about the same time as the group counseling incident I spent a couple of days at a workshop that included professionals from the Tucson Unified School District (TUSD). During a break a school counselor assured me that she could tell which girls in her school had been sexually abused. All she had to do was look at the clothes they wore; girls who wore sexy feminine clothes were clearly victims of sex crimes. They had been “sexualized”. She ignored the fact that humans are sexual creatures from before birth, and often experiment with their sexual persona as teenagers and young adults. A preoccupation with sex is why the human race has survived, and it is an integral part of who and what we are.

When I said something about sexually oriented behaviors being natural and healthy I got a stern and stunning look from this school counselor that I am sorry to say intimidated me. That look told me that she thought I might be a member of one of those pedophile covens, or at least a man with a suspiciously liberal attitude about teenage sexuality who probably did not belong in social services. She did not make any concrete accusations – she did not have to. I did not say a thing for the rest of the day. Later I found out that she had called my employer to warn them of my liberal attitude about teenage sexuality that had aroused her suspicions. Shortly after I found out about the phone call, I swore off social services, dropped out of school and moved back to Oregon to make my living in aviation.

Throughout the 80's and into the 1990's pop psychology continued to run its course. Of course, the more popular psychology became the less it remained science. Pseudo psychologists with degrees from unaccredited schools began producing books that has less to do with psychology and more to do with catchy phrases and slick marketing tactics.

John Grey, (who bought his PhD from a now defunct diploma mill), has made millions telling people that communication problems arise because men and women are from different planets. Beverly DeAnglis, who got her PhD from the same place as Grey, puts on seminars telling people how to enrich their marriages, but fails to tell people that she has been married five times (Salerno 2005).

Dr. Phil is undoubtedly a good businessman, and even though he is a licensed therapist, (although that license is in doubt in light of last year's attempted "treatment" of Britney Spears), he has admitted that he never really liked working with people. That is why he got into jury consultation and worked for Oprah when she was on trial for smearing the beef industry with unscientific, but scientific sounding, accusations. He rose to fame on her coattails, not his own scientifically valid work (Salerno 2005).

The public trusts these fakers because of the initials after their names and the manipulative nature of their arguments. What happens when medical doctors do this sort of thing? The AMA and other regulatory bodies suspend or revoke licenses, and miscreants are sued and maybe even jailed. Mental health "experts" seem to be able to victimize an understandably ignorant public and get away with it, largely because they operate outside the boundaries of professional regulation.

The public's pocketbook is not all they damage, though. They also damage the credibility of everyone who wants to be a legitimate social scientist. Psychology has a history of being not quite science, and struggled for respect for many years (Schultz & Schultz 2004).

This has resulted in well-deserved criticism of psychology. The anti psychology stance of the Church of Scientology is enduring and well known, but they are not the only critic of our field. Respected intellectuals like Christina Hoff Sommers and Camille Paglia have also made well reasoned arguments about the excesses of psychology (Sommers & Satel 2005; Paglia 1991, 1992). These books should be required reading for anyone who wants to be a professional in the mental health field. Intellectual honesty demands that we be aware of the shortcomings others see in our profession.

In the 80's and early 90's the myth of repressed memory sent innocent people to jail and along with the introduction of effective psychotropic drugs, helped to drive insurance companies away from talk therapy. (Sommers & Satel,2005; Loftus & Ketcham1996). Psychologists and therapists were finding themselves in an environment with a declining number of potential clients. Public mental health centers could not absorb the psychologists and therapists competing for a steadily declining market of clients eligible for third party reimbursement.

The idea of being a "paid friend" was a little more palatable when the professional therapeutic angle was removed. As a result, many therapists expanded their practices into "Life Coaching" as a way to reinvent themselves to meet pragmatic market needs (Williams & Davis 2002). This also created a situation in which licensed professionals had to reassess their insecure status. The profession seemed to be easing away from traditional therapeutic interventions aimed at treating mental illness, and struggling to find a place for itself in the mentally healthy environment of mass society.

At the about the same time, in the early 90's positive psychology came into prominence, at least among professional psychologists. Positive psychology is exactly what the name suggests – focusing psychology on the positive aspects of human experience, rather than on medicalized conditions. Martin Seligman, the founder of positive psychology, defines it in these words, “The intent is to have a more complete and balanced scientific understanding of the human experience—the peaks, the valleys, and everything in between.” (Seligman, Steen, Park, & Peterson, 2005)

Seligman was reacting to this environment when he began writing books about positive psychology in 1990. His timing was perfect, because at about the same time that he introduced the idea of positive psychology insurance companies saw the sham of therapy, reduced funding for talk therapy foolishness and turned to psychoactive drugs. Drug therapy was so effective that the talk therapy industry had effectively collapsed, and is now re-emerging as “Life Coaching”.

These three trends – the emergence of drug therapy and attendant collapse of talk therapy industry, the reinvention of therapist as Life Coaches, and the rise of positive psychology – combined to push regulatory bodies in Arizona into a new and more aggressive direction.

