

[Minutes
Arkansas Psychology Board
101 East Capitol, Suite 415
Board Meeting
March 20, 2015

CALL TO ORDER

The Arkansas Psychology Board meeting was called to order by the Chair of the Board, Dr. Edward Kleitsch, at 10:05 AM.

ROLL CALL

Board Members present: Ms. Dixie Bryson, Dr. Joyce Fowler, Mr. Skip Hoggard, Dr. Edward Kleitsch, Dr. Jawahar Mehta, Dr. Kevin Reeder, and Dr. Gary Souheaver.

Board Members excused: Dr. Lisa McNeir.

Staff Members present: Mr. James Ammel, Ms. Maggie Sponer and Ms. Amber Collins-England. Ms. Amy Ford was present as the Board's Attorney General Representative.

APPROVAL OF AGENDA

Dr. Souheaver made a motion to amend the agenda to include information regarding Licensed Professional Counselors (LPC) and their use of psychological testing. Ms. Bryson seconded the motion. The motion passed unanimously.

APPROVAL OF PAST MINUTES

Dr. Souheaver made a motion to approve the February 20, 2015 Board Meeting Minutes pending the inclusion of the report from the Complaint Committee. Mr. Skip Hoggard seconded the motion. The motion passed unanimously.

REPORT FROM THE COMPLAINT COMMITTEE

(submitted By Mr. Ammel)

C-14-03 ADVISORY ITEM

UPDATE: [As a reminder, this case involves a Standard 7.07 violation pertaining to a psychologist supervisor having prohibited sexual relations with a subordinate psychological examiner.] The Board rejected the counter-offer submitted by Respondent's attorney and believed its original offer for a Consent Order resolution was the minimally-acceptable terms and conditions for such a resolution. Accordingly, Respondent's attorney was advised by letter of 02/23/15 that his counter-offer had been rejected and if the Board's proposed offer (or a very similar counter-offer) was not accepted by 03/19/20, it would be presumed that a hearing was necessary. Having received no response to that last Board letter, the Board adopted the Complaints Committee's recommendation that a hearing should be held and also agreed to the suggested hearing date of May 15, 2015 (the normal Board meeting date in that month).

A letter or e-mail to the attorney advising of the Board's decision and notifying him of a forthcoming Notice & Order of Hearing will be issued.

C-14-06 [Rec'd 9/24/14] ACTION TAKEN

COMPLAINANT: Anonymous submission of a Montana newspaper article relating the plea of guilty by Respondent in several federal court cases that involved bribery, embezzlement, and federal income tax fraud (plea agreements being filed on May 1, 2014). Sentencing is still pending.

RESPONDENT: A psychologist licensed in Arkansas who had been providing services to a Native American tribe in Montana (as with VA practitioners, a licensee needs to only be licensed in one state when providing services only to such clientele). Respondent was not licensed in Montana. Respondent indicated no psychological services were being provided at the time of the complaint file's opening (which was delayed while the Complaints Committee pondered whether the complaint implicated ethical and/or statutory violations). Respondent's sentencing date has been postponed a number of times, apparently to provide opportunity to cooperate with the U.S. Attorney's office relating to other defendants in the bribery schemes involving construction projects by a company in which Respondent was a significant minority participant (49% ownership). The latest sentencing date was to be 03/11/15, but no word has been received from the Respondent regarding any sentence as was promised earlier in the initial Response.

STATUS: Once we were able to procure the several indictments and plea agreements and reviewed the nature of the criminal offenses to which Respondent pled guilty, they implicated the APB licensing statutes and Rules/Regulations regarding automatic and immediate licensure revocation for having pled guilty to several of the listed criminal offenses in § 97-17-312 regarding theft of property and theft by receiving. The Board indicated its preference that the revocation be immediate. Respondent is being issued a Notice of Revocation letter and a demand for surrender of his license and 2014-15 renewal card. That letter also advises Respondent regarding the provisions for a waiver of disqualification request that needs to be made within 30 days. Should that request be timely submitted but the Respondent is incarcerated before a waiver hearing can be scheduled in Little Rock, the revocation will remain in force and the waiver hearing will remain pending until Respondent becomes available to attend such a hearing. If a waiver request has not been timely submitted without justifiable excuse for any delay, the revocation will remain in force without possible reinstatement and a new licensure application is filed and granted.

