

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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The Mental Health Professionals in Litigation

In personal injury and workers' compensation litigation alleging a psychiatric or a psychological injury, attorneys and/or insurance adjusters may get evaluative and treatment reports or case notes, from a variety of professionals such as psychologists, psychiatrists, psychological assistants, Marriage & Family Therapists, Licensed Clinical Social Workers, Licensed Professional Clinical Counselors, Licensed Educational Psychologists, psychiatric technicians and psychiatric nurses. However, it is not always clear to attorneys and/or insurance adjusters what these and other mental health professionals do, how they have been trained and how they function differently in the jurisdictions where they work. As a California-based forensic psychologist, it is part of my job to understand their qualifications, licensing requirements, work, experience and training. I also know that other states and countries have different requirements. Accordingly, if you are reading this in an area outside of California, you may have to do some additional research to determine what is relevant in your locale.

Psychiatrists

First and foremost, a psychiatrist is a physician. In the United States this means that they have completed medical school and have received an M.D. degree, a Doctor of Medicine degree, or a D.O. degree, a Doctor of

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Osteopathic Medicine degree. Overall, D.O. medical schools in comparison to M.D. schools have more modest research programs and tend to focus more on primary care as well as to place more emphasis on manual therapy, which is somewhat similar to physical therapy and chiropractic treatment.

A psychiatrist is a physician who is certified in treating mental illnesses or who is a scientist and qualified as a researcher in medicine. While psychiatrists may have training in one form or another of psychotherapy, it is their training as physicians that sets them apart from other mental health professionals. In the United States psychiatrists, whether possessing an M.D. degree or a D.O. degree, must spend an additional four years as a psychiatric resident during which time they train in diagnosis, psychopharmacology, medical care, and psychotherapy. After completing their training, psychiatrists take written and then oral board examinations to become board certified, although any medical doctor can diagnose and treat mental illnesses. In some states of the United States a graduate of a medical school who has completed one year of internship may obtain a general medical license and can diagnose and treat mental illnesses. If you are concerned about a medical doctor's licensing you can contact the Medical Board, which in California has a website

Browse Dr. Leckart's Book at
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(<http://www2.mbc.ca.gov/LicenseLookupSystem/PhysicianSurgeon/Search.aspx>). Additionally, if you are concerned about a physician's board certification in psychiatry you can contact the American Board of Medical Specialties (<https://www.certificationmatters.org/is-your-doctor-board-certified/search-now.aspx>). Both websites are user friendly and all you need to do is enter the doctor's name to get information about their credentialing.

Psychologists

In California, in order to offer services to the public as a psychologist you must have a license from the Board of Psychology. In order to get that license you must possess a doctorate degree in psychology. There are two different doctorates that qualify for licensure eligibility, a Ph.D. and a Psy. D. The former is usually obtained from a university where the doctor's training emphasizes research. The latter is typically obtained from a professional school that places more emphasis on treatment. Paraphrasing the California licensing law, the practice of psychology is defined as rendering psychological services involving the application of principles, methods, and procedures for understanding, predicting, influencing and modifying behavior. The specific techniques include but are not limited to administering and interpreting tests and applying counseling and psychotherapy to help a person or persons to modify their behavior. Psychologists are allowed by law to use "talking therapy," biofeedback instruments as long as they do not pierce the skin, and provide service through telemedicine. However, they cannot provide drugs, administer electroconvulsive shock therapy or perform surgery, although some states and the United States military have programs allowing psychologists to prescribe medications. Most frequently, psychologists use one or more forms of group or individual talking therapies to perform diagnostic services to determine what, if anything, is wrong with the "patient" and then to help individuals change

maladaptive behaviors, feelings or thoughts characteristic of a mental disorder found in the DSM-IV-TR. If you are concerned if a psychologist is licensed, the Board of Psychology in California has a website that provides that information ([http://www2.dca.ca.gov/pls/wllpub/wllqryna\\$licev2.startup?p_qte_code=PSX&p_qte_pgm_code=7300](http://www2.dca.ca.gov/pls/wllpub/wllqryna$licev2.startup?p_qte_code=PSX&p_qte_pgm_code=7300)).