The rise of positive psychology brought a sense of rationality back to the profession, increased respect for traditional psychologists and pushed pop psychology into the margins of the legitimate help movement. Currently pop psychology seems best defined by quasi-scientific promotions like *The Secret*, which takes genuine science and contorts it into something approaching magic.

People in the “caring professions” tend to forget that they are offering the public a service in exchange for money, and are no different from any other businessperson. This is true even for

professionals who work in government-funded settings, (although in that case, there is confusion about whether the client, taxpayers or regulatory agencies are the customer).

The decrease in insurance coverage for talk therapy has resulted in the emergence of a new business model for therapists. A market for less formal interventions into what are not quite mental health issues has emerged. People are willing to pay mental health professionals to help them meet the challenges of an ever more competitive world. Small and medium business are including psychologists in their Human Resource departments, and looking to them for help with leadership and organizational issues. Government is hiring psychologists to consult on traffic safety and law enforcement issues, and private citizens are looking to psychologists to help them be more efficient and effective in their work and family lives. In response, people who might be (or used to be) therapists and psychologists now call themselves Life Coaches or Administrative Consultants and take on the challenges of customers who are defining a new market.

The need to deliver effective services is one of the reasons counseling centers here in Tucson are increasingly integrating “life coaches” into their line of services. There seems to be a demand for more economically priced mental health services that do not rise to the level of traditional counseling needs. Novice therapists can apprentice as life coaches while pursuing licensure, while at the same time helping people come up with effective techniques to lose weight or learn Spanish. It is just another way to serve the needs of people, (or in economic terms, the demands of the marketplace). Interestingly, fewer people are applying for licensure, presumably because it entails costs, (low paid apprenticeships, and school fees), that is not justified by the potential return.

One place in which traditional licensed psychologists are insulated from much of what has been discussed here is in their traditional role – agents of the public administration of mental

health services. Care of the acutely mentally ill and developmentally disabled does not attract the attention of business because there is little profit incentive. It falls to government, then to provide services for these severely disabled people. Naturally, psychologists are needed to offer specialized treatment to these acutely ill people.

Tax funded services are always delivered via organizations called bureaucracies. There is nothing wrong or bad about bureaucracy – it is simply a way to organize people. One of the hallmarks of bureaucracy is a focus on process and procedure to the exclusion of any regard for outcome (Johnson 1993). There is nothing wrong or evil about this either – it was a great way to cure the corruption of public officials at the turn of the century, and to maintain that cure all these years later.

The problem is that publically funded mental health fails terribly when it comes to addressing the widely varying needs of unique individuals with mental health problems. Bureaucracy got its start organizing factories. It is a good method for organizing resources when tasks are simple, the goal is to produce the same thing repeatedly, the environment is stable, and humans involved are docile and compliant (Morgan 1998).

Public mental health services are generally delivered to people whose disabilities are so great that they cannot hold a well paying job. Their mental health needs are more likely to be acute, chronic and severe. Bureaucratic organization lends itself to situations like these that have unchanging service needs and a constant flow of resources and needs. Delivering a narrow range of services to populations with uniform needs satisfies conditions bureaucracy needs to operate.

The trends identified thus far – the collapse of talk therapy, the emergence of Life Coaching, and the ideological change brought on by positive psychology combine to change the landscape of professional mental health culture in Arizona. Regulatory bodies are striving to

preserve the traditional professionalism of mental health services, but at a price that is not altogether clear yet.

Arizona has two regulatory bodies with the authority to set policy, award licenses and discipline behavioral health license holders. Board of Behavior Health Examiners has authority over masters' level therapists, and the Arizona Board of Psychologist Examiners manages clinical psychologists. These Boards are independent of one another but have similar powers. To complicate matters there is not a single set of standards. Each Board has its own standards, school psychologists are subject to administrative rules that pertain to school, while developmental psychologists come under the authority of the administrative rules of the Department of Economic Security. The two Boards also have broad and vaguely worded rules.

Early in my PhD studies my intent was to become licensed and I did a great deal of research. I talked to Board members, accessed their disciplinary files, interviewed professionals who had been disciplined and talked to a large number of licensed and unlicensed professionals. The consensus seemed to be that the Boards are highly politicized, and that personal values of dominance, arrogance and superiority are driving forces. I heard the words "punitive", "dominance", and "conformity" in almost every conversation I had with professionals who had contact one of the Boards. Other professionals were so intimidated by the possibility of drawing the attention of the Board that they would do little to expand their practices into areas that were not well trod. Business innovation and exploring new markets is the exclusive venue of unlicensed professionals who do not serve the mentally ill or receive third party payments. Licensed professionals concentrate on a narrow range of traditional services.

Rulings of the Boards cannot be effectively challenged, short of challenging the rules themselves in court – an expensive and time-consuming process. If a Board comes after a licensee, there is not much that can be done to defend oneself.

