



ROYAL NORWEGIAN MINISTRY
OF HEALTH AND CARE SERVICES

EFTA Surveillance Authority
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Complaints against Norway on the recognition of qualifications in order to work as a psychologist in Norway

The Ministry refers to the letters of 16th and 23th of November 2017 from the EFTA Surveillance Authority ("the Authority"), as well as previous correspondence and dialogue, concerning recognition of qualifications in psychology. Before answering the questions in the letters, the Ministry will initially provide some general clarifications.

1. The assessment of the "same profession"

The Ministry considers that the Directive 2005/36 does not apply to the cases concerning applicants with a master degree in psychology from the Eötvös Loránd University ("ELTE") as the applicants do not have the right to perform the *same profession* in Hungary as the authorised psychologists in Norway.

The Directive applies if the professions are similar. The Ministry holds that the professions are not similar because of the independent role and the extensive set of clinical tasks of the psychologist in Norway. In order to explain our assessment of the *same profession*, it is necessary to give an account of the special role and the clinical tasks of the psychologists in Norway.

Firstly, the psychologists in Norway have the right to perform *a wide range of different health care services*. This also includes invasive health care to patients with severe mental disorders. Furthermore, the psychologists have *a special role* in the Norwegian health care sector that is highly independent and with an extensive responsibility to determine and deliver health care services. Their role is in this respect comparable to doctors and dentists, who deliver health care services on an independent basis. This means that the psychologist can make *independent* decisions concerning diagnoses and treatment without supervision

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and without any requirement of being part of a medical team. An example is that a person, after completing the six years of education, can set up his/her own private business and treat patients with mental disorders without being supervised or entering a specialisation program for clinical practice. The Norwegian health care system is decentralised, and health personnel must often work independently.

The combination of the psychologists' wide range of clinical tasks and their independent role requires a high level of competence. The Norwegian education in psychology and the authorisation system shall ensure that the holders of the title have the sufficient level of competence. Firstly, the education in psychology is designed to provide the students this competence, as it includes extensive clinical theory and practice under supervision that is integrated in all the stages of the education. An important aspect of the education is these intervals of alternating practice, evaluation and relevant clinical theory.

Norway has several separate education programs at bachelor's degree and master's degree level in psychology that is *academic/theoretic*, and not clinical. It is without integrated clinical practice, but qualifies for a wide range of tasks in the public and private sectors, including preventive and health promotion work, consulting services, teaching, research etc. This education will *not* give the students the right to use the title psychologist. These candidates may, similarly to those candidates with a master's degree in psychology from ELTE, use their qualifications in the health sector as far as the employer consider this to be safe and acceptable, having taking into consideration their qualifications, the nature of the tasks and the situation in general (re. "forsvarlighet" in the Health personnel Act section 4). Most of the 50 applicants who have had their applications refused have a bachelor degree from Norway and a master's degree from ELTE (39 of 50). Only three applicants have both bachelor and master's degree from ELTE, while the rest of the applicants have their bachelor's degree from other states.

Furthermore, the authorisation as psychologist, granted by the Directorate of Health, functions as a guarantee that the holder is fully qualified to decide and deliver a wide range of health care services on an independent basis. Accordingly, patients, employers and other health personnel expect that holders of the title have this competence. In order to ensure patient safety, a sufficient level of quality as well as the citizens' confidence in the health care system, it is necessary to uphold the requirements for the title psychologist. By requiring a set of minimum qualifications to obtain an authorisation as psychologist, the risk of accidents and mistakes can be reduced. The authorisation therefore function as a guarantee that the person have a sufficient level of knowledge, as well as the skills, to work as a psychologist. This is of outmost importance as many psychologists work independently with patients. If the Directorate admit applicants to use the title when they do not have the qualifications to perform the same profession as Norwegian psychologists, there is a risk that the title psychologist is undermined.

In order to assess the question of *same profession*, the Directorate and the Ministry have gathered information from Hungarian authorities concerning the profession of psychologist in

Hungary. According to Hungarian authorities, holders of a master's degree in psychology cannot work in clinical health care settings unless they are either 1) clinical psychologists, 2) they work under supervision and are enrolled in the specialisation to become a clinical psychologist or 3) committed to enter this specialisation. The different Hungarian specialisations within clinical psychology has a duration of three to four years, and include training under supervision and theoretic modules. When completed, he/she will have the right to perform the regulated profession clinical psychologist.

Based on this information, the Ministry is of the understanding that persons with a master's degree in psychology do not have the right to work clinically in health care settings in Hungary, if they are outside group 1), 2) or 3) as listed above. In comparison, a holder of a Norwegian authorisation as a psychologist can work clinically and have an extensive independent responsibility to diagnose and treat mental disorders in patients.

