

**Minutes**  
**Arkansas Psychology Board**  
**101 East Capitol, Suite 415**  
**Board Meeting**  
**January 20, 2012**

**CALL TO ORDER**

The Arkansas Psychology Board meeting was called to order by the Chair, Dr. Ed Kleitsch, at 10:20 AM.

**ROLL CALL**

Board Members present: Dr. James Fuendeling, Dr. Judd Harbin, Ms. Gloria Gordon, Mr. Christopher Hoggard, Dr. Ed Kleitsch, Dr. Lisa McNeir, Ms. Anne Powell-Black, and Dr. Gary Souheaver.

Ms. Elizabeth Glenn was absent.

Staff Members present: Mr. James Ammel, Mr. Arnie Jochum, Ms. Sheila Pauley and Ms. Maggie Sponer.

Ms. Amy Ford was absent.

**APPROVAL OF AGENDA**

Dr. Kleitsch presented the agenda to the Board. Dr. Souheaver made a motion to approve the agenda. Dr. Harbin seconded the motion. The motion passed unanimously.

**APPROVAL OF PAST MINUTES**

Dr. Souheaver made a motion to approved the December 16, 2011 Board Meeting Minutes, pending the addition of the appointed Personnel Committee as an Ad Hoc Committee for the Current Calendar year by the Chair of the Board and any grammatical corrections. Dr. Harbin seconded the motion. The motion passed unanimously.

**REPORT FROM THE COMPLAINT COMMITTEE**

**January 20, 2012**

**C-11-07 [Rec'd 11/02/11]**

**ACTION ITEM**

COMPLAINANT: A federal government agency maintenance manager who was currently on extended medical leave for mental impairments (anxiety, panic attacks, and depression), and who previously had a number of similar leaves for the same impairments, was referred by the agency for a "fitness-for-duty" psychological

evaluation. Complainant disputed a number of factual statements in the resulting report, as well as also disputing the intelligence test results, the number and type of psychological instruments used, and the conclusions rendered in the report about his lack of capacity to fulfill the duties and responsibilities of his position. The Complainant also alleged that the psychologist screamed and yelled at him, had a dog present at all times during the evaluation, and that the office environment was filthy. Complainant wanted: the report withdrawn with notification of withdrawal given to all recipients; the psychologist to refund the examination fee; the psychologist barred from performing fitness-for-duty exams henceforth; and any other applicable sanctions imposed. [Complainant and Respondent were both informed that APB had no authority to require withdrawal of the report in question or to require the Respondent to refund the examination fee to the employer.]

**RESPONDENT:** A psychologist in private practice who was requested to conduct a fitness-for-duty examination of a federal employee. Respondent denied any violation of the APA ethical standards and submitted in response to the complaint all documentation received from the employing agency. Respondent reported that the examination consisted of a review of all available records (including those brought by the employee), an in-depth psychodiagnostic interview, behavioral observations, and test administration. The psychological report, supplied by both the Complainant and the Respondent, was very thorough, and the documentation supplied from the employer and the reported statements of the Complainant and the testing results appeared to provide adequate support for statements and conclusions contained in the psychological report.

**STATUS:** The Screening Committee found no sustainable substantiation of an ethical violation in the facts and circumstances of the “fitness-for-duty” examination conducted by the Respondent. The conclusions reported in Respondent’s report that Complainant found objectionable were a matter of professional judgment that any practitioner has the latitude to utilize. Finding no basis for disciplinary action, the Committee recommended dismissal of this complaint, and the Board adopted that recommendation at its January 20, 2012, meeting.

### **November 18, 2011 Report**

**C-11-04 [Rec’d 09/09/11**

### **ACTION ITEM**

**COMPLAINANT:** A worker’s comp claimant was referred for a psychological evaluation by a neurologist. She complained that the examining psychologist’s report contained a number of factual errors and alleged that the conclusions reported in the evaluation report resulted in her comp attorney discharging her as a client and her benefits being terminated.

**RESPONDENT:** Neuropsychologist who examined the complainant with testing and an interview and produced a 3-page report that included comments about symptom magnification and the likelihood of treatment non-compliance.

STATUS: After receiving the complaint, the Respondent issued an amended report that corrected the majority of the alleged factual errors and submitted it to the Complainant and the Screening Committee. As requested, the Respondent also supplied test score data to the Complainant. Complainant could supply no proof regarding the allegation pertaining to her attorney's withdrawal or cause of the cessation of comp benefits and had no proof why she was referred to Respondent. Inasmuch as Complainant received the results she was seeking (amendment of the erroneous facts and obtainment of evaluation data), there did not appear to be anything else to be accomplished by the complaint process and no ethical violations were discernible. Complainant indicated that she was satisfied and consented to dismissal of this matter. The Board was advised at its November 18, 2011, meeting that the Committee was recommending dismissal of the matter with no further disciplinary action, and that recommendation was adopted on that date.

