

Minutes
Arkansas Psychology Board
101 East Capitol, Suite 415
Board Meeting
July 10, 2009

CALL TO ORDER

The meeting was called to order by Dr. Joe Alford, Chair, at 9:15 a.m.

ROLL CALL

Board Members present: Dr. Russell Dixon, Ms. Elizabeth Glenn, Dr. J. Judd Harbin, Dr. Edward Kleitsch, Mr. Dwight Sperry, and Ms. Gloria Gordon.

The Board excused Dr. James Fuendeling and Ms. Rosalyn Watts absences.

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

Guest present: Rickey Quattlebaum and Chandria Ganter with Department of Finance and Administration Office of Accounting Internal Audit Section

MEETING AGENDA

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

MINUTES

Dr. Alford presented the June 5, 2009 minutes. Ms. Glenn stated that a couple of grammatical errors were noted and would notify staff of the necessary corrections. Ms. Glenn moved to approve the minutes with the corrections. Dr. Kleitsch seconded the motion. The motion passed unanimously.

COMPLAINT COMMITTEE REPORT

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

C-08-09 [Rec'd 07/07/08]
ADVISORY ITEM

STATUS: At its 6/5/09 meeting, the Board adopted the Screening Committee's recommendation that this matter be dismissed and the parties were so advised.

C-09-02 [Rec'd 3/3/09]
ADVISORY ITEM

STATUS: At its 6/5/09 meeting, the Board adopted the Screening Committee's recommendation that this matter be dismissed and the Complainant was so advised. [The potential Respondent identified in the Complaint was never contacted since pertinent factual information was never supplied to the Board.]

C-09-01 [Rec'd 03/05/09]
ACTION ITEM

COMPLAINANT: A joint custodial mother, a former child abuse investigator for State agencies (DCFS and State Police), involved in a child custody modification dispute with her ex-husband, filed a Complaint against a psychologist whose services provided to the minor children had been indirectly involved in the matter by the ex-husband during his summer visitation. Complainant alleged that the Respondent had improperly "diagnosed" both her (bipolar and suicidal) and her current husband (stepfather having anger management issues) during the legal proceedings without ever having seen either of them and without consent of the custodial mother to interact with the children. Complainant also questioned why the Respondent had never reported alleged abuse to the child abuse hotline as a mandatory reporter if Respondent had believed the children's allegations of physical and emotional abuse perpetrated by the stepfather.

RESPONDENT: Psychologist who's employed Licensed Professional Counselor was providing therapy services to the involved children at the solicitation of the ex-husband father and which LPC requested Respondent to become involved due to experience and for a "second opinion." Respondent, indeed, never had any interaction with Complainant or the stepfather and had not seen them until providing testimony during a court hearing regarding the custody modification petition of the father. [Respondent is also the Respondent in APB's ongoing case # C-08-03]

STATUS/RECOMMENDATION: If the allegations of Complainant were factually supported, they would provide probable cause to believe that serious ethical violations had been committed by Respondent. Respondent, via her attorney, provided a thoroughly adequate and comprehensive response with copious documentation, including a complete copy of Respondent's court testimony transcript. [Respondent had not provided any psychological or child custody evaluation report in the underlying custody battle matter.] Contrary to the allegations of improper diagnosing methods, the court transcript proved that Respondent had not provided any diagnosis but was merely responding to hypothetical's posed by father's attorney, as well as reporting what information had been provided to the LPC and the Respondent by the children, themselves.

[The judge, himself, did interview the children regarding custodial issues and allegations and eventually ordered at least a temporary change in primary custody from mother to father, with a visitation scheme temporarily excluding the presence of the stepfather and additional counseling of all the parties, based on all of the evidence presented by the

separate attorneys for both parents, as well as an attorney ad litem appointed for the children.] Respondent also reported that the involved LPC had, in fact, contacted both a national and the State abuse hotlines but that no investigation was apparently conducted

After reviewing the Response and supporting documentation, Complaint submitted copious additional material and documentation, as well as lengthy additional arguments regarding her own and her ex-husband's characteristics and the alleged transgressions of Respondent, for the Committee's consideration. The Committee concluded that this additional material was seemingly nothing more than an attempt by Complainant to re-litigate the underlying custody battle under the Board's auspices without providing meaningful support for the allegations against Respondent.

