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Practice Advisory Committee
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The New York Technician Issue

The crisis for psychologists at New York (NY) State, who rely upon the use of technicians or test technician standards for their clinical practice, has been previously documented. Briefly, this crisis began when New York State passed a scope of practice law for psychologists in 2003 that was interpreted by the New York State Education Department that oversees its Department of Professional Regulation as excluding the use of test technicians who were interpreted as being engaged in the independent practice of Psychology. Division 40, the American Academy of Clinical Neuropsychology and the National Academy of Neuropsychology have long since published position statements characterizing the proper use of test technicians and educational standards have been promulgated by Division 40 dating back to 1989. After numerous attempts to work through the New York State Psychological Association (NYSPA), this issue has not resolved, and has commanded the attention of others.

The Practice Advisory Committee's position is that this is not just a local issue. Indeed, the current interpretation suggesting a ban on technicians in New York has significant implications for the nationwide practice of psychology:

1. It sets a precedent for restricting use of technicians, serving as an example for legislation in other states around the country. Currently, only New York has an interpretation suggesting complete restriction on technicians. While 12 states have explicit language allowing technicians, 20 states have no language or only vague reference with regard to psychological technician use. Should NY set a precedent with regard to restricting technician use, as many as 20 states may follow suit.
2. Legislation restricting technician use can initiate changes in third party payers' policies and lead to a change payment patterns.
3. Ultimately, this restriction on technician use may undermine the recent gains made in CMS payment schedules for neuropsychological testing that include specific testing codes for technicians.

Neuropsychologists in NY State have attempted to work through their state association, the New York State Psychological Association (NYSPA), for over 2 years to have this unfortunate interpretation of its new scope law banning the use of technicians reversed, with no success thus far and much political strife. When it

became clear earlier this year that NYSPA would not lead the charge in pushing for a reversal of this interpretation, a group of NY neuropsychologists organized and formed a nonprofit group, NY State Association of Neuropsychology, Inc. (NYSAN) to tackle this problem independently. NYSAN members are neuropsychologists from New York and other states whose financial contributions supported the establishment of the organization.

With the assistance of APA, an Albany, NY firm well-integrated in the NY state legislature and experienced in lobbying for the professions with the State Education Department (Whiteman Osterman and Hanna) was identified and retained, in no small part to generous support provided by APA Division 40 which contributed \$15,000 to NYSAN's initiative. These funds will be directed solely to the fees associated with legal action to remedy the interpretation of a ban on technicians in NY. It is important to note that other organizations have also provided substantial financial support including a Psychology Defense Fund grant provided by American Psychological Association's Committee on the Advancement of Professional Practice [CAPP], the National Academy of Neuropsychology, American Academy of Clinical Neuropsychology and the American Board of Professional Neuropsychology. In fact, this is the only time that I can recall all of our major organizations and boarding entities uniting behind a single issue.

Optimally, through targeted educational intervention (or legal challenge if need be), it is our hope that the State Education Department of NY (SED) will reverse the interpretation of a ban on the use of psychological technicians. For more information on test technicians please see, [USE OF TESTING TECHNICIANS IN THE DELIVERY OF PSYCHOLOGICAL AND NEUROPSYCHOLOGICAL SERVICES.](#)

Any psychologist is eligible to join or donate to NYSAN. Please do so by contacting NYSAN's Secretary, Bill Barr(william.barr@nyu.edu) or visiting their website at www.the-nysan.org.

For more information on this issue, please contact Neil Pliskin (npliskin@uic.edu; 312-355-5156) or visit the Practitioner's Corner on the APA Division 40 webpage (www.Div40.org).