

**Minutes**  
**Arkansas Psychology Board**  
**101 East Capitol, Suite 415**  
**Board Meeting**  
**October 24, 2008**

**CALL TO ORDER**

The meeting was called to order by Dr. Sabra Hassel, Chair, at 9:00 a.m.

**ROLL CALL**

Board Members present: Dr. Joe Alford, Dr. Russell Dixon, Ms. Elizabeth Glenn, Dr. Edward Kleitsch, and Mr. Dwight Sperry.

Dr. Joe Alford moved to excuse Dr. Tom Poling's absence. Mr. Dwight Sperry seconded the motion. The motion passed unanimously. Dr. Poling did not attend the Board meeting due to his being on sabbatical.

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

Guests Present: Ms. Karen Beller, Senator Shane Broadway, Ms. Mary Ann Callison, Ms. Ashley George, Ms. Lynne Pen, Ms. Reesa Ramsahai, and Ms. Leslie Riley.

**Meeting Agenda**

Dr. Hassel presented the agenda. Dr. Hassel requested an Executive Session concerning personnel matters after oral examination results were discussed. Dr. Hassel considered the requests of the public to approach the Board. Due to time constraints, Dr. Hassel denied Mary Ann Callison and Karen Beller to approach the Board. Dr. Hassel approved Ashley George to approach the Board briefly. Dr. Alford moved to approve the amended agenda and the permissions of the Chair. Mr. Sperry seconded the motion. The motion passed unanimously.

**Minutes**

Dr. Hassel presented the September 19, 2008 minutes. There was no discussion. Dr. Alford moved to approve the minutes. Mr. Sperry 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 #08-03 Action:** Previously, DDS had permitted use of other professionals to participate in the provision of MSE services to Arkansas residents and the other participating professionals had also been signing the reports in conjunction with Respondent's signatures. After DDS directed Respondent to be the only professional involved in Arkansas referrals, the other employed professionals continued to be involved but did not sign the reports and no reference was made therein regarding their participation. DDS assumed that Respondent was the sole participant due to Respondent's signature only being applied to the reports.

Ethical Standard 6.06 (Accuracy in Reports to Payors and Funding Sources) provides: "In their reports to payors for services ..., psychologists take reasonable steps to ensure the accurate reporting of the nature of the service provided ... and where applicable, the identity of the provider ...." It has been reported in an annotated resource regarding the Code Standards (that is routinely used by the Committee to interpret ethical provisions) that this particular Standard requires: "When reimbursement for such ... assessment is sought from third-party payors, the licensed psychologist must clearly identify the actual provider of the services."

The Committee finds that the established facts in this matter establish probable cause to believe that a violation of Standard 6.06 has been committed by Respondent on numerous occasions. [ABEP previously disciplined a psychologist a number of years ago for not referencing that a psychological examiner had gathered some of the data used in a custody evaluation.] It is recommended by the Committee that a Consent Order be proffered/negotiated regarding the admission by Respondent of such violations and incorporating a letter of reprimand that directs the cessation of Respondent's current practice of non-attribution of other professionals' participation in the provision of such services (or, in the alternative, the cessation of the other professionals' involvements, as DDS had previously directed, itself).

[NOTE: Not discussed whatsoever by the Committee (and with this reporter's apology to the other members for not having thought to do so prior to the impending deadline for preparation of this report), the Board is also reminded that one of its regulations (11.6) provides that a permissible sanction can involve a fine up to \$5,000, which could be added to a consent order offer in an amount sufficient to recoup the considerable costs of the investigation of this matter.]

Dr. Alford moved that Mr. Ammel total the fine then enter into consent negotiations to include the fine and a reprimand. Dr. Russell Dixon seconded the motion. The motion passed unanimously.

**Complaint #08-06 Action:** The Committee acknowledges the fact that a licensee professional is under no routine obligation to accept as a client everyone that requests his/her services. Accordingly, in the absence of any element of impermissible discrimination, no feasible ethical or statutory violation was discernible in this matter,

and the Committee recommends the dismissal of the complaint as lacking the allegation of any facts that might establish probable cause.

Dr. Dixon called the question. The motion passed unanimously.

***Complaint #08-07 Action:*** Due to Respondent's self-reported admission of the pertinent facts and circumstances, there is no doubt that a violation of ethical Standard 3.05 (Multiple Relationships) has occurred. Although aspects of potential duress seemingly are lacking in this matter and the harm to the supervisee potentially generated in it would not seemingly be substantial, the Committee agrees with Respondent's admission of engaging in poor judgment and unprofessional behavior. Accordingly, the Committee is recommending the proffer of a consent order incorporating the aforementioned admission of violation, a suspension of supervisory privilege for a period of one (1) year, and a letter of reprimand regarding this violation.

Dr. Alford amended the recommendation to include a fine of \$200 or the actual cost of the investigation, whichever is greater. Mr. Sperry called the question. The motion passed unanimously.

***Complaint #08-08 Action:*** This matter potentially invokes ethical Standards 3.12 (Interruption of Psychological Services) and 10.10 (Terminating Therapy). In the Committee's opinion, however, it appears that Respondent took reasonable and ethical steps to deal with this situation and that there is no probable cause to believe that a violation has transpired. It is accordingly recommended that this matter be dismissed without further disciplinary action due to that lack of any violation.

Dr. Dixon called the question. The motion passed unanimously.