Psychiatrists vs. Psychologists in Litigation

In selecting a doctor to provide expert witness testimony one of the decisions is whether to employ a psychologist or a psychiatrist. That decision may be based at least in part on the essential difference between the two types of doctors. In this respect, the big difference between psychologists and psychiatrists is that psychologists have extensive training in the use, administration and interpretation of psychological tests. This may be important in litigation where psychological test data is often the only form of objective information that can be presented for public inspection in open court. In contrast to a psychologist's skill in the area of testing, psychiatrists, who generally have no training and usually little experience in testing are normally more expert in the use of medication to treat mental illnesses and generally can be expected to have more knowledge of the effects of physical disorders that may interact with or affect an individual's psychological status.

Psychological Assistants

Sometimes individuals who have masters or doctorate degrees in psychology and are working towards obtaining a license as a psychologist, administer tests and conduct group or individual therapy sessions. These individuals are psychological assistants. According to section 2913(b) of the Business and Professions Code, psychological assistants are individuals who must have at least one of following: (1) completed a doctoral degree, which qualifies for licensing as a psychologist, but have not completed all the

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requirements for that license, (2) completed a master's degree in psychology or education with the field of specialization in psychology or counseling, (3) have been admitted to candidacy for a doctoral degree in psychology or education with the field of specialization in psychology or counseling psychology, after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations.

Psychological assistants must also be the employees of a licensed psychologist or a board certified psychiatrist who is responsible for directing and supervising the assistant and insuring that the extent, kind, and quality of the psychological services being performed by the assistant is consistent with the supervisor's training and experience. Furthermore, the psychological assistant is only permitted to perform limited psychological functions consistent with the assistant's education and training and the guidelines established by the American Psychological Association. In addition, the supervisor must always be available at the time the assistant is performing their psychological functions and must inform the patient that the assistant is unlicensed. If you have any doubt if the "doctor" is a psychologist or a psychological assistant you can look at their licensing number that appears on their business card or stationery. A psychologist's license number always starts with the three letters "PSY," and a psychological assistant's number always starts with "PSB." If you have any doubt about a psychological assistant's registration it is very simple to obtain that information from the license verification unit at the Board of Psychology ([http://www2.dca.ca.gov/pls/wllpub/wllqryna\\$lcev2.startup?p_qte_code=PSX&p_qte_pgm_code=7300](http://www2.dca.ca.gov/pls/wllpub/wllqryna$lcev2.startup?p_qte_code=PSX&p_qte_pgm_code=7300)).

Registered Psychologists

Registered Psychologists are authorized by Section 2909(d) of the California Business & Professions Code. Registered psychologists are unlicensed individuals, who can perform limited psychological functions, such as conducting diagnostic or evaluative work and administering group and/or individual counseling or psychotherapy, while obtaining additional hours of supervised professional experience. To become a registered psychologist, one must have a doctoral degree, which qualifies for psychology licensure, and at least 1500 hours of qualified supervised professional experience. While psychological assistants must be

employees of psychologists or a board certified psychiatrist, registered psychologists must work at a nonprofit community agency that receives a minimum of 25% of its funding from some governmental source or sources and must be supervised by a licensed psychologist. Once again, if you are concerned about whether a registered psychologist is registered with the Board of Psychology you can find that information on the board's website

([http://www2.dca.ca.gov/pls/wllpub/wllqryna\\$lcev2.startup?p_qte_code=PSX&p_qte_pgm_code=7300](http://www2.dca.ca.gov/pls/wllpub/wllqryna$lcev2.startup?p_qte_code=PSX&p_qte_pgm_code=7300)).

