

Mandating the Licensing of I-O Psychologists Lacks Merit

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There are at least four interrelated reasons why the practice of industrial and organizational (I-O) psychology should not require a license that is mandated by the state or province where the I-O psychologist resides. First, there is no subject matter domain unique to the practice of I-O psychology. Second, because there is no subject matter domain unique to I-O psychology, the subject matter is extensively practiced by other unregulated professions. Hence, a law mandating a license to practice I-O psychology, restricted to graduates from a doctoral program in a psychology department, is unlikely to be enforceable. It simply would not stand up to a legal challenge. Third, the espoused benefit of a mandated license, namely, to protect the public, is specious. Finally, a mandated license for the practice of I-O psychology by I-O psychologists could lead to the death of I-O psychology programs. Each of these four concerns is explained below.

1. Subject Matter Domain

The subject matter domain of I-O psychology includes job analysis, attitude/opinion surveys, selection, selection validation, designing performance appraisal systems, training, organization design, advising management on human behavior in organizations, organizational assessment, and the diagnosis and intervention of organizational problems and related activities.

In addition to I-O psychologists, this subject matter domain is practiced by graduates of MBA programs and graduates of doctoral programs in business schools with specialization in human resource management, organizational behavior, and/or organizational development. This subject matter is arguably as intensively and extensively researched and practiced by

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members of the HRM, OB, and OD divisions of the Academy of Management in the US and the Administrative Sciences Association of Canada as it is by the Society for Industrial and Organizational Psychology (SIOP) and Canadian Society for Industrial and Organizational Psychology (CSIOP) members in the US and Canada, respectively. This subject matter is practiced extensively by professional consulting firms, such as Deloitte and McKinsey, who employ MBAs. It is also practiced by the 265,000 members of the Society for Human Resource Management (SHRM).

2. A Law Mandating the Licensing of I-O Practitioners Is Unlikely To Be Enforceable

As the Licensure of Consulting and I-O Psychologists Joint Task Force (LCIOP) Joint Task Force (2017) noted, the ASPPB defines the practice of psychology very broadly:

Practice of psychology is defined as the observation, description, evaluation, interpretation, prediction and modification of human behavior by the application of psychological principles, methods, and procedures, for the purposes of ... evaluating, assessing and/or facilitating the enhancement of individual, group and/or organizational effectiveness ... [and includes but is not limited to] ... psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, cognitive, physical, and/or emotional abilities, skills, interests; interests, aptitudes, and neuropsychological functioning, ... [and] provisions of direct services to individuals and/or groups for the purpose of enhancing individual and thereby organizational effectiveness, using psychological principles, methods, and/or procedures to assess and evaluate individuals on personal characteristics for individual development and/or behavior change or for making decisions about the individual, such as selection. (2010, pp. 7–8)

As the LCIOP Joint Task Force (2017) noted, it is imperative to bear in mind the distinction that regulating bodies make between the regulation of a practitioner title (e.g., psychologist) and the regulation of the above activities. Many I-O psychologists may incorrectly assume that they are in compliance with a licensure practice act because they use a title other than psychologist. However, the good news, as the LCIOP noted, is that the U.S. 11th Circuit Court found that title acts contravene free speech. Moreover, as the LCIOP also noted, legislators have become more demanding of justification for licensing (Kleiner, 2006).

Further reason to believe that a law mandating the licensing of I-O activities will prove indefensible can be found in the case of *Serafine v. Branaman* (2016), which the LCIOP described. Despite being neither licensed nor eligible for licensure as a psychologist in Texas, Serafine won the right to call herself a psychologist. As the LCIOP noted, this case highlights the indefensibility of a broad scope of practice definitions. The LCIOP quoted the court as follows:

The ability to provide guidance about the common problems of life—marriage, children, alcohol, health—is a foundation of human interaction and society, whether this advice be found in an almanac, at the feet of grandparents, or in a circle of friends. There is no doubt that such

speech is protected by the First Amendment. By limiting the ability of individuals to dispense personal advice about mental or emotional problems based on knowledge gleaned in a graduate class in practically any context, subsection (c) chills and prohibits protected speech. But that is precisely what the overbreadth doctrine is meant to prevent. (*Serafine v. Branaman*, 2016, p. 22)

Consistent with these positive developments, SHRM has notified APA that it will monitor the 50 states, 10 provinces, and territories to ensure legislation is not passed that will interfere with its members performing HRM activities, namely, those prescribed in the APA and ASPPB Model Licensing Acts.

In summary, specific exemption language is needed for the practice of I-O psychology in these model licensing acts.