The Ministry's assessment is therefore that applicants with a master's degree in psychology from ELTE are not finished with the necessary training and education to obtain the right to perform a profession in Hungary that is similar to the Norwegian psychologist. The Ministry is of the opinion that since the applicants do not have the right to perform the same profession in Hungary, within the meaning of the Directive, as the psychologist in Norway, the Directive 2005/36/EC is not applicable.

2. Free movement of EU/EEA-citizens

The EU treaty grants EU/EEA citizens the right to free movement in the EU/EEA area. National rules and practice concerning recognition of professions can be challenged as a restriction to the right to free movement. In this context, the Ministry wants to make clear that the approval system and practice is in compliance with the EU Treaty and the EEA-agreement. Restrictions to the right to free movement can be legal if they are necessary, proportionate and justified by general, non-economic considerations, for instance public health. In order to secure patient safety and a sufficient level of quality of the health care services, the national authorities can decide the competence required for obtaining the protected title psychologist. This is also necessary in order to ensure that citizens have confidence in the health care system. On this background, the Ministry holds that the approval system and practice, and the relevant refusals in the cases, are necessary and proportionate measures to secure the public health.

3. Assessment of the applications under national law

If applicants are not entitled to approval under the Directive, their applications are assessed under relevant national legislation (re. the Health Personnel Act § 48a). Applicants have the right to authorisation if their master's degree together with other education and working experience, together gives acquired qualifications that is comparable in scope and content with the Norwegian six-year professional training in psychology. Persons with a foreign education with minor deficiencies compared to the Norwegian professional education may after a licensing period of clinical practice, obtain authorisation as a psychologist.

The applicants with a master's degree from ELTE were denied authorisation on this ground as well, as the acquired qualifications were found to have *major deficiencies* in both clinical theory and practice, and that the deficiencies cannot be repaired through a period of supervised practice. The universities has recently suggested that the applicants would need to enter the last 2,5 years of the ordinary Norwegian training in psychology to compensate for their lacks in clinical practice and theory. This suggestion is one of several proposals recently forwarded to the Ministry by the Directorate in order to try to find a reasonable solution to enable the applicants to qualify for authorisation as psychologists in Norway. Please see the answer to question 3 in the letter dated 16th of November for more information on these proposals from the Directorate.

Each application have been assessed individually. The Norwegian universities that offer education in psychology assisted the Directorate in carrying out the educational comparisons

Answers to questions in the letter of the 16th of November

- 1) *According to our understanding and information, previously, licences used to impose a period of one year work under supervision, without specifying the work place. Can you please explain the reasons for changing the content of the licences that were granted to the holders of the Polish qualification? Why are the work requirements of the licences split up in two periods and why are the work places specified? Is it correct that those requirements do not form part of the Norwegian education of psychologists?*

It is correct that the Norwegian Directorate of Health has previously granted licences without any specific requirements regarding where or what type of supervised practice the licence holder needed to complete in order to qualify for authorisation.

It is also correct that the licences that have been given to the two applicants now have certain requirements that need to be fulfilled during the period of supervised practice (adaption period, re. article 3 no. 1 litra g). The detailed requirements regulating this period and its assessment is set out by the competent authority (the Norwegian Directorate of Health).

The Directorate changed its previous practice in order to ensure that the period of supervised practice completed during the licence period to a larger extent should compensate for the shortcomings in the education and/or training of the licence holder. A failure to compensate for such shortcomings may constitute a threat to patient safety.

The reason for why the requirements have been split is because the Directorate considers that the two applicants lack practical experience in certain areas, and that this practice should be completed in a Barne- og ungdomspsykiatrisk poliklinikk (BUP, Children and Adolescents' Psychiatric Polyclinic Services) and Distriktpsikiatrisk senter (DPS, District Psychiatric Centres). BUP and DPS are types of institutions that are widespread across the country. There are approximately 71 DPS institutions and 100

BUP institutions in Norway, and there are several institutions of each type in every county in Norway.

These requirements are not identical to the Norwegian training of psychologists, as the structure of the Norwegian training is different. Nevertheless, the requirements will provide the licence holder with a similar practical experience as that included in the Norwegian training

- 2) *Has the Norwegian Directorate of Health granted licences to all pending applications of holders of a Polish diploma?*

If no, why not? If yes, do all those licences split up the work period and specify the work place (in the same way)?

The Directorate of Health has informed the Ministry that as of the 4th of December 2017 all applications for authorisation has been processed.