**C-09-05, -06 Michael Parker, PhD ENFORCEMENT HEARING ACTION ITEM**

COMPLAINANT: The Arkansas Psychology Board called for a hearing to determine whether the Respondent had complied with its prior disciplinary order.

RESPONDENT: As the result of a previous 9/17/10 hearing, Dr. Michael Parker had been found by the Board to have violated APA ethical Standards 3.04 (Avoiding Harm), 6.01 (Documentation of Professional Work and Maintenance of Records), and 9.10 (Explaining Assessment Results) in similar complaints filed by separate complainants. He was ordered to pay a \$3,000 fine and to supply proof by 6/30/11 of having obtained a required number of APA-approved continuing education hours in several subject matter categories. While Dr. Parker did timely pay his fine; his submitted continuing education hours were not supplied by an APA-approved provider.

STATUS: A hearing was conducted on 11/18/11 regarding Dr. Parker's compliance with the 9/17/10 Order and the Board found that he had not. The Board imposed another \$1,000 fine, required implementation of supervision for a one-year period (one hour weekly) by a Board-approved supervisor, and required additional APA-approved continuing education via personal attendance (not internet supplied) in the subject matters separately of ethics and risk management. Dr. Parker subsequently confirmed his intent to comply with the 11/18/11 enforcement order.

**December 16, 2011 Report**

**Unnumbered [Rec'd 11/18/11]**

**ADVISORY ITEM**

COMPLAINANT: The Board, itself, directed its Screening Committee to investigate the facts and circumstances of a license applicant's submission of necessary documentation to determine whether the applicant had thereby committed any ethical or regulatory violations. The applicant's license was being withheld pending the results of that investigation.

STATUS: The Committee considered all of the facts and timing of submissions of documentation that was of concern to Board members and concluded that the matter was not properly the subject of the Board's disciplinary process and that the matter should be referred back to the Board for its own determination whether restrictions should be placed on the applicant's license, assuming that the applicant had otherwise passed the oral examination. With the latter being confirmed by the "orals" examiners at the Board's 12/16/11 meeting, the Board accepted the Committee's recommendation of issuance of the psychologist license and imposed restrictions on that license consisting of continued supervision (one hour weekly) and quarterly reporting for a one-year period. The Board also approved a new supervisor for the licensee.

## **OLD BUSINESS**

Ms. Mary Margaret Carnahan submitted a request to the Board to begin accruing the 3,000 hours required for licensure as a Licensed Psychological Examiner with Independent Status-Post 1997. Her Supervision Agreement and Plan indicates that Dr. James Vasilos is her primary supervisor. Dr. Souheaver made a motion to approve the request. Dr. Harbin seconded the motion. Dr. McNeir abstained. The motion passed.

Ms. Jenny Carter submitted a Provisional Licensee Supervision Agreement and Plan with Dr. Wendy Ward as her primary supervisor. Dr. Souheaver made a motion to deny the request due to the fact that Ms. Carter indicated Couples/Marital Therapy as an area of practice on the Supervision Agreement and Plan; however Couples/Marital Therapy is not indicated as an area of practice on her Statement of Intent. In addition, Ms. Carter did not provide any qualifications in the area of Biofeedback. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Ms. Robin Duran submitted a Provisional Licensee Supervision Agreement and Plan with Dr. Richard Moore as her primary supervisor to the Board for consideration. Dr. Harbin made a motion to approve the request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Dr. James Fuendeling presented revised Supervision Agreement and Plan and the Statement of Intent to Practice as a Licensed Psychological Examiner – Independent status forms to the Board for review. Dr. Souheaver made a motion to approve the revised forms. Dr. Harbin seconded the motion. The motion passed unanimously.

Mr. Jeremy Jinkerson submitted a request to the Board to reconsider his Completion of 3,000 hours towards Independent Practice. Dr. Souheaver made a motion to deny the request. Dr. Fuendeling amended the motion to state that the Board does not have the authority to retro-actively approve hours towards Independent Status. Mr. Hoggard seconded the motion. The motion passed unanimously.

Dr. Connie Venhaus submitted a request for Supervisory Status in Neuropsychology to the Board for consideration. Dr. Harbin made a motion to table this discussion until after

the Oral Examinations. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Ms. Kerry Wood submitted the completion of the 3,000 hours required toward Independent Status as a Licensed Psychological Examiner to the Board. Dr. Souheaver made a motion to approve the request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

## **NEW BUSINESS**

### **Personnel Committee Report**

Dr. Souheaver stated that the Personnel Committee met on January 12, 2012 to interview two applicants for the Administrative Specialist III position. One applicant has already withdrawn. The Personnel Committee's top candidate for the Administrative Specialist III position is Marie Langeley.