3. Protect the Public

In addition to the ASPPB Model Licensing Act, the APA 2010 Model Licensing Act emphasizes the importance of protecting the public from the practice of psychology by unqualified persons. The practice of psychology as defined by the APA Model Licensing Act includes “facilitating the enhancement of individuals, groups, and/or organizational effectiveness ... organizational performance” as well as “assisting in legal decision making” (p. 2). “The practice of psychology is construed within the meaning of this definition without regard to whether payment is received for services rendered” (p. 2).

That the mandatory licensing of the practice of I-O psychology will protect the public is asserted without evidence. There are no data that show that the number of complaints by the public on the services rendered by licensed I-O psychologists is significantly lower than the number rendered against MBAs employed in professional consulting firms; individuals with PhDs in HRM, OB, or OD; or members of SHRM who perform the same activities, let alone I-O psychologists who are also not licensed. In short, the espoused necessity for mandating licensing for the practice of I-O psychology in order to protect the public is without merit; it is, as noted earlier, specious.

4. The Death of I-O Psychology Programs

The LCIOP admonishes against the use of language that may be perceived as infringing upon and consequently provoking large, well-funded societies (e.g., SHRM, AoM) whose members perform consulting services that are highly similar, if not identical, to I-O psychologists. The LCIOP Joint Task Force states that “ASPPB should have no interest in model legislation/regulation that its member jurisdictions will encounter deep resistance to adopt or that is unlikely to survive a legal challenge if adopted” (2017, p. x). The taskforce elaborates on this point with the statement that the regulation of the practice of psychology should not prevent human resource

professionals, business consultants, and other persons from providing advice and counseling in their organizations or affiliated groups or to their companies and employees of their companies, or from engaging in activities performed in the course of their employment.¹ In short, licensing will be mandated only for I-O psychologists who provide services to the general public, not for individuals who provide these same services but are not psychologists.

If ASPPB follows the advice of the LCIOP task force, the choice to pursue a PhD in I-O psychology from a psychology department versus pursuing a PhD in the equivalent thereof (e.g., business schools) will become relatively easy for applicants. Following the receipt of a doctoral degree in I-O from a psychology department, the newly minted PhD can look forward to (a) finding and likely paying for a supervised internship, (b) studying to pass the licensing exam, (c) paying the fee to take the exam, (d) paying the licensing fee if the exam is passed, (5) paying for CE credits on an ongoing basis, and (e) continually paying for the renewal of the license to practice.

Alternatively, applicants can choose to apply to a business school that offers a PhD in HRM, OB, or OD.² In doing so, they will forego the title of psychologist. In addition, they will forego all the expenses mandated for their I-O practitioner colleagues yet engage in the same activities. Given even a cursory cost–benefit analysis, which doctoral program are most applicants likely to choose? Because of mandated licensing, the future of I-O programs is likely to be dim, while those similar to them in business schools is likely to be bright.

In addition to contributing to the decline of applicants to I-O doctoral programs, another drawback of mandating licensing for the practice of I-O psychology by I-O psychologists is the added cost to psychology departments of accreditation. A decrease rather than an increase in I-O applicants, and also an increase rather than a decrease in departmental costs due to I-O program accreditation will likely lead deans and department chairs to close the I-O programs.

Discussion

I agree with the LCIOP on three points: First, I-O psychologists who wish to become licensed should be free to do so. Second, SIOP and CSIOP along with

¹ At this point in time, there is no reason to believe that ASPPB agrees with the taskforce's admonishment.

² A reviewer commented that my argument rests on an applicant's perception of near-perfect congruence in the content covered by an I-O versus a business school PhD program as well as equal "brand" value of the two. But, the issues of congruence and brand value already exist in choosing an I-O doctoral program. As the LCIOP noted, the commonality in the curriculum of I-O programs is restricted primarily to courses on research methods and statistics.

SHRM should monitor and engage licensing boards to prevent regulations that make it illegal for I-O psychologists to practice within their scope of competence. Third, statutory certification is necessary to restrict the use of the title “psychologist” to those who meet the qualifications to do so. But, the downsides of mandating the licensing of I-O psychologists before they can practice their skills for the alleged benefit of the general public greatly outweigh the upsides.

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Say No to Licensing: It Is Both Impractical and Immoral

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I have written on this subject in the past (Locke, 2009; Locke, Mode, & Bin-swanger, 1980), but here I will both reiterate and expand on what I have said before.

Occupational licensing prohibits voluntary exchanges between consenting adults regarding services. Such services can only be provided by the permission of the government; the provider has to obtain a license to practice. Occupational licensing laws have been increasing steadily for several decades (LCIOP Joint Task Force, 2017), and some have faced legal challenges (more on this below). The push for licensing laws has not come from purchasers

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