

Newfoundland and Labrador Psychology Board

P.O. Box 8275, Station A, St. John's, NL A1B 3N4

website: <http://www.nlpsychboard.ca>

January 25, 2021

Honourable Tom Osborne
Minister of Education
PO Box 8700
St. John's, NL A1B 4J6

Dear Minister Osborne:

We wish to express our concern regarding assessment practices that, we understand, are occurring within Newfoundland and Labrador.

The recent Position Paper (attached) from the Canadian Psychological Association (CPA) has outlined some grave concerns with the use of specialized psychological tests by individuals who are unqualified to do so. The Psychologists Act (2005) mandates the Newfoundland and Labrador Psychology Board to ensure protection of the public, so it is incumbent upon us to express serious concerns and reservations if we are aware – in this instance – that insufficiently trained individuals are utilizing these specialized psychological tests and making potentially life altering decisions based on incomplete or inaccurate training.

We understand that historically, in the Province of Newfoundland and Labrador, allowance for the use of tests by individuals who may not meet the current criteria for Qualification Level C, defined at <https://www.pearsonclinical.ca/en/ordering/qualification-levels.html> has been granted by some test publishers. While the Board can appreciate that this may have been acceptable and maybe even necessary at the time, diagnostic testing has become much more sophisticated and complex, making it crucial that those who are carrying out assessments in 2021 have a level of training and knowledge which allows them to make informed, meaningful decisions which are in the best interest of, and for the benefit of, their clients. The training and knowledge required to perform a complete and thorough assessment on an individual in 2021 is far more extensive than it had been in the past. It is imperative that individuals who are conducting assessment and diagnoses be sufficiently trained to enable the provision of an appropriate, valid, and reliable assessment. Without this, assessment results may be inaccurate and/or incomplete, which may result in decisions and diagnoses which may have a profound impact on the future of the person being assessed.

In 2021, individuals who are trained in the interpretation of these results, and who make diagnoses based on this information, have often undergone up to 10 courses, including supervised practica and/or internships, in the areas of assessment and diagnosis. We understand that many of the individuals who are currently conducting diagnostic assessments may have received, many years ago, as few as two courses in their graduate training. As well, they have often received only minimal supervision in this area in their practica/internships.

As is pointed out in the position paper, current training in diagnostic testing requires a specialized body of complex knowledge and expertise. Advanced graduate training in the areas of psychometrics, advanced statistics, cognitive and behavioural sciences, learning and memory, personality and psychopathology are essential for safe use of diagnostic tests in the 21st century.

It should also be pointed out that a serious consequence of psychological testing by insufficiently trained individuals may be misdiagnosis which has the potential to compromise an individual's future in several areas including health care, education and development and may, indeed, result in a future of pain and anxiety.

Unless the professional conducting the assessment is fully qualified to understand the complex matrix, which is psychological measurement, there is a very real danger that wrong decisions may be made which may impact them for their entire lifetime.

The Newfoundland and Labrador Psychology Board is very concerned about some current practices in assessment and diagnosis within the province. There are specific professional qualifications for individuals who are authorized to administer and interpret Level C tests. These criteria are outlined at <https://www.pearsonclinical.ca/en/ordering/qualification-levels.html>. We would ask that, in order to avoid potential harm to the public, you ensure that individuals within your agency, organization or department who are administering Level C tests indeed are qualified to do so.

Sincerely:



Charles Penwell

Chair, Newfoundland and Labrador Psychology Board

cc Hon. Dr. John Haggie, Minister of Health and Community Services
Hon. Gerry Byrne, Minister, Department of Immigration, Skills and Labour
Mr. Tony Stack, CEO/Director of Education, NLESD
Mr. Dean Ingram, President, NLTA
Mr. Gary Hunter, President, NLCPA
Dr. Karen Goodnough, Dean, Faculty of Education, Memorial University of Newfoundland
Dr. Janine Hubbard, President, APNL
Mr. David S. Diamond, President & CEO, Eastern Health Authority

Ms. Andrée Robichaud, President & CEO, Central Regional Health Authority
Ms. Michelle House, Interim CEO, Western Regional Health Authority
Ms. Heather Brown – President & CEO, Labrador-Grenfell Regional Health Authority
Ms. Jackie Lake Kavanagh, Child and Youth Advocate
Ms. Edie Dunphy, Executive Director, LDANL
Dr. Karen Cohen, Chief Executive Officer, Canadian Psychological Association

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Inappropriate Psychological Test Use: A Public Safety Concern

A Position Paper of the Canadian Psychological Association

Prepared by the CPA's Professional Affairs Committee

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Inappropriate Psychological Test Use: A Public Safety Concern

The assessment, diagnosis, and treatment of physical and mental health disorders are regulated health services under the authority of provincial and federal bodies. In recent years, there has been growing concern that the safe use of specialized psychological tests and measures *in clinical practice* has become compromised by their increased availability to unqualified users in an unregulated marketplace. The Canadian Psychological Association (CPA) is deeply concerned that the availability and use of diagnostic tests by unqualified individuals puts public safety at risk.