- 3) *Are there any outstanding pending applications of holders of a Polish qualification of psychologist for an authorisation?*

The Directorate of Health has informed the Ministry that as of the 4th of December 2017 there is one application currently being processed. This application was received on the 14th of November 2017.

- 4) *At the package meeting, the representatives of the Authority were informed that the Norwegian Directorate of Health was investigating the possibility of imposing compensation measures for the 50 graduates from the Hungarian ELTE-University. Has the Norwegian Directorate of Health already come to a decision?*

As discussed in the package meeting, the Ministry gave the Directorate an assignment on the 4th of July 2017 to consider if it is possible to put in place measures that can qualify candidates with a master's degree in psychology from ELTE for an authorisation as psychologist in Norway. As part of this assignment, the directorate asked the four universities training psychologists in Norway to consider the possibility of training programs for this group.

The Directorate responded to the Ministry the 5th of December 2017. The Ministry is currently assessing the suggestions from the Directorate.

- 5) *Is it correct that the Norwegian Directorate of Health has communicated that it considers the licences, granted to the holders of the Hungarian ELTE-qualification, as null and void? If yes, will they be granted a new licence with new periods and requirements? If yes, which periods and which requirements? Will they be imposed to follow additional training?*

Before the change of approval practice in 2016, the Directorate granted licenses to applicants with education from the ELTE University. These licenses were limited in time,

and their validity would expire as defined in the licenses. On this background, the Directorate did not declare them void after the change in approval practice. The validity of licences to the 16 persons that work as licensed psychologists, were prolonged until 31.12.2018. The licenses will be valid throughout the period the applicants complete the one year educational program. When the applicants have completed this program, they will qualify for authorisation as psychologist. The licenses does not have any requirements concerning work place, as the intention was to enable the applicants to continue their work while they complete the program.

- 6) *Is it correct that the Norwegian Directorate of Health has also changed its recognition practice on the psychologist qualifications from other countries? If yes, which countries and why?*

The Directorate has changed practice for the recognition of Swedish psychologists. Previously, applicants graduated from Sweden were granted a licence i Norway in order to complete the compulsory practice in Norway. This has now changed, and applicants are required to complete their compulsory practice in Sweden, and as such being in a position to qualify for an authorisation as a psychologist in Sweden, before applying for authorisation in Norway.

Answers to the questions in the letter of the 23th of November

- 1) *Has the above mentioned compensation measure - additional university education of 2.5 years - been imposed on all 50 ELTE-graduates that have applied for a licence? Will there be an exam in the end? If yes, would the individuals get another chance if they fail the exam, as is the case for the other University students?*

Please see the answer to question 4 in the letter dated 16th of November.

- 2) *Article 14(2) of Directive 2005/36 provides the possibility to impose only two types of compensation measures i.e. an aptitude test or an aptitude period, in principle to be chosen by the applicant. Article 14(5) of Directive 2005/36 obliges the EEA States to apply compensation measures with due regard to the proportionality principle. Does the Norwegian Government consider the measure, mentioned in question 1, to be in compliance with Directive 2005/36?*

The Ministry wants to emphasise that the initiatives that are being assessed for the applicants with a diploma from the ELTE University are not a consequence of the Directive 2005/36. As the Ministry is still of the opinion that the Directive 2005/36 does not apply to the cases concerning the applicants, the initiatives that are being assessed are not compensation measures within the meaning of the directive. The requirements related to the content and scope of the compensation measures that are laid down in the Directive, are therefore not directly applicable. The initiatives have the aim to find a solution for the applicants that are affected by the change of approval. The Ministry are

currently considering if it is possible to establish initiatives that are reasonable and practicable for the parties involved.

- 3) *Is it correct that it has been decided that all the ELTE-graduates that have completed their licence period will be obliged to follow an additional education of 8 modules in 2018/2019 with an exam in the end? Will their licence be extended throughout this whole period? What is the content of these modules and with which institution do they have to follow the modules? If they would fail the exam, would they get another chance?*

It is correct that the 16 applicants that work as licensed psychologists have received an invitation to enter a program that can lead to authorisation as a psychologist in Norway.

The program have been suggested by the four universities that train psychologists in Norway. It consists of an educational one year-program with 8 seminars, individual evaluations and suitability assessments. The applicants may continue their work while they attend this program. The 16 applicants have been invited to enter this program and the start is planned for April 2018. The final details of the program have yet to be finalised.

- 4) *Does the Norwegian Government consider the measure, mentioned in question 3 to be in compliance with Directive 2005/36?*

See reply to question number 2.

Yours sincerely

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This document is signed electronically and has therefore no handwritten signature