Dr. Souheaver advised the Board that the Personnel Committee then met earlier that morning and now recommends delaying the hiring of the Administrative Specialist III. The position will be left on the budget as a vacant position without having to go through the lengthy process of requesting funds for a third position. The Executive Director has assured the Personnel Committee that the current staff can complete the current job duties. The Personnel Committee recommends that the Executive Director hire part-time personnel, throughout the year, as needed, to assist with clerical tasks related to the Board office. This is to be coordinated with the Chair of the Board, as the needs arise. The motion was fully seconded. The voting on this motion was tabled until after the Treasurer's report.

### **Treasurer's Report**

Mr. Hoggard stated the remaining FY2012 budget had \$ 6,000 (six thousand dollars) after the bills were paid in December. An additional appropriation request of \$65,000 (sixty-five thousand dollars) was submitted to the Performance and Evaluation and Expenditure Review Committee (**PEER**) in January. The request was approved and the funds are available on this date. The money will be transferred from the Money Management Trust Fund (MMTF). Mr. Hoggard stated that if we hired a third person and the expenditures of the Board remained the same, we will be operating at a deficit of approximately \$ 100,000 (one hundred thousand dollars) per year. He stated that the Board's operating expenses are provided by the fees the Agency collects. Mr. Hoggard stated the Executive Director calculated that increase in fees to cover the third person plus all expenditures of the Board. If the Board hired the third person, it would be, approximately, an additional \$120 (one hundred twenty dollars) per licensee due during license renewal. The maximum cap for licensure renewal fees, by law, is \$300 (three hundred dollars) per licensee. If the third position is filled, the Board office would need approximately \$268,000 (two hundred sixty-eight thousand dollars) to make budget. The

determination of the Treasurer was that adding a third person would put the budget in the red and the MMTF would be depleted within 2 (two) years.

The Chair of the Board, Dr. Kleitsch, appointed Mr. Hoggard, Ms. Gordon, and himself to a Financial Fees Review Ad Hoc Committee. This Financial Fees Review Committee will review different strategies to raise money for the Board office.

### **Director's Report**

Ms. Pauley reported that the Board needed to vote on Act 1211 of 1995. This Act will provide Boards and Commissions the ability to reimburse their members for travel reimbursements. Dr. Fuendeling made a motion to approve Act 1211 of 1995. Ms. Gordon seconded the motion. The motion passed unanimously.

Ms. Pauley informed the Board Members that the process of submitting an invoice for payment has now changed. The Board office must now get a Purchase Order Number (PO), in order to pay bills and order office supplies. After the PO is assigned, the bills can be paid and/or office supplies can be ordered. After the supplies are delivered, she must then request a Goods Receipt. After the Goods Receipt is assigned, she will have to submit everything to the Service Bureau for processing before she can write out any checks; OR, the Board office can get a P-Card. The P-Card was requested by the Executive Director. The P-Card will have a certain monetary amount allotted, based on the expenditures received on a monthly basis. This card can be used as a credit card to pay any bills and purchase office supplies. She stated that, after the P-Card is received, any delays in paying bills should be reduced. However, in the meantime, processing some invoices will take a little longer because the Department of Finance only has 1 (one) employee processing the PO requests.

Ms. Pauley reported that the **PEER** Hearings she attended, earlier this month, requesting additional appropriations was approved; however, the Budget Committee is concerned about the fees being paid to the Board Investigator at this time. She stated, "It has the appearance that the Investigator is being paid as an attorney rather than an investigator." The Board office is only allowed to pay up to \$ 25,000 (twenty five thousand dollars) for investigator fees without taking open bids.

The Executive Director stated that staff has not received all of the Complaint Committee Reports from Mr. Ammel for the past year. These reports are necessary in case the Board office has an FOI request, for the completion of the complaint files, and documenting the investigations in the minutes, and maintaining compliance with the auditors.

Finally, Ms. Pauley reported that the Legislative Audit Hearing went well. She explained that the Board office now has a three way reconciliation to make sure that all checks are accounted for. The three way process, consists of an Excel spreadsheet, the database, and the checking account.

## **Board Business**

Ms. Sponer informed the Board that Dr. Harbin came to the Board office on December 28, 2012 in order to teach her how to research and confirm the qualifications of applicants, their supporting documents, and the consistency between quarterly supervision reporting forms and the supervision plans and agreements which were previously approved by the Board Members.

