

**Minutes**  
**Arkansas Psychology Board**  
**101 East Capitol, Suite 415**  
**Board Meeting**  
**March 23, 2007**

**CALL TO ORDER**

The meeting was called to order by Mr. Dwight Sowell, Chair, at 9:00 a.m.

Board Members present: Dr. Joe Alford, Dr. Russell Dixon, Ms. Jane English, Dr. Sabra Hassel, Dr. Tom Poling and Mr. Dwight Sperry.

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

Guests present: Dr. Robert Doyle, Ms. Elizabeth Glenn, Dr. Mark Hinterthuer, Dr. Gary Souheaver and Dr. Robbie Thomas-Knight.

**Welcome to New Board Member**

Tom Poling, Ph.D. is the newly appointed Board member as the academic member. He replaces Dr. Steve Shry. Welcome to the Board!

**Meeting Agenda**

Mr. Sowell presented the agenda. Dr. Joe Alford made a motion to approve the agenda. Dr. Russell Dixon seconded the motion. The motion passed unanimously.

**Minutes**

Mr. Sowell presented the January 19, 2007 minutes. Dr. Alford made a motion to approve the minutes. Dr. Dixon 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.

**Complaint #06-07 Action:** This matter has been on hold pending the court's handling of the attorney's motion. [Complainant also filed a motion for release to him of the records entered into evidence, but the court also denied that motion since, again, it did not have the records itself.] The Screening Committee finds Respondent's statements that he knew nothing about the directory listing as likely to be true, and therefore that matter would not establish probable cause that any ethical or regulatory violation had been committed. The issue about refusal to release records was more difficult to resolve. After extensive legal research, however, the Committee has come to the conclusion that Complainant currently has no right of access to Respondent's

records on the son absent a court order granting the Complainant such a right. Whether looking at APA ethical Standard 3.10 (Informed Consent); statutes regarding public health and juvenile matters (including illegitimate children), or HIPAA regulations, nothing could be found that would place Complainant in the status of a “personal representative,” absent a court order to that effect, that would authorize a non-custodial dad of an illegitimate child to make decisions regarding medical care and have the corollary right to medical records. Accordingly, respondents’ refusal to supply those records under their exercise of professional judgment can not be the basis for a violation finding. The Committee therefore recommends that this complaint be dismissed as being without merit and that no further disciplinary action be taken against either Respondent. The motion passed unanimously.

***Complaint #06-09A & B Action:*** The Screening Committee had to agree entirely with Respondent’s response and characterization of the dispute about the contents of the report as not actually implicating the potential violation of any Standard or reflecting any harm caused by the report. In essence, the Complainants seemingly took offense at some opinions and recommendations that would be well within the realm of permissible professional opinion/judgment. Accordingly, the Committee is recommending dismissal of these related complaints as not feasibly establishing probable cause for a finding of an actionable violation. The motion passed unanimously.

***Complaint #06-10 Action:*** The Screening Committee could not discern any potential actionable violations in how this examination was conducted and reported, in Respondent’s interactions with the Complainant, and in the billing for the professional services. Therefore, it is recommended that this matter be dismissed as failing to establish probable cause for a potential finding of any ethical or statutory violation. The motion passed unanimously.

## **OLD BUSINESS**

### **AR Department of Higher Education (ADHE)/Walden University (Walden University – Requesting State Authorization for Marketing Matters)**

Ms. Janet Welsh stated that she contacted ADHE concerning Dr. Sabatini’s request of seeking state authorization in Arkansas for Walden University to mail marketing materials into Arkansas and to periodically have recruiters meet with potential students on the ground in the State. ADHE responded that if the program Walden is offering is not licensable by the mental health Boards, they will not approve their solicitation of students in Arkansas. Dr. Dixon made a motion to respond to Dr. Sabatini and state that the Board does not pre-approve coursework; the policy is that a person must apply with the Board; and that Walden University must be accredited by the American Psychological Association (APA). Mr. Dwight Sperry seconded the motion. The motion passed unanimously.

### **Reschedule Board Meeting - May 18, 2007**

Ms. Welsh requested that the May 18, 2007 Board meeting be rescheduled. After discussion, the request was denied.

## **NEW BUSINESS**

### **Supervision Questions – Dr. Mark Hinterthuer**

Dr. Hinterthuer requested clarification and feedback from the Board concerning how to train interns and new licensees that do not have supervisory status in supervision. He stated that he would like to have multi-level supervision training with Board approved supervisors overseeing the training. The new licensees, with supervision, would train interns. The new licensees would be able to fulfill two (2) years of supervision training and be competent to apply to the Board for supervisory status and the interns would receive up-to-date and hands-on training from the new licensees. This would provide a constant and consistent training through all levels.