C-15-01 [Rec'd 01/19/15] ACTION TAKEN

COMPLAINANTS: Several mental health professionals/administrators at a mental health agency submitted a complaint regarding an employed psychologist involving admitted hugging and kissing a client. Respondent was terminated by the agency.

RESPONDENT: A psychologist who admitted to the employing agency of having committed the ethics-violation activities and subsequently admitted to the Board that the

Complaint's allegations were accurate. Approximately 10 years earlier, Respondent, while employed by the same agency and providing EAP therapeutic services to another employee, committed the same type of violating activities. The employer prepared a comprehensive rehabilitation plan in the prior case (C-05-10) and a Consent Order resolution was entered that accepted that rehabilitation plan which had been successfully completed by the time of the Consent Order. Therefore, this is a repeat offender situation involving the same type of unethical conduct.

STATUS/RECOMMENDATIONS: The Complaints Committee perceived that Respondent had violated the following Standards: 3.02 Sexual Harassment; 3.04 Avoiding Harm; 3.05(a) Multiple Relationships; 3.08 Exploitative Relationships; and 10.05 Sexual Intimacies with Current Therapy Clients/Patients. Due to the employment termination, it is also conceivable that Respondent violated Standards 3.12 Interruption of Psychological Services and 10.09 Interruption of Therapy since no alternate care of any client had been arranged by Respondent. With this case being a second offense of this serious nature, the Complaints Committee recommended a Consent Order involving surrender of Respondent's license. Failing that Order's acceptance, the alternative recommendation was to call a disciplinary hearing. The Board adopted those recommendations and Respondent has been so advised of these results by letter of 03/23/15 with a requested response within 15 days.

Two (2) other cases are pending Responses.

OLD BUSINESS

Ms. Jessica Miller resubmitted a clarification letter due to confusion regarding the actual number of supervised hours that complies with the Rules and Regulations toward becoming a Licensed Psychological Examiner – Independent. Ms. Miller's resubmission was denied. Dr. Souheaver made a motion to have Ms. Miller resubmit a new completion form along with supporting documentation to support the clarified hours. Mr. Hoggard seconded the motion. The motion passed unanimously.

NEW BUSINESS

Personnel Committee

Dr. Fowler informed the Board that the Personnel Committee met in Executive Session to discuss personnel issues related to:

(1) Employee performance concerns. (No disciplinary action was taken)

(2) Lines of authority, performance evaluations, and supervision of existing personnel. Regarding the lines of authority and supervision, the following was discussed and proposed to the Board as a fully seconded motion:

- The Administrative Director reports to the Chairman of the Board who is responsible for his/her supervision,
- The Administrative Director shall delegate duties amongst staff and contract vendors to carry out business of the office as needed, and

- The clarification that the Administrative Director supervises performance evaluations for all staff and contracted vendors.

The motion passed unanimously.

The results from the three options that were presented and to be considered to the Board regarding the investigator position are that the third choice, being the invitation for bid, is the best route for the Board. It gives the Board maximum control over the vendor choice and supervision. Secondly, the position description draft is to be clarified and resolved. Once the description has been finished it will be forwarded to the Personnel Committee for review and revision as needed. The hourly rate that has been decided on by the Board is \$80.00 per hour with \$24,000.00 per year being the maximum that will be allowed for the position.

Treasurer's Report

Mr. Hoggard informed the Board that the available budget was \$53,327.71 for the remainder of the fiscal year and that the Board continues to operate within its budget.

Director's Report

Ms. Sponer notified that Board of two (2) House Bills in committee meetings that could affect the Board office. The first is HB 1582 which would require Boards and Commissions to hold a public meeting in each of the four (4) Congressional Districts each quarter to insure that any small business and/or entrepreneur would be able to attend the meetings to voice their concerns and try to find a resolution to these concerns. This bill would require that the Board, staff, Attorney General Representative, and the Investigator to submit a TR-1 (travel reimbursement) for each meeting. This would be a great expense to the Board office. The second bill was HB1823 that would require regulatory agencies to have more lenient reciprocity laws. The Board already has this in place in its Rules and Regulations.

