

Minutes
Arkansas Psychology Board
101 East Capitol, Suite 415
Board Room
May 20, 2005

CALL TO ORDER

The meeting was called to order by Dr. Michael Wyrick, Acting Chair, at 9:10 a.m.

Board Members present: Dr. Betty Davis, Dr. Russell Dixon, Dr. Sabra Hassel, Dr. Bettye Hoffman, Mr. Larry Lawrence, and Mr. Dwight Sowell.

Staff Members present: Mr. James Ammel, Ms. Amy Ford, Ms. Janet Welsh, and Ms. Rebecca Wright.

Guests present: Dr. Robert Doyle, Dr. Joanie Connors, and Dr. Gary Souheaver.

Meeting Agenda

Dr. Wyrick presented the agenda. Dr. Sabra Hassel requested to add a news release from Ozark Guidance Center and information from the ArPA/Psychologists of Northwest Arkansas seminar under New Business. The Board approved the amended agenda.

Minutes

Dr. Wyrick presented the April 15, 2005 minutes. Dr. Russell Dixon made a motion to approve the minutes. Mr. Dwight Sowell seconded the motion. Mr. Sowell called the question. The motion passed unanimously.

COMPLAINT COMMITTEE REPORT

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

Complaint #04-02 Advisory: The Board has **re-scheduled** a formal hearing in this case for **July 14, 2005**.

Complaint #04-15 Action: The Board's adopted rules (ethical standards) require that consent be given by a "legally authorized person" but there is no further definition of who might serve in that role for a child recipient (Standard 3.10). Arkansas law (statutory and case law) does not provide definitive guidance on the issue whether a non-custodial parent can provide sufficient consent as a "legally authorized person" for services to a child or release of information about that child or, instead, is unequivocally excluded from being a legally authorized person to provide such consent. While it could be maintained that "best practices" would counsel procurement of a signed consent by a custodial parent, the Screening Committee, under the facts

and the non-specific nature of who might be a “legally authorized person,” could not confidently promulgate the Complainant’s allegation that a legal and/or ethical violation had been committed by the Respondent regarding lack of proper consent even taking the Complainant’s allegation as true that the custodial mother had never consented to Respondent’s involvement with her child (there was no court order relating to the evaluation). Additionally, there is a constitutional due process consideration involved whereby, under the “vague” characteristic of that consent rule, an appeal of any finding of violation and imposed sanction could argue that there was insufficiently specific notice of proscribed behavior to permit any sanction being imposed against the property rights of a holder of a professional license. Furthermore, it is noteworthy that no perceived harm resulted in this case, and the goal of consumer protection was adequately served within the legal adversarial process via opportunity of cross-examination and presentation of opposing expert testimony. The other allegations and issues raised by the Complainant were deemed either to be outside the Board’s jurisdictional scope or not to rise to the level of an actionable and sustainable ethical violation beyond the standards of psychological practice. Accordingly, the Committee recommends that this Complaint be dismissed as involving no sustainable, actionable violation. Mr. Larry Lawrence called the question. Mr. Sowell voted against the motion. The motion passed.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Newsletter Schedule

Ms. Janet Welsh stated that the staff would like to publish the Board’s newsletter in October/November each year. Ms. Welsh stated that a deadline would be given so that the newsletter will mailed out on time.

Directory Changes

Ms. Welsh stated that due to costs, she would like to eliminate the Rules and Regulations from the printed directory. A page stating where to find the Rules and Regulations would be included along with information on how to receive a printed copy. One suggestion was to have the Rules and Regulations on disk. Also, the entire directory could be printed on disk if licensees would like to receive the information in that form. Mr. Sowell suggested that the staff make this an ASPPB listserv item to get feedback from other Boards. Dr. Dixon made a motion that for this year’s directory, the Rules and Regulations be eliminated from the printed directory with one page stating where to find the Rules and Regulations would be included along with information on how to receive a printed copy. Mr. Lawrence amended to motion to include that the staff continue the study on the best presentation of the directory. Mr. Lawrence seconded the amended motion. The motion passed unanimously.

C. Powers: Renewal/Delinquent CEU Procedure

Dr. Powers did not submit her Continuing Education Units (CEU) on time for the 2002-2003 reporting. However, she was allowed to renew her license for FY2005. Dr. Powers was taken to a hearing on January 21, 2005 concerning her CEUs. The final deadline given was July 31st to submit all of her hours. The FY2006 license renewal deadline is June 30th. The Board agreed that Dr. Powers could renew her license for FY2006. If she does not submit her CEUs by July 31st, her license will be immediately suspended. No refund will be given for her license renewal if her license is suspended.

Supervisory Status – P. Hestand, R. Pelz

Dr. Dixon made a motion to grant Dr. Hestand supervisory status. Mr. Lawrence seconded the motion. The motion passed unanimously.

Dr. Dixon made a motion to grant Dr. Pelz supervisory status. Mr. Lawrence seconded the motion. The motion passed unanimously.

Distance Learning Institutions

Dr. Wyrick stated that the Arkansas Psychology Board needs to stay current with the movement in distance learning and online education so that the Board will not lose licensees. Dr. Dixon stated that the main concern was a residency program that meets Arkansas' law. One suggestion given was to include in the Rules and Regulations what a residency program should encompass. The residency program keeps the faculty/student relationship in tact and plays a vital role in learning in the mental health field.

