

**Minutes
Arkansas Psychology Board
101 East Capitol, Suite 415
Board Meeting
June 5, 2009**

CALL TO ORDER

The meeting was called to order by Mr. Dwight Sperry, Acting Chair, at 9:20 a.m.

ROLL CALL

Board Members present: Dr. Russell Dixon, Dr. James Fuendeling, Ms. Elizabeth Glenn, Dr. J. Judd Harbin, Dr. Edward Kleitsch, Mr. Dwight Sperry, and Ms. Rosalyn Watts.

The Board excused Dr. Joe Alford's absence due to family matters.

Staff Members present: Mr. James Ammel, Ms. Amy Ford, and Ms. Sheila Pauley.

MEETING AGENDA

Mr. Sperry presented the agenda. Dr. Fuendeling moved to approve the amended agenda. Ms. Glenn seconded the motion. The motion passed unanimously.

MINUTES

Mr. Sperry presented the April 24, 2009 minutes. Ms. Watts moved to approve the minutes. Dr. Kleitsch seconded the motion. The motion passed unanimously.

Mr. Sperry presented the May 1, 2009 minutes. Ms. Glenn moved to approve the minutes. Dr. Fuendeling seconded the motion. The motion passed unanimously.

COMPLAINT COMMITTEE REPORT

Mr. James Ammel presented the action item complaint reports with a motion to accept case recommendations.

C-08-09 Action: Respondent, a licensed independent psychological examiner who had agreed to a Consent Order resolution earlier this year pertaining to alleged violations of regulation requirements of documentation regarding a supervisor, a supervision plan, and supervision sessions. The case arose as a result of a referral by the Counseling Board to APB of an inquiry of one of its licensees regarding the qualifications of Respondent to provide therapy and use the title of "therapist" in a family law dispute, with such services provided prior to the grant of independent practice status. The Board had authorized a Consent Order involving the requirement of supervision of therapy services for one year, monthly supervision reports, and payment of a \$750 fine (in installments).

Status and recommendations: The Respondent was invited to the Screening Committee meeting on 6/3/09 to sign the Consent Order and complete some of the required supervision forms for fulfillment of the Order. In going through the Consent Order contents, Respondent stated disagreement with the recited findings of fact, asserting that supervision forms in question had been submitted prior to our "receipt date" noted on them. It became apparent that it was feasible that Respondent was correct inasmuch as boxes of licensee forms that were unfilled had been located in storage. Due to our uncertainty of our alleged facts underlying the alleged violations, which were relatively minor in nature in comparison with other more significant ethical transgressions that have occurred in other cases, it is now our recommendation that this entire matter be dismissed, and Respondent was advised that that would be the Committee's recommendation. Thereafter, we assisted the Respondent in completing an appropriate LEP-I Supervision Plan and it, with a previously submitted Supervision Agreement, is being submitted for the Board's approval also at our recommendation.

C-09-02 Action: Complainant: A former State Hospital patient (in 2005) had sent an email to that facility (copied to the FBI, State Police, etc.) threatening to sue. He does have a federal lawsuit pending, at least at the time of the Complainant submission. The State Police allegedly charged him with "terroristic threatening," and he was court-referred for a psychological evaluation by Respondent. Allegedly, as part of the evaluation report, Respondent stated that Complainant had been living in a shed, as was previously stated by an examining forensic psychiatrist. Complainant disputed that "fact" and produced an affidavit from his mother that he had only been performing his artwork in the shed, not living therein. Complainant was advised that he needed to provide a copy of the evaluation report in issue before we could proceed further, and he was requested to procure it from his defense attorney and forward it to APB.

Respondent: A forensic evaluating psychologist who has not been informed about our receipt of this Complaint.

Status and Recommendation: Three (3) weeks after being advised in the investigator's phone interview to provide the psychological report, it had not been received. Complainant was reminded at that time in writing that we could not proceed without the report. When it still was not received several weeks later, Complainant was again advised in writing of our need for a copy of the report and warned that his Complaint would be dismissed if that report was not received a month later (by May 15th). Complainant subsequently wrote that he was having difficulty procuring the report from his own lawyer and that he was currently incarcerated (apparently he had a criminal court hearing on or about March 18th that resulted in that incarceration). It is the Committee's belief that the alleged factual error, even if established by the contents of the report if that report was made available, would have been inconsequential in the formulation of any diagnosis and would have been subject to refutation in a court proceeding. That suspicion, in conjunction with the fact that the report has not been provided, leads the Committee to recommend that this matter be dismissed due to both an inability to pursue

an adequate investigation and the inability to discern any meaningful ethical violation taking the alleged factual error to be true.