Having found satisfactory factual proof that the allegations about improper diagnosing were not true (with alleged lack of mother's consent being a non-issue due to authority belonging to both parents to seek treatment under a joint custody situation) and under the premise that any potential error in non-reporting of the children's reports of alleged abuse (if such non-reporting were true) was ameliorated by the fact that this matter was already in the competent hands of the judicial system with full protections of the law (legal representation, including independent legal representation of the children, and opportunity to examine and cross-examine witnesses under oath, etc.) under the authority of an impartial professional adjudicator, the Committee is recommending that this matter be dismissed as being unfounded and with no violation having occurred.

ADDITIONAL ADVISORY ITEMS:

An out-of-state resident filed a complaint against an alleged psychological practitioner providing services without a license, initially in another state and now within Arkansas, and which involvement had been made into cable TV movies. The identified "practitioner's" referenced location could not be verified by us and Complainant was notified to provide documentation or other information regarding the location of the potential Respondent or the allegations made by the end of last month. No response to that direction having been received by the deadline, this matter has not been made an official Complaint matter and file.

A custodial mother (a Licensed Associate Counselor) filed a complaint against a psychologist with the gist being that the ex-husband had taken minor children for a session with the potential Respondent during his visitation without her consent. The Complainant listed several ethical Standards alleged to have been violated. The premise that a non-custodial parent has no authority to seek psychological services without consent of the custodial parent, absent any court order provision barring such authority, has been one that has not been accepted by APB to be legally correct or to constitute an ethical violation regarding consent issues. Since this matter's allegations of violations are based solely on that tendered incorrect premise, the Complainant will be advised that her Complaint is not valid unless she provides documentary proof of a court order provision specifically restricting or barring the non-custodial father's authority to seek professional psychological (or other healing arts) services or consultations. [She had

provided a section of a court order that merely placed custody in her with visitation rights for dad and which had no mention of restricted consent rights.

OLD BUSINESS

The Board recessed at 9:50 a.m.

The Board reconvened in public session at 10:08 a.m.

Licensed Psychological Examiners—Independent Status Requests

Lauren McKnight resubmitted documents for approval to begin accruing 3000 client contact hours towards Independent status. Her supervision plan did not include one hour, face-to-face, weekly supervision. Ms. Glenn made a motion to deny the request and have Ms. McKnight correct the supervision plan. Dr. Dixon seconded the motion. The motion passed unanimously.

Statement of Intent Revisions

William Jones requested permission to approach the Board for clarification and reconsideration of his request to include neuropsychology assessments on his Statement of Intent. Dr. Jones stated that in N. W. Arkansas, there is a limited amount of neuropsychologist to consult with. Dr. Jones was informed that training must be in an organized setting and the names of some possible educational opportunities were given to him. He compared Health Psychologist to Neuropsychologist. Dr. Jones was informed that neuropsychology requires extensive training and involves levels of cognitive functioning. Neuropsychologist can review cases, administer assessments and interpret those results; whereas a Health Psychologist cannot. Dr. Jones was cautioned to remain within the guidelines of his Statement of Intent.

Supervision Plan and/or Supervisor Changes

Ingrid Jacobs, Ph.D. and her supervising Psychologist, Matthew Feldner, Ph.D. submitted a letter to the Board for clarification of the inconsistencies on Dr. Jacobs Provisional Licensee Supervision Plan and Statement of Intent. Dr. Dixon made a motion to approve her Provisional License Supervision Plan. Ms. Glenn seconded the motion. The motion passed unanimously.

NEW BUSINESS

Internal Audit

Mr. Quattlebaum and Ms. Ganter presented a Control Environment Review to the Board Members. Their recommendations were for the reconciliation and supporting documents to be submitted to the Board's Chairperson or Treasurer each month, for verification of accuracy and submitted to the full Board at each meeting for acceptance into the minutes.