Licensed Marriage and Family Therapists LMFTs

In California, Licensed Marriage and Family Therapists are licensed and authorized by the Board of Behavioral Sciences to perform services with individuals, couples, and/or groups in which interpersonal relationships are examined for the purpose of achieving more adequate, satisfying, and productive marriage and family adjustments. These therapists use methods that include applied psychotherapeutic techniques that are designed to enable individuals to mature and grow within the context of their marriage and the family. Currently, in order to qualify for a license as a Marriage and Family Therapist you must have a doctorate or masters degree in marriage and family counseling; marriage and family therapy; clinical psychology; counseling psychology; or counseling with an emphasis in marriage, family and child counseling or marriage and family. If you have any doubt about an individual's licensing, it is very simple to obtain that information from the license verification unit at the Board of Behavioral Sciences

[http://www2.dca.ca.gov/pls/wllpub/wllqryna\\$lcev2.startup?p_qte_code=LX&p_qte_pgm_code=1800](http://www2.dca.ca.gov/pls/wllpub/wllqryna$lcev2.startup?p_qte_code=LX&p_qte_pgm_code=1800).

Licensed Clinical Social Workers (LCSWs)

In California, Licensed Clinical Social Workers (LCSWs) are licensed and authorized by the Board of Behavioral Sciences to use their special knowledge of humans to evaluate and help people achieve more adequate, satisfying, and productive social adjustments. In order to obtain a license, these individuals must have received at least a master's degree from an accredited school of social work and have had at least two years of supervised post-

master's degree experience. The laws applicable to LCSWs indicate that their practice involves the application of social work principles and methods, which include but are not restricted to counseling and using applied psychotherapy of a nonmedical nature with individuals, families, or groups. Psychotherapy, in the context of the licensing law covering LCSWs, is the use of psychosocial methods, within a professional relationship, to assist the person or persons to achieve a better psychosocial adaptation, to acquire greater human realization of psychosocial potential and adaptation, and to modify internal and external conditions which affect individuals, groups, or communities with respect to behavior, emotions, and thinking with respect to their intrapersonal and interpersonal processes. If you have any doubt about an individual's licensing it is very simple to obtain that information from the license verification unit at the Board of Behavioral Sciences [http://www2.dca.ca.gov/pls/wllpub/wllqryna\\$lceev2.startup?p_qte_code=LX&p_qte_pgm_code=1800](http://www2.dca.ca.gov/pls/wllpub/wllqryna$lceev2.startup?p_qte_code=LX&p_qte_pgm_code=1800). It is also simple to obtain information about individuals in training to become Licensed Clinical Social Workers who are identified as Associate Clinical Social Workers. Associate Clinical Social Workers have Master of Social Work degrees and are obtaining supervised experience on the way to becoming licensed.

Licensed Professional Clinical Counselors (LPCCs)

According to Business & Professions Code section 4999.20, Licensed Professional Clinical Counselors are relatively newly defined mental health practitioners who are licensed to use counseling and psychotherapeutic techniques to identify and remediate cognitive, mental and emotional issues for the purposes of improving mental health. Depending on their training and education they may qualify to assess and treat couples or families. They are also allowed to administer, score and interpret tests designed to measure an individual's attitudes, abilities, aptitudes, achievements, interests, personal characteristics, disability, and mental, emotional and behavioral concerns. These assessment devices are used for the purpose of establishing counseling goals and objectives to improve an individual's ability to deal adequately with life situations, reduce "stress," experience growth, change behavior, and make well-informed, rational decisions. The applicable codes state that they are not allowed to use projective techniques,

individually administered intelligence tests, neuropsychological tests, or a battery of three or more tests to determine "psychosis, dementia, amnesia, cognitive impairment, or criminal behavior." They also are required to refer their clients to other licensed health care professionals when they identify issues beyond their own scope of education, training, and experience. The Board of Behavioral Sciences also regulates Licensed Professional Clinical Counselors. Thus, if you have any doubt about an individual's licensing, it is very simple to obtain that information from the license verification unit at the Board of Behavioral Sciences website at [http://www2.dca.ca.gov/pls/wllpub/wllqryna\\$lceev2.startup?p_qte_code=LX&p_qte_pgm_code=1800](http://www2.dca.ca.gov/pls/wllpub/wllqryna$lceev2.startup?p_qte_code=LX&p_qte_pgm_code=1800). It is also easy to obtain information about individuals in training to become Licensed Professional Clinical Counselors, who are identified as Licensed Professional Clinical Counselors Interns.