C-09-03 Advisory Item: Complainant: Prosecuting Attorney for the Fifth Judicial Circuit (Russellville) who advised Arkansas Psychology Board of Respondent's April 28, 2009, Judgment & Disposition Order in criminal case CR 2007-152 wherein it is noted that Respondent pleaded "no contest" to the charge of 2 counts of solicitation of murder in the first degree (Class A felonies) on 4/28/09. Respondent was fined and placed on probation for a period of 6 years.

Respondent: A psychologist who had solicited a client to commit murder of two people. Respondent was represented by counsel.

Status: Under our statutes, a plea of no contest in a state court to a charge of solicitation of murder in the first degree is an event that invokes the provision that the person so pleading shall not be eligible to receive or hold a license issued by the Board. Accordingly, Respondent shall be advised that Respondent's license is revoked effective April 28, 2009 and will be advised that a hearing for waiver of that revocation may be requested within 30 days of the Board's notice of revocation.

OLD BUSINESS

Statement of Intent Revisions

Jason LaGory submitted a revised Statement of Intent to remove neuropsychological assessment. Dr. Dixon made a motion to approve the request. Ms. Watts seconded the motion. The motion passed unanimously.

John Powell submitted a revised Statement of Intent to remove neuropsychological assessment. Dr. Fuendeling made a motion to approve the request. Ms. Watts seconded the motion. The motion passed unanimously.

Nona Bryant submitted a revised Statement of Intent to remove neuropsychological assessment. However, the document submitted does not comply with a letter from the Board dated August 7, 2008. Dr. Dixon made a motion that Ms. Bryant complies with the requirements of the letter dated August 7, 2008. Ms. Watts seconded the motion. The motion passed unanimously.

William Jones requested reconsideration of his request to include neuropsychology assessments to his Statement of Intent under supervision until license requirements can be fulfilled. Dr. Jones provided three (3) letters of reference, coursework information, and training information, such as continuing education. In addition, staff updated the Board that Dr. Jones would like to know how to meet the National Academy of Neuropsychology (NAN) guidelines which were adopted by the Board in January 2008. Discussion of the NAN guidelines compared item three (3), "The equivalent of two (full-time) years of experience and specialized training, at least one of which is at the post-

doctoral level, in the study and practice of clinical neuropsychology and related neurosciences. These two years include supervision by a clinical neuropsychologist.”

The Board members reviewed the documents submitted by Dr. Jones. Discussion of his proposal indicates that the supervising neuropsychologist will not be present in or near the site in which neuropsychological services are provided; and the provision of neuropsychological services will not be full-time. Therefore, Dr. Jones’ plan for supervised training in neuropsychology is insufficient to meet the above criterion, and therefore, does not constitute adequate training for eventual independent practice in neuropsychology. Dr. Dixon made a motion to deny the revision of Dr. Jones’ Statement of Intent. Ms. Watts seconded the motion. The motion passed unanimously.

Supervisor/Supervision Plan Changes

Ingrid Jacobs submitted a revised Provisional Licensee Supervision Plan and Statement of Intent. Dr. Jacobs Statement of Intent indicates that she will conduct neuropsychological assessment under supervision. However, on the Provisional Licensee Supervision Plan, neuropsychological assessment under supervision was not included. Dr. Dixon made a motion for Dr. Jacobs to correct the inconsistencies on her Supervision Plan. Ms. Glenn seconded the motion. The motion passed unanimously.

Anita Wells submitted a revised Provisional Licensee Supervision Plan with Dennis Vowell, Psy.D. Ms. Glenn made a motion to approve the request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Kerry Wood submitted revised Licensee Supervision Plan for Independent Practice and a revised Statement of Intent. The Board discussed that the areas of supervision on the Supervision Plan is not consistent with the categories of practice indicated on the Statement of Intent. Dr. Dixon made a motion to notify Ms. Wood that the Licensee Supervision Plan for Independent Status must match the Statement of Intent and to specify the deficiencies. Ms. Watts seconded the motion. The motion passed unanimously.