Recess/Reconvene

The Board recessed for lunch, Credential Reviews, and Quarterly Reports at 12:10 pm. The Board reconvened at 2:00 pm.

Completion of 3,000 hours towards Independent Status

Mr. David Boyd submitted his Licensee Supervision Completion – PE Independent Practice and Statement of Intent to Practice as a Licensed Psychological Examiner – Independent to the Board for consideration. Dr. Souheaver made a motion to approve the request. Mr. Hoggard seconded the motion. The motion passed unanimously.

Letters Requesting One-Time Consultation

Dr. Timothy Proctor submitted a letter to the Board indicating that he has been asked to perform a one-time case consultation in Texarkana, Arkansas on March 10, 2015 with the

possibility of having to return to testify in court. Dr. Souheaver made a motion to approve the request. Ms. Bryson seconded the motion. The motion passed unanimously.

Statement of Intent Revision

Dr. Crystal Rofkahr submitted a new Statement of Intent adding Psychoeducational, Objective Personality and Projective Testing. Dr. Souheaver made a motion to approve the request. Ms. Bryson seconded the motion. The motion passed unanimously.

Supervision Agreement and Plan

Dr. Taisha Jones submitted a Supervision Agreement and Plan indicating Dr. April Coe-Hout as her New Primary Supervisor and Dr. Jack Schaefer as her new Secondary Supervisor. Dr. Reeder made a motion to approve the request. Ms. Bryson seconded the motion. The motion passed unanimously.

Dr. Crystal Rofkahr submitted a Supervision Agreement and Plan indicating Dr. Susan Shackelford as her New Primary Supervisor. Dr. Souheaver made a motion to approve the request. Ms. Bryson seconded the motion. The motion passed unanimously.

Use of Psychological Testing by Licensed Professional Counselors

Immigration officials are hiring Licensed Professional Counselors to perform psychological testing. The Board of Examiners in Counseling was contacted. They expressed that “LPCs are allowed to provide testing as long as it is not projective techniques. Those are reserved for Psychologists. Some forms of testing require special training supervision such as the MMPI. To this type of service, a licensee must file their credentials, document their supervision and training with the Board, and list it in their Statement of Intent.” The Board of Examiners in Counseling’s rule (Section 1.9 Definition) states “appraisal activities means selecting, administering, scoring and interpreting instruments designed to assess individual aptitudes, attitudes, abilities, achievements, personal characteristics and interests but shall not include projective techniques for personality assessment.” Dr. Souheaver submitted to the Board and made a motion that this is practicing Psychology and that it is in conflict with the Board of Examiners in Psychology’s law, and that we should immediately notify the Board of Examiners in Counseling to cease and desist allowing their licensees to practice Psychology. The Board’s Attorney General Representative, Ms. Amy Ford, looked up the Board of Examiners in Counseling’s Law and found that it is well within the rights of the Counselor’s scope of practice to perform “appraisal activities”.

CREDENTIAL REVIEW

The Credential Review Committee made a fully seconded motion to approve the following credentials:

1. Dr. Gene Chambers submitted John-Scott Kelley’s credentials for consideration as a Neuropsychological Technician.

2. Dr. Garrett Andrews submitted Candace Thurman's credentials for consideration as a Neuropsychological Technician.

The Board approved the above credential review candidates.

QUARTERLY REPORTS

The Credential Review Committee made a fully seconded motion to approve the following Quarterly Report forms:

1. Dr. Jason Boye's Quarterly Report for the period of December 1, 2014 – March 1, 2015.
2. Ms. Sunnie Butcher-Keller's Quarterly Report for the period of November 1, 2014 – January 31, 2015.
3. Dr. Micholyn Gayoso's Quarterly Report for the period of November 1, 2014 – January 31, 2015.
4. Dr. Laura Horton's Quarterly Report for the period of December 12, 2014 – March 11, 2015.
5. Dr. Taisha Jones' Quarterly Report for the period of December 20, 2014 – February 20, 2015.
6. Dr. Catherine Munns' Quarterly Report for the period of December 3, 2014 – March 1, 2015.

The Board approved all of the above quarterly reports.

ADJOURN

Ms. Dixie Bryson made a motion to adjourn. Dr. Souheaver seconded the motion. The motion passed unanimously. The Board adjourned at 2:30 pm.