Licensed Educational Psychologists (LEPs)

In order to become a Licensed Educational Psychologist one must have at least a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or some other accredited degree deemed equivalent by the Board of Behavioral Sciences, which is the responsible licensing agency. The practitioner must also have successfully completed 60 semester hours of postgraduate work in pupil personnel services as well as three years of full time experience working as a school psychologist. Licensed Educational Psychologists are permitted to perform a variety of professional functions relating to academic learning processes and/or the education system such as educational evaluations; diagnosing psychological disorders related to academic learning processes; administering and interpreting diagnostic tests related to academic learning processes; providing psychological counseling for individuals, groups, and families; developing treatment programs and strategies to address problems of adjustment; and coordinating intervention strategies for management of individual crises. One can check on the status of their licensing at the board's website at [http://www2.dca.ca.gov/pls/wllpub/wllqryna\\$lceev2.startup?p_qte_code=LX&p_qte_pgm_code=1800](http://www2.dca.ca.gov/pls/wllpub/wllqryna$lceev2.startup?p_qte_code=LX&p_qte_pgm_code=1800).

Psychiatric Technicians

Psychiatric technicians are licensed by the Board of Vocational Nursing and Psychiatric Technicians and are regulated by the Psychiatric Technicians Law. A "psychiatric technician" is any person who, for compensation or personal profit, implements procedures and techniques that involve the understanding of cause and effect and that are used in the care, treatment, and rehabilitation of mentally ill or emotionally disturbed persons, or persons with intellectual disabilities. In addition, they are allowed to have direct responsibility for administering or implementing specific therapeutic procedures, techniques, treatments, or medications, or direct responsibility for the application of interpersonal and technical skills in the observation and recognition of symptoms and carrying out treatments, administering medications and procedures as prescribed by a licensed physician although they may also practice under the direction of a psychologist, rehabilitation therapist, social worker, registered nurse or other professional personnel. They are responsible for taking a variety of courses in programs located in community colleges, adult education, regional occupational programs, hospitals and private schools and like all of the other medical specialties discussed above, must meet specific requirements for licensing by the State of California.

Psychiatric Mental Health Nurses

Psychiatric Mental Health Nurses are registered nurses who possess a master's degree in psychiatric/mental health nursing plus two years of supervised experience and are registered with the Board of Registered Nursing. They specialize in caring for people of all ages with mental illnesses and are trained in dealing with challenging behavior and the administration of psychotropic medications. One can check on their registration at the board's website ([http://www2.dca.ca.gov/pls/wllpub/wllqryna\\$lceev2.s tartup?p_qte_code=RN&p_qte_pgm_code=7800](http://www2.dca.ca.gov/pls/wllpub/wllqryna$lceev2.s tartup?p_qte_code=RN&p_qte_pgm_code=7800)).

In summary, as we have seen, there are many mental health professionals in California and throughout the world, who may come in contact with individuals who are litigating a case claiming a psychological or a psychiatric injury. These professionals have a variety of educational backgrounds, training, experience and licenses to practice in their respective disciplines. All of them may have something to say about an individual's psychological status at the time of their contacts and may be asked by the court to provide testimony with regard to their patient's or client's litigation. However, the most important factor for an attorney or insurance adjuster to consider is the credibility of their testimony.

This is the fifty-second of a series of monthly newsletters aimed at providing information about psychological evaluations and treatment that may be of interest to attorneys and insurance adjusters working in the areas of workers' compensation and personal injury. If you have not received some or all of our past newsletters listed on the next page, and would like copies, send us an email requesting the newsletter(s) that you would like forwarded to you.