The Director should reconcile all disbursements to AASIS each month. A log of approved disbursements should be prepared by the Administrative Assistant prior to mailing the checks. The Board Chairperson or Treasurer should compare the log to the check register, bank statement, and AASIS z-warrant detail report each month. The Board Chairperson or Treasurer should replace the Executive Director as signer on the checking account. This individual should also sign all direct invoice forms that are submitted to DFA Service Bureau. All signed checks should be given to the Administrative Assistant to mail. The Board Chairperson or Treasurer should be provided the following AASIS reports each month, directly from Service Bureau (AASIS Trial Balance, AASIS z-warrant Detail Report, AASIS Cost Center Report, and AASIS Payroll Journal). It is the Board's responsibility to ensure that DFA-Service Bureau has the Treasurer's correct name and contact information. The contact information should be submitted directly to Melanie Hazeslip in the DFA Office of Accounting. Ms. Hazeslip is the DFA Accounting Unit Manager.

Executive Director Report

Ms. Sheila Pauley, Executive Director, updated the Board members regarding the status of the Continuing Education.(CE) rule revision. She states that she submitted the appropriate documentation to the Bureau of Legislative Research, the Secretary of State, and notice of the Public Hearing was posted in the Arkansas Democrat Gazette. She stated that she had to change the dates on the revision and the Public Hearing is scheduled for Friday, August 7, 2009. If approved, will become a rule on October 31, 2009 and CE's will be due at licensure renewal 2010.

Ms. Pauley reported that the Arkansas Legislative Task Force on Autism requested that the Board appoint one Certified Behavior Analyst to serve on the Task Force. Staff contacted Ms. Roach and notified her that the Psychology Board does not license specialist and that the licensees received general licensure. Dr. Alford stated that he would contact Ms. Roach about this and provide her with a couple of names.

Ms. Pauley reported an incident that happened on June 23, 2009 when she became concerned about her safety. The Board members requested that Ms. Pauley request estimates for remote entry access to the Board office.

Ms. Pauley requested clarification from the Board Members regarding Licensed Psychological Examiners with Independent Status' Statement of Intent that indicates they are approved to provide services that would require supervision such as Objective Personality Assessments, Projective Personality Assessments, Rorschach, and/or the Thematic Apperception Tests. However, they may not be actually providing those services but technically would have to submit a Supervision Report Form at licensure renewal indicating that they did not provide services that requiring supervision. The Board discussed revision of the licensure renewal forms to adequately address this issue.

Ms. Pauley stated that during licensure renewal, the Board received approximately 100 incomplete licensure renewals. She stated that, as of June 30, 2009 all complete licensure

renewals were processed and the licensure cards were placed in the mail. She stated that approximately six (6) renewals were received, but post marked June 30, 2009. These individuals were not late with their renewals. She stated that she will try to process those in a timely manner.

Ms. Pauley stated that she is behind with licensure verification requests and writing the letters from the June Board meeting. She stated that she has processed some licensure verifications over the telephone in order to speed up the process. She stated that she is still working late and on weekends.

Association of State and Provincial Psychology Boards (ASPPB)

ASPPB submitted a letter to the Board indicating that they would like to reduce the number of scored items on the Examination for Professional Practice in Psychology (EPPP) from 200 scored items to 175 scored items. The Board members discussed the regulatory requirements and determined that the reduction in the number of test items would not cause a problem based on regulatory requirements for licensure. Ms. Glenn made a motion to approve the request. Mr. Sperry seconded the motion. The motion passed unanimously.

The Board recessed at 10:55 a.m. for Oral Examinations

The Board reconvened in public session at 12.15 p.m.

Oral Examination Revision-Joe Alford, Ph.D.

Dr. Alford stated that he would like to revise the Oral Examination questions. He suggested the possibility of utilizing the meeting for the month of November as a retreat in order to work on Oral Examination questions.