In fairness, the Boards are under pressure from two directions. First, behavioral improprieties on the part of licensed professionals are very embarrassing to the state bureaucracies involved, and can be quite expensive when lawsuits get filed. The Boards receive a fair amount of criticism when serious misconduct becomes public knowledge. Second, the membership of the Boards tend towards older and very serious scholar-practitioners who have little tolerance for the “de-professionalization” of the industry. There is a conscious desire to make a demarcation between professional therapists, and non-professional life coaches for instance. Professionals may be slow to adopt new therapies out of fear of the Boards, and the Boards seem to be fine with this if it discourages the use of unproven therapies like EMDR, for example.

Protection of vulnerable populations is the stated goal of the Boards, and while this is a necessary and laudable goal, it seems that the public does not view itself as vulnerable and has no qualms about hiring unlicensed professionals. Public policy has a habit of creating newer and harsher rules and procedures in response to poor outcome or scandal.

What has emerged, though, is a situation in which professional mental health providers at both the masters and PhD levels are admitted into what amounts to a trade guild protected by the two Boards. The conditions of entry into the guild are ideological conformity, both in terms of the practice of psychology, as well as conformity to the authority of the Boards. Without the stamp of approval of a known source of ideology – a local university or public agency – there is

little chance of license approval. (Walden grads are out of luck unless a state agency hires them and manages the path to licensure.)

Fewer people are applying for licensure because doing so brings more limitations than freedoms. Life Coaching is one alternative, as is dedicating a private practice to anything but the treatment of mental health disorders. Career counseling, management consulting, and high-level public administration are venues that are increasingly common for professionals. Licensed professionals point out that the privileges of having a license – third party payment from insurance or government – are not particularly lucrative, and entail a large amount of administrative effort. From a business perspective licensure is not a promising path.

The emphasis that the Boards put on ideological conformity, submission to their authority and compliance with rules and procedure may preserve the character of the profession, but it is driving the profession to the margins of the market and social awareness. This does not bode well for the future of the profession. Organizations are pushed ahead by the need to address unfamiliar challenges in novel and efficient ways. This is especially true of organizations made up of highly trained professionals. Almost by definition, these organizations need to be focused on learning – that is, improving their systemic ability to adjust and react to changes in the environment. When organizations retreat into a mode of protection and preservation they begin to lose their vision and consequently their relevance. This is what happened to US auto companies in the 1970's (Senge 1990) and the American military in the 1960's (Wilson 1989). In the former case the industry was co-opted by Japanese manufacturers and barely survived, in the later a devastating decade long re-organization resulted in a stronger institution.

If the present trends of Life Coaching, and emphasis on positive psychology and economic forces continue to push the profession of psychology along the path that it is now on

we will see two communities emerge. One will be business-oriented professionals who strive to deliver measurable results to paying customers. They will work outside the authority of the regulatory Boards, which allows the freedom and flexibility to deliver their services, but lacks group discipline and a unifying culture. The other community will be the licensed psychologists who will tend to be confined to publically fund mental health bureaucracies or the private firms contracted by them. Unfortunately, this leaves the public underserved by licensed professionals. Business realities and the difficulty of operating a profitable business as a licensed professional serving the public may create a shortage of services. Which community licensed professionals who offer services to the public will land is difficult to tell. Perhaps more importantly their numbers are declining, and both the public and the bureaucratic professionals will need to find a way to meet one another.

References

- Johnston, K. B. (1993). *Busting bureaucracy : How to conquer your organization's worst enemy*. Homewood, Ill.: Business One Irwin.
- Loftus, E. F., & Ketcham, K. (1996). *The myth of repressed memory : False memories and allegations of sexual abuse* (1st St. Martin's Griffin ed.). New York: St. Martin's Griffin.
- Morgan, G. (1998). *Images of organization* (Executive ed.). San Francisco, Calif. Thousand Oaks, Calif.: Berrett-Koehler Publishers; Sage Publications.
- Paglia, C. (1992). *Sex, art, and American culture : Essays* (1st ed.). New York: Vintage Books.
- Salerno, S. (2005). *Sham : How the self-help movement made America helpless* (1st ed.). New York: Crown Publishers.
- Schultz, D. P., & Schultz, S. E. (2004). *A history of modern psychology* (8th ed.). Belmont, CA: Thomson/Wadsworth.
- Seligman, M. E. P., Steen, T. A., Park, N., & Peterson, C. (2005). Positive psychology progress: Empirical validation of interventions. *American Psychologist*, 60(5), 410-421.
- Senge, P. M. (1990). *The fifth discipline : The art and practice of the learning organization* (1st ed.). New York: Doubleday/Currency.
- Sommers, C. H., & Satel, S. L. (2005). *One nation under therapy : How the helping culture is eroding self-reliance* (1st U.S. ed.). New York: St. Martin's Press.
- Williams, P., & Davis, D. C. (2002). *Therapist as life coach : Transforming your practice* (1st ed.). New York: W.W. Norton.
- Wilson, J. Q. (1989). *Bureaucracy : What government agencies do and why they do it*. New York: Basic Books.