NEW BUSINESS

Executive Director Report

Performance Evaluation and Expenditure Review (PEER) Meeting Report

Ms. Sheila Pauley, Executive Director, stated that she attended the PEER meeting on Thursday, June 4, 2009 and that the Board was approved for its lump sum disbursement due to the retirement of the previous Executive Director.

Ms. Pauley reported that database research and webpage design and management are still being conducted.

Ms. Pauley stated that as of Thursday, June 4, 2009 approximately 400 2009-2010 license renewals have been processed in the Board office. She stated the only problems she has encounter were related to incomplete submissions.

Ms. Pauley reported that on May 22, 2009, she received a letter from the Arkansas Economic Development Commission regarding approval of the Economic Impact Statement of Proposed Rules or Regulations concerning the Continuing Education (CE) rule revision. She stated that she will continue with the next step of this task and submit the appropriate documentation to the Bureau of Legislative Research, the Secretary of State, and the appropriate legal notifications.

Ms. Pauley stated, since May 11, 2009 she has been working excessive hours in the Board office, because she is currently the only employee. She stated that she has been working seven (7) days a week and averaging 75 plus hours each week. She stated documentation of these hours will be maintained within the Board office and this time will be utilized as compensatory leave. In addition, Ms. Pauley requested to have Friday, June 12, 2009 off due to personal matters. Dr. Dixon made a motion for staff to close the office on Friday, June 12, 2009. Ms. Glenn seconded the motion. The motion passed unanimously.

Supervisor Status Requests

Leah Carter requested supervisor status. She submitted an application, a cover letter, and three (3) Psychologist references. Dr. Dixon made a motion to approve the request. Ms. Watts seconded the motion. The motion passed unanimously.

Shari Gaudette requested supervisor status. She submitted an application, a cover letter, and three (3) Psychologist references. Ms. Glenn made a motion to approve the request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Jennifer Gess requested supervisor status. She submitted an application, a cover letter, and three (3) Psychologist references. Dr. Fuendeling made a motion to approve the request. Dr. Dixon seconded the motion. The motion passed unanimously.

Statement of Intent Revisions

Stephanie McCain requested to add family therapy as a category and add adults to the population served. Ms. Glenn made a motion to approve the request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Letitia Olson requested to add developmentally delayed, seriously mentally ill, sexual/physical abuse victims, and sexual/physical abuse offenders to the population she will serve. Dr. Dixon made a motion to approve the request. Ms. Watts seconded the motion. The motion passed unanimously.

Andrea Shea Stillwell requested to add Forensic Evaluations to her Statement of Intent. The Board only provides a general license and does not license specialization. Dr. Dixon made a motion to notify Dr. Stillwell of such and that if she is interested in conducting Forensic Evaluations, training opportunities may be obtained through the Arkansas State Hospital. Ms. Glenn seconded the motion. The motion passed unanimously.

Supervisor/Supervision Plan Changes

Melissa Ainslie submitted a Supervision Plan with Rachel Bowman, Ph.D., as her supervisor. The Board discussed that the Statement of Intent is not clear and that she Supervision Plan does not conform to the Statement of Intent. Dr. Dixon made a motion that Ms. Ainslie must submit a new Statement of Intent and a new Supervision Plan. Both must be clear and specific. Ms. Watts seconded the motion. The motion passed unanimously.

Mindy Lester requested a change in primary supervisor to Kim Dielmann, Ph.D. Dr. Dielmann is currently receiving training with Kevin Rowell, Ph.D. for supervisory privileges. Ms. Glenn made a motion for Ms. Lester to revise her Supervision Plan with Dr. Rowell as her primary supervision and Dr. Dielmann as her secondary supervisor. Dr. Dixon seconded the motion. The motion passed unanimously.

Brian H. McIntyre submitted a Supervision Plan with Justin Phelps, Ph.D., as his supervisor. The Board discussed that Dr. Phelps is not currently licensed by the Arkansas Psychology Board. Ms. Watts made a motion to deny his request. Ms. Glenn seconded the motion. The motion passed unanimously. Dr. Fuendeling made a motion that Dr. McIntyre cannot practice without supervision as a Provisional Licensee. Ms. Glenn seconded the motion. The motion passed unanimously.