Clinical instruments to assess and diagnose psychological conditions and health disorders with psychological components are generally proprietary and are distributed and sold by commercial firms. While there are strict regulatory controls governing the distribution, sale, and use of medical devices to protect public safety, there is currently no federal or provincial regulatory oversight of the psychological test market.

Historically, the psychological test industry has relied on self-regulation by commercial firms in developing, distributing, and selling clinical instruments. Most commercial suppliers have self-limited sales by using standards or policies that restrict the distribution and sale of psychological tests to individuals who have levels of training and education required to administer and interpret test results. To do this, psychological tests and measures have been informally classified within the industry by their degree of technical complexity and clinical sensitivity. This practice has resulted in commercial suppliers limiting the sale of complex or sensitive instruments, *such as intellectual and neuropsychological measures*, to specific professional designations, usually a licensed psychologist with additional and specialized training in psychological test administration and interpretation.

The voluntary self-regulation by test publishers, limiting access and use of specialized diagnostic tools to those who are appropriately trained, has provided a modest, albeit inconsistent degree of public protection from the risks of harm that may arise from misuse by unqualified users. However, there now appears to be a concerning trend in Canada where psychological tests and diagnostic tools are being accessed by widespread circulation to unqualified users. Across Canada, there are complaints of under-qualified practitioners using psychological tests and instruments for the diagnosis and treatment of a wide range of clinical conditions, including head injuries, stroke, intellectual disability, and autism to name but a few.

The risks associated with unregulated access to psychological tests and improper test use by unqualified practitioners are real, significant, and not infrequent. For example, in a British Columbia case where an unqualified health provider obtained access to neuropsychological tests, the test results were misinterpreted as a brain injury resulting in inappropriate and costly recommendations. In another instance, special needs children were excluded from much required treatment because a health administrator who obtained psychological tests of development, improperly used the instrument and test scores to assign care. Tests of intelligence and other diagnostic tools are also routinely used by

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unregulated professionals in Newfoundland and Labrador, risking misdiagnosis and harm to children and families when inaccurate test results prevent access to special education and treatment. Finally, in Ontario, there have been multiple reports of unqualified providers improperly using psychological tests, resulting in harms ranging from loss of benefits in motor vehicle accident claims; misdiagnosis of learning disabilities, autism, and emotional disorders; and improper planning of medical treatment.

There is a well-developed regulatory system in Canada that approves medical devices and ensures that medical testing is done safely. Use of medical tests are limited to specially trained and qualified practitioners to reduce the risk of harm as a result of improper use, misinterpretation, and misdiagnosis. Yet, when it comes to psychological tools, an increasing number of untrained providers are obtaining complex tests of psychological and neuropsychological functioning and interpreting the results in the absence of any specialized knowledge or training.

The safe, valid, and reliable use of psychological tests requires a specialized body of complex knowledge. Expertise in the areas of psychometrics, advanced statistics, cognitive and behavioural sciences, learning and memory, personality, and psychopathology are essential for safe psychological test use. Neuropsychological tests regularly used to assess child development, motor vehicle accident injuries, learning disorders and so on, require sophisticated knowledge and training in neuroanatomy, behavioural neurology, and neuropathology. Knowledge and skill for the safe and effective use of psychological tests is an area of specialization, acquired through a dedicated training program and extensive supervised practice *over the course of years. In the case of neuropsychological practice, the amount hours of training in administration and interpretation is increased to reflect the complex interface between tests and brain and behaviour.*

The wide use of psychological tests in almost every sphere of human activity, and their significance in making critical decisions, creates the potential for grave consequences when misused by unqualified practitioners. Psychological testing is a critical tool in medical treatment decision making; determining access to health, social and educational services; stroke and brain injury rehabilitation planning; and eligibility for disability and motor vehicle insurance benefits. A major consequence of misuse of psychological tests is misdiagnosis, which will compromise health care, education and child development; can cause pain and suffering; and may lead to economic loss. The professional tasked with psychological testing must be qualified to fully understand the complex matrix that is a psychological measurement. The sensitivity of situations and the critical types of decisions that rely on psychological testing leaves no room for an unqualified user.

It is commonly accepted that health assessment and diagnosis is complex and requires safeguards. Psychological health assessment is no less complex, but safeguards around the access to test devices and their use has been slower to develop. The CPA supports the principle that there needs to be a process to establish safeguards for access and use of complex psychological tests. The CPA also holds the position that psychological tests should be restricted in their availability to purchasers who are licensed in their jurisdiction to practice the profession of psychology and hold the title of psychologist. Finally, the CPA is of the view that commercial suppliers and distributors of psychological tests ought to

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be subject to regulations that control the sale and distribution to qualified users only. Federal and provincial legislative and regulatory bodies are asked to further examine this issue in order to assess additional mechanisms to ensure public health and safety.