Dr. Harbin stated that Ms. Sponer will present the applications and quarterly supervision reporting forms to the full Board for consideration. She was trained on how to authenticate each applicant's application, supporting documents, and/or the quarterly supervision reporting forms to the current regulatory requirements within Chapter 97 and the Rules and Regulations as related to requirements for supervision and/or licensure as a Licensed Psychological Examiner, Psychologist, and/or Registration of Neuropsychology Technicians. The Credential Review Committee will consist of all active Board Members, with the exception of the Senior Citizen Representative and the Consumer Representative. Dr. Harbin and Ms. Glenn will act as representatives of the Credential Review Committee and they will sign on all Credential Reviews and Quarterly Supervision Report forms. If Dr. Harbin or Ms. Glenn are unavailable, then any member of the Credential Review Committee may sign the appropriate documents.

Ms. Chancy Bethea submitted a Supervision Agreement and Plan indicating Dr. Bramlett as her primary supervisor to the Board for consideration. Dr. Souheaver made a motion to deny her request based on the fact that Dr. Bramlett is not approved to supervise Adult Psychotherapy and Assessments. Dr. McNeir seconded the motion. The motion passed unanimously.

Ms. Shawn Clark submitted a request to the Board to re-activate her licensure status. Dr. Souheaver made a motion to approve the request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Dr. Ed Connor sent a letter informing the Board that he is to give testimony in Van Buren, Arkansas on January 12, 2012 regarding a forensic evaluation he performed in the state of Kentucky on an Arkansas resident. Dr. Fuendeling made a motion to approve the request. Dr. Harbin seconded the motion. The motion passed unanimously.

Dr. Rosalyn Davis submitted a request to the Board for Supervisory Status. Dr. Souheaver made a motion to approve the request. Ms. Gordon seconded the motion. Dr. Fuendeling and Dr. Harbin abstained. The motion passed.

Ms. Pamela Keefer submitted a Statement of Intent Revision to the Board for consideration. Dr. Harbin made a motion to deny the request based on the fact that Ms. Keefer added Objective Personality Assessment to her new Statement of Intent without providing documentation of training. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Ms. Laura Needham-Puckett submitted a Supervision Agreement and Plan to the Board for consideration indicating Dr. Mark Cates as her primary supervisor. Dr. Souheaver made a motion to approve the request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Ms. Allison Patton submitted a letter requesting an extension of her Provisional License to the Board for consideration. Dr. Souheaver made a motion to approve the request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Ms. Megan Revada submitted a letter requesting an extension of her Provisional License to the Board for consideration. Dr. Kleitsch made a motion to approve the request. Dr. Souheaver seconded the motion. Dr. McNeir abstained. The motion passed. *(Corrected motion reflected on February 2012 Minutes)*

### **Recess/Reconvene**

The Board recessed to conduct Oral Interviews at 1:10 PM.

The Board reconvened at 3:25 PM to vote on the Oral Interviews and conduct the remaining Board business. Dr. Harbin and Ms. Anne Powell-Black were excused.

After Oral Interviews, Dr. Souheaver made a motion to grant Dr. Connie Venhaus' request for Supervisory Status in Neuropsychology. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Mr. Hoggard made a motion to raise annual license renewal fees by \$ 50 (fifty dollars) per licensee. Dr. Souheaver seconded the motion. The motion passed unanimously.

### **Credential Reviews**

Ms. Leah Grimes' Applicant Examiner Provisional License application was presented to the Board for approval. Ms. Grimes meets or exceeds all of the regulatory requirements for licensure. Therefore, Dr. Souheaver made a motion to approve her for Applicant Psychological Examiner Provisional Licensure. Mr. Hoggard seconded the motion. The motion passed unanimously.

### **Quarterly Reports**

Mr. Fahoum's Quarterly Supervision Report forms, dated May 17, 2011 – August 17, 2011 and August 17, 2011 – November 17, 2011, were presented to the Board.

Ms. Nicholson's Quarterly Supervision Report forms, dated June 29, 2011 – September 29, 2011 and September 29, 2011 – December 29, 2011, were presented to the Board.

Dr. Pipkin's Quarterly Supervision Report form, dated September 13, 2011 – December 30, 2011, was presented to the Board.

All Quarterly Supervision Reporting forms meets or exceeds all of the regulatory requirements for supervision. Therefore, Dr. Souheaver made a motion to approve the Quarterly Reports. Mr. Hoggard seconded the motion. The motion passed unanimously.

### **Adjourn**

Dr. Souheaver made a motion to adjourn. Mr. Hoggard seconded the motion. The motion passed unanimously. The Board adjourned at 3:55 PM.