Dr. Hassel stated that if the residency is clarified, then a Master's level applicant must have two years of onsite residency and a Doctoral level applicant must have three years of onsite residency. Dr. Dixon stated that the Board also needs to consider the mobility programs and the states involved. Although states are involved in the mobility programs, they do have different requirements for applicants. Dr. Dixon requested that the staff research the states of the reciprocity mobility program and find out what their residency requirements include.

T. Gilbert: Pacifica Graduate

Dr. Gilbert's file was submitted for a Board credential review. After review, Dr. Gilbert's practicum hours will not count towards her internship. Dr. Dixon made a motion requesting that Dr. Gilbert document all of her internship hours and then submit her file for credential review. Dr. Bettye Hoffman seconded the motion. The motion passed unanimously.

News Release: Ozark Guidance Center

Dr. Hassel distributed copies of a news release concerning Dr. Gilbert's employment. After discussion, the article does not mislead the public that Dr. Gilbert is licensed as a psychologist. She is licensed as a Counselor and is working under that license at this time.

ArPA/Psychologists of Northwest Arkansas Seminar Information

Dr. Hassel stated three points of the seminar that could be newsletter articles for this year: 1) Release of test data is being argued due to copyright laws, 2) duty to protect issue is a concern for mental health providers because Arkansas does not have a law in place for this issue, and 3) best practice issues in private practice to put in place a management procedure of private records in case of an untimely death of the Psychologist or Psychological Examiner.

Rules and Regulations Revisions per Legislative Session Changes

Dr. Dixon stated that he is still working on Act 1262 changes for the Rules and Regulations. He stated that he would like to include a provision that unregistered technicians could be used. Dr. Dixon would like to have a registration fee of \$100 and yearly renewal fee of \$50 of technicians. These costs would go towards updating the new database to include technicians. He would like to have a conference call in June of the draft he is preparing.

The staff asked that the CEU reporting late fee be changed to \$50 per month that reporting is late. Due to the law, only a flat fee can be imposed on delinquent reporting. The staff will remove this change from its revisions.

CEU audit language will be clarified that the proper documentation is received for the appropriate biennium. Dr. Betty Davis made a motion to approve this change. Dr. Hassel seconded the motion. The motion passed unanimously.

Section 5.4.I is a new section including Senior Psychologist application. Dr. Dixon made a motion to accept the addition. Dr. Davis seconded the motion. The motion passed unanimously.

Act 1923, Act 1573 and Act 1941 have changed the statute concerning background checks. Section 5.5.C will be revised to include the new statute. Dr. Hassel made a motion to accept Amy Ford's changes along with future changes that may arise. Dr. Dixon seconded the motion. Dr. Dixon called the question. The motion passed unanimously.

Section 12 had minor changes. Dr. Hassel made a motion to accept the changes. Dr. Davis seconded the motion. The motion passed unanimously.

Section 13.6.A added "per month" to the delinquent fee. This language will be deleted. Section 13.7 language will be changed from "\$200" to "up to \$300". Dr. Dixon made a motion to accept these changes. Dr. Davis seconded the motion. The motion passed unanimously.

Section 13.9 concerning inactive status of licensees will be changed to accept a lower fee along with past CEUs. Dr. Wyrick amended the language that one biennium of CEUs will need to be reported. Dr. Hoffman included that an oral interview of the licensee be conducted to ensure that (s)he is aware of current laws. Dr. Hassel stated that the reason why a license is inactive would need to be known by the Board. Ms. Ford stated that as a licensing Board, the Board could ask privacy questions. She also stated that time limits should be included. Dr. Hassel requested that there be two categories of inactive status, one for those who have impairments and one for those who have an active license in another state. Dr. Dixon made a motion to accept the amended changes. Mr. Lawrence seconded the motion. The motion passed unanimously.

Section 13.10.A-G have minor changes. The language of “per month” on the delinquent fee will be deleted. Dr. Dixon made a motion to accept the changes. Dr. Hassel seconded the motion. The motion passed unanimously.

Sections 14 and 15 have minor changes and one typo. Mr. Sowell made a motion to accept the changes and correction. Dr. Dixon seconded the motion. The motion passed unanimously.

The Table of Contents has minor changes. Dr. Dixon made a motion to accept the changes. Mr. Sowell seconded the motion. The motion passed unanimously.

Custodial Consent

At this time, Arkansas law has no guidelines concerning custodial consent. Dr. Dixon stated that he would draft guidelines for the Rules and Regulations and have a draft ready for the July Board meeting.

Psychologists Prescribing Medicine

At this time, Arkansas does not allow Psychologists or Psychological Examiners to prescribe medication. The Board’s official opinion at this time is that those who receive degrees to prescribe medicine must follow the Medical Practice Act and cannot prescribe medication under a Psychologist or Psychological Examiner license. Ms. Ford stated that she would research this issue.

ADJOURN

Dr. Dixon made a motion to adjourn. Dr. Hassel seconded the motion. The motion passed unanimously. The meeting was adjourned.