The Board recessed at 10:40 a.m.

The Board reconvened in public session at 10:50 a.m.

Clara Penney submitted a Licensee Supervision Plan with William Cochran, Ph.D., as her primary supervisor. Ms. Glenn made a motion to approve the request. Ms. Watts seconded the motion. The motion passed unanimously.

C.E. Rawls submitted a Licensee Supervision Plan with Richard Moore, Ed.D, as his primary supervision. Ms. Glenn made a motion to approve the request. Ms. Watts seconded the motion. The motion passed unanimously

C.E. Rawls submitted a Licensee Supervision Plan with Sharon Trout, Ed.D., as his new primary supervisor. Ms. Glenn made a motion to approve the request. Ms. Watts seconded the motion. The motion passed unanimously.

Licensed Psychological Examiners 3000 hours accrual/Independent (LPE-I) Status Requests

Christina Adams submitted a letter requesting to begin accruing 3000 hours towards LPE-I status. She submitted an LPE-I Statement of Intent and a Licensee Supervision Plan with Carl Reddig, Ed.D. Dr. Dixon made a fully seconded motion to approve Ms. Adams request. The motion passed unanimously.

Joshua Barnes submitted a letter requesting to begin accruing 3000 hours towards LPE-I status. He submitted an LPE-I Statement of Intent and a Licensee Supervision Plan with Harry D. Bishop, Psy.D. Dr. Dixon made a fully seconded motion to approve Mr. Barnes requested. The motion passed unanimously.

Brittany Blair submitted a letter requesting to begin accruing 3000 hours towards LPE-I status. She submitted an LPE-I Statement of Intent and a Licensee Supervision Plan with Andrea Shea Stillwell, Psy.D. Dr. Kleitsch made a fully seconded motion to approve Ms. Blair's request. The motion passed unanimously.

Stephanie McCain submitted a letter requesting to begin accruing 3000 hours towards LPE-I status. She submitted an LPE-I Statement of Intent and a Licensee Supervision Plan with Normand Begnoche, Ph.D. Ms. Glenn made a motion to approve Ms. McCain's request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Lauren McKnight submitted a Statement of Intent and a Licensee Supervision Plan. Ms. McKnight did not submit a letter requesting accrual of the 3000 hours towards LPE-I status. Dr. Fuendeling made a fully seconded motion that Ms. McKnight write a letter to the Board requesting permission to accrue the 3000 hours of supervision towards LPE-I status.. The motion passed unanimously.

Letitia Olson submitted a letter requesting to begin accruing 3000 hours towards LPE-I status. She submitted an LPE-I Statement of Intent and a Licensee Supervision Plan with Normand Begnoche, Ph.D. Dr. Dixon made a motion to approve Ms. Olson's request. Ms. Watts seconded the motion. The motion passed unanimously.

Nancy Perry submitted a letter and Statement of Intent requesting LPE-I status pre-1997. Ms. Glenn made a fully seconded motion to approve Ms. Perry's request. The motion passed unanimously.

Internship Approval

Eva Winsor requested a waiver of the regulatory requirements for her doctoral internship. Ms. Glenn moved to deny the request. Dr. Kleitsch seconded the motion. The motion passed unanimously.

Continuing Education (CE)

Melissa Futrell requested a waiver of the 40 hours CE requirement for the reporting period of 2008-2009, which is due in the fall of 2009 due to family matters. Dr. Dixon made a motion to approve her request. Ms. Glenn seconded the motion. The motion passed unanimously.

Staff requested confirmation for CE hours earned for preparation time and presentation time. The Board members reported that the licensee may count two (2) hours preparation time for every hour of presentation time for the first time presentations only.

2008-2009 License Renewal Late Fee Waiver

Fredrick Woolverton, Ph.D. requested a waiver of the late fees associated with the 2008-2009 licensure renewal due to family matters. Dr. Dixon moved to approve the request. Ms. Watts seconded the motion. The motion passed unanimously.

Adjourn

Ms. Glenn moved to adjourn. Dr. Kleitsch seconded the motion. The motion passed unanimously. The Board adjourned at 12:30 p.m.