

CAPP 1990 . 1991

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In April, 1990, Clifford Stromberg, with the assistance of co-counsel, Michele Licht, delivered a stunning oral argument of the CAPP position before the California Supreme Court. Cliffs presentation as well as rebuttal arguments from counsel for the California Hospital Association, the California Medical Association, and the California Psychiatric Association were allocated sixty minutes by the court. That hour would change the future role of psychologists in hospital practice, not only in California, but also in hospitals across the nation!

In June, the Court issued its favorable opinion. The Majority Opinion, written by Justice Broussard put psychologists on "equal footing" with psychiatrists in hospitals. More importantly, the language of the Supreme Court decision was quite clear that Clinical Psychologists on the hospital's staff must be allowed to practice within the scope of their license. In other words, hospitals are prohibited from discriminating against Clinical Psychologists on the hospital staff. In the weeks that followed, the Supreme Court's ruling was met with both praise and discussion as it dealt a stunning blow to organized medicine's efforts to restrict the ability of psychologists to work in hospitals.

Soon after the Supreme Court announced its decision, plans by CAPP and the AP A Practice Directorate were made to jointly file a motion to recover attorney's fees and costs. Suit was filed for approximately one third of a million dollars. A significant aspect of the suit was that CAPP's original action, validated by the California Supreme Court, protected a significant public right — the right of the public to choose to have a Clinical Psychologist have ultimate responsibility for their patient's psychological care in a hospital. This suit, filed in the Fall of 1990, resulted in a favorable financial settlement between CAPP and the California Hospital Association, the California Medical Association and the California Psychiatric Association.

The amount of the settlement cannot be disclosed. However, the substantial settlement allows CAPP and the Practice Directorate to continue their work to insure that psychologist rights are respected. The settlement also assured CAPP's viability for years to come. The Executive Board had voted in early 1990 to lower CAPP's dues from \$500 per year to \$100 per year to make membership an option for thousands of psychologists.

As we look beyond the CAPP v. Rank suit, two issues are clear. First is enforcement of the decision, which is under discussion with the Department of Health in conjunction with Dr. Chuck Faltz, Chair, CPA, division I, Hospital Practice Committee. In addition, Carl London and Peggy Dudder, CP A Lobbyists, have been an integral help with Dr. Win Schachter, Executive Director of CPA, in spearheading conjoin effort to make CAPP v. Rank a reality in every hospital in the state.

Second, in 1991, the CAPP Board voted to make managed care as well as enforcement of CAPP v. Rank its two-fold priorities. More and more members are requesting that we look into the role of psychologists in managed care to insure that psychologists are granted parity in these plans. That is our next frontier.

As President of CAPP during this most critical time, I feel I have been more fortunate than the Presidents and many Board members who have gone before me. I have been able to see the eventual reward to the many thousands of hours of effort to insure the future of psychologist in the state of California. I have never worked with a more cohesive and hard working Executive Board than we have presently, and I look forward to another exciting year as President of CAPP in 1992.