Dr. Dixon made a motion to state that it is acceptable for new licensees to train and supervise under a Board approved supervisor. Mr. Sperry seconded the motion. The motion passed unanimously.

Dr. Dixon made a motion that new licensees requesting Board approval to provide supervision to interns and have less than two (2) years of licensure, complete and submit the form “Supervisory Status Request” and check that they have been licensed less than two (2) years. They will also complete and submit supervision forms with a Board approved supervisor that agrees to supervise and train the new licensee in supervision. Mr. Sperry seconded the motion. The motion passed unanimously.

The Arkansas Psychology Association (ArPA) is hosting a continuing education workshop on April 13, 2007 concerning Ethics and the Laws of Supervision. Dr. Sabra Hassel made a motion that the Board pay the expenses of the Board members and Jim Ammel, Investigator, so that they may attend. Ms. Jane English seconded the motion. The motion passed unanimously.

### **Electronic Signatures**

Ms. Kathleen Foster requested clarification on the use of electronic signatures on reports. She stated in a letter to the Board that her employer would be acquiring a software program that would incorporate reports into one report. She had concerns of how to sign any submissions she makes. Dr. Dixon stated that licensed professionals must show responsibility of the work completed and submitted. Dr. Hassel stated that a one-page letter could be included stating that the following services were performed and have a signature on it. She stated, however, that the overall report would be the responsibility of the person maintaining the program. Dr. Hassel stated that she would contact Ms. Foster by phone for clarification of her question and provide the above response by letter.

### **Statement of Intent Updates**

Dr. Phil Brown requested clarification that his Statement of Intent would allow him to write Positive Behavior Plans for certain individuals receiving Medicaid Waiver services. Dr. Alford made a motion to notify Dr. Brown that his Statement of Intent would include his request under

both individual and group therapies. Ms. English seconded the motion. The motion passed unanimously.

### **Supervisor Status Request**

Dr. David Grant requested supervisor status. He provided a transcript showing coursework and one reference. Mr. Sperry made a motion to approve the request. Dr. Dixon seconded the motion. The motion passed unanimously.

Dr. Jonathan Perry requested supervisor status. He provided a letter stating his background in supervision and one reference. Dr. Hassel made a motion to approve the request. Dr. Alford seconded the motion. The motion passed unanimously.

### **Practicum Issues**

There has been confusion with a small number of applicants and whether a practicum or internship is acceptable. According to Rules & Regulations § 5.3.A.(5), a supervised practicum is acceptable. After further review, one applicant did not have an acceptable practicum and there was confusion as to whether he needed to do a new internship or practicum or only fulfill the areas that were not acceptable. The applicant only needs to fulfill the areas that were not acceptable.

### **Association of State and Provincial Psychology Boards (ASPPB) Mid-Year Meeting – April 26-29, 2007**

Ms. Welsh presented the ASPPB Mid-Year meeting information to the Board. Dr. Dixon made a motion that Ms. Welsh attend the meeting. Ms. English seconded the motion. The motion passed unanimously.

### **HB 1250 Update**

House Bill 1250 will grant independent practice to master's level licensees who qualify. There will be a grandfather clause for licensees who qualify. In five (5) years (beginning 2013), the master's level licensure will no longer be issued.

The Bill passed in both the House and the Senate. The bill will be signed by the Governor on March 27, 2007.

Once the bill is signed, the Board will then begin the process to incorporate the bill into the Rules & Regulations. At the next regularly scheduled Board meeting, subcommittees will be formed and the Chair will assign specific tasks to each subcommittee.

The guests present publicly thanked all who were involved in the process and asked that the Board work with the groups to incorporate the process into the Rules & Regulations. Everyone was pleased with the outcome.

**Annual License Renewal Fee**

The Board discussed the annual license renewal fee and the budget of the Board office. Mr. Sperry made a motion that the annual license renewal fee be lowered to \$125 for FY 2007-2008 and for FY 2008-2009. Ms. English seconded the motion. The motion passed unanimously.

**ADJOURN**

Dr. Alford made a motion to adjourn and reconvene in Executive Session to discuss new oral examination questions. Dr. Dixon seconded the motion. The motion passed unanimously. The meeting was adjourned.