Fellows Expiration Dates

The University of Arkansas Medical Systems (UAMS) and the Arkansas Children's Hospital both have internship and post-doctoral training for Psychologist and/or Psychological Examiners. Both programs require additional time for provisional licensed individuals to complete. They request an exception to the eighteen (18) months normally given to provisional licensed applicants. Dr. Dixon made a motion to approve the exception and allow staff to grant extensions to fellows with UAMS and/or Arkansas Children's Hospital. Ms. Glenn seconded the motion. The motion passed unanimously.

Office Security-Russell Dixon, Psy.D.

Dr. Dixon requested that staff contact a lock-smith for an estimate on a remote entry for the Board office. He stated that, the main office door could remain locked at all times and if anyone required entry, then staff could press a button to allow them entrance to the

office. He requested that staff investigate the cost of a panic button in case an emergency should arise.

Out of State Practice

Pamela Pepper requested permission to work at a residential facility in Mississippi, under her Applicant Psychologist- Provisional Licensure. The Board members stated that she would have to approach the Mississippi Board and follow the guidelines for licensure in that State. Dr. Dixon made a motion to deny Dr. Peppers request. Ms. Glenn seconded the motion. The motion passed unanimously.

Supervision Plan and/or Supervisor Changes

Daniel Abang-Ntuen submitted a Provisional License Supervision Plan indicating that he would not be providing services that require supervision at this time. Dr. Dixon stated that he was a candidate for Oral Examinations on this date.

Elizabeth Gibson submitted a Licensee Supervision Agreement and Supervision Plan with James Vasilos, Ph.D. Mr. Sperry made a motion to approve her request. Dr. Kleitsch seconded the motion. The motion passed. Dr. Dixon abstained from voting.

Misty Witherington submitted a Licensee Supervision Agreement with Jennifer Long, Ph.D. and a Licensee Supervision Plan with Mary Ekdahal, Ph.D. Dr. Dixon made a motion for Ms. Witherington to correct the forms and resubmit the documents. Ms. Glenn seconded the motion. The motion passed unanimously.

Supervisory Status Request

Amanda Boeke submitted a Supervisor Status Application, her transcript, documentation of supervision training, and three letters of reference. The Board members stated that she must submit another reference from a Licensed Psychologist.

Statement of Intent Revision

Rollie W. Flaherty requested to revise her Statement of Intent. Mr. Sperry made a motion to approve her request. Ms. Glenn seconded the motion. The motion passed unanimously.

Licensure Status Voluntary Inactive to Active Standing

John Jaggars submitted a letter, documentation of his Continuing Education Units, and current licensure fees in order to return to active licensure status. Ms. Glenn made a motion to approve his request. Dr. Harbin seconded the motion. The motion passed unanimously.

Leslie Johnson submitted a letter, documentation of her Continuing Education Units, and current licensure fees in order to return to active licensure status. Dr. Dixon made a motion to approve her request. Mr. Sperry seconded the motion. The motion passed unanimously.

Applicant Reference Waiver—Arkansas Tech

Caleb Lack, Ph.D. submitted a letter to the Board members requesting a waiver of the third reference for Haden Shepherd, Amy Spicer, and Julie White. Dr. Lack's letter stated that due to budget difficulties and administrative snafus, Arkansas Tech did not have enough clinical faculty members to teach the graduate courses and supervise students interested in pursuing Licensed Psychological Examiner licensure. Mr. Sperry made a motion to follow the guidelines of the Rules and Regulations and not grant a waiver to these applicants and have them submit a valid third reference form. Dr. Dixon seconded the motion. The motion passed unanimously.

Educational Requirements for Licensure

Jamie Frank submitted a letter requesting reconsideration of her credential for licensure. Ms. Frank earned a M.A. in Counseling Psychology from the University of Texas. However, the educational coursework was not from that university. Dr. Dixon made a motion to reconsider Ms. Frank's file. Ms. Glenn seconded the motion. The motion passed. Mr. Sperry abstained from voting.

Adjourn

Ms. Glenn moved to adjourn. Dr. Kleitsch seconded the motion. The motion passed unanimously. The Board adjourned at 2:15 p.m.