## **OLD BUSINESS**

### **Credential Review – Ashley George, Capella University**

Ashley George is a Psychological Examiner applicant. She received a Master's degree from Capella University. Her application file did not pass credential review due to the residency provided not meeting the Arkansas Psychology Board's (Board) residency requirements. The Board reviewer did request more information on the coursework of Capella University and the time spent in Minneapolis, MN. Ms. George requested to approach the Board and provide more information concerning her coursework and residency.

Ms. George provided a 4-page handout to the Board. She stated that Capella University is accredited by The Higher Learning Commission and is a member of the North Central Association of Colleges and Schools (NCA). She stated that Capella University is currently applying for American Psychological Association (APA) accreditation and expects to be APA accredited in 4-5 years. Ms. George stated that she did not spend any time in Minneapolis. She stated she attended three (3) colloquia with Capella University

and had worked with faculty and staff for 120 face-to-face hours. Ms. George stated that the work she did online included nine (9) 20-page in-depth research reports. She stated she also worked with her instructors and classmates over the phone and online.

Ms. George provided in the handout a page of her site hours for each quarter and the type of work done during that time.

Dr. Alford stated that the concern with online courses is that the face colloquium provided is not sufficient to meet a one (1) year residency, such as the Board's requirement. He stated that was the basis of the decision to not pass the application file during credential review. Dr. Hassel stated that the residency requirement allows the clinical faculty and students to assess the student on a daily basis, including action and interaction of all involved.

Ms. George stated she chose Capella University because the previous Board Executive Director provided three (3) online institutions that has Master's in Psychology programs, and Capella University was one of the three listed. Dr. Hassel stated that the Board had never licensed anyone from Capella University. She stated that there was either misinformation or a misunderstanding. Dr. Alford stated that the Board did license one person from Capella University who had a doctorate degree. He stated that the language provided did allow the person to be licensed appropriately by the Board; however, it did not set precedence.

Dr. Hassel stated that no other action can be taken on the application file. The decision to not pass the file for credential review stands.

### **Arkansas Association of Masters in Psychology (AAMP) – Karen Beller Representing**

Karen Beller requested to approach the Board regarding Psychological Examiner Independent licensure. Dr. Hassel denied the request to approach the Board.

### **Medicaid Billing for Psychological Examiner Independents**

Mary Ann Callison requested to approach the Board regarding Medicaid billing for Psychological Examiner Independents. Dr. Hassel denied the request to approach the Board. Dr. Alford would provide the information concerning Medicaid billing Psychological Examiner Independents.

Dr. Alford stated that a colleague at the State Hospital was in a meeting recently with a Medicaid employee. The employee complained about not understanding the new Psychological Examiner Independent license. Dr. Alford stated that he called Marilyn Strickland with Medicaid and provided information about the license and how the law came about and was incorporated into the Board's Rules & Regulations.

At some point, Mary Ann Callison, a Psychological Examiner Independent licensee, applied for and received a Medicaid number. She billed under this number and was paid once. Medicaid did not understand the license level and stopped all billing for this license level. Medicaid had a big issue of how to compensate these licensees. Medicaid did not understand if the compensation was at the doctoral or master's level. Ms. Strickland told Medicaid by conference call to cease all compensation. Psychological Examiner Independents could not be at compensated at the doctoral level.

The State had to rewrite its plan to reflect this category of Psychological Examiner Independents that had been reimbursed under Medicaid before. Ms. Callison submitted items to Medicaid and there is a draft of some changes. Ms. Strickland sent the changes to Dr. Alford and requested that the Board approve the changes. Dr. Alford told Ms. Strickland by phone that it was not the Board's business to approve the State Medicaid plan. He stated that what he read looked okay and, as a Board member, did not see any problems. Dr. Alford stated that he thought the Board's response would be that it is not the place of the Board to take part in Medicaid policy making.

Ms. Amy Ford, Assistant Attorney General, recommended that the Board correspond by letter to Medicaid stating that the Board does not set Medicaid policies and stating the levels of licensure and what service each level is authorized to provide.

Dr. Dixon made a motion to accept Ms. Ford's recommendation. Mr. Sperry seconded the motion. The motion passed unanimously. Ms. Ford requested the input of Dr. Alford and Ms. Callison when writing the letter.

### **Licensed Psychological Examiner Independent Status (LPE-I) Post-1997 Requests**

Margaret Cole requested independent status post-1997. She resubmitted documents per the Board's request. Ms. Cole provided her Statement of Intent for Independent Practice, she included in her request one (1) hour of supervision each week, and she included in her request that she would receive one (1) hour a month of group supervision from her current supervisor on file. Ms. Elizabeth Glenn moved to approve Ms. Cole's request. Mr. Sperry seconded the motion. The motion passed unanimously.

Amy Flaherty requested independent status post-1997. She resubmitted documents per the Board's request. Ms. Flaherty updated her request to included one (1) of supervision each week. Dr. Alford moved to approve Ms. Flaherty's request. Mr. Sperry seconded the motion. The motion passed unanimously.

Reesa Ramsahai requested independent status post-1997. She resubmitted documents per the Board's request. Ms. Ramsahai updated her request to included one (1) of supervision each week. Mr. Sperry moved to approve Ms. Ramsahai's request. Dr. Alford seconded the motion. The motion passed unanimously.

C. Alexander White requested independent status post-1997. He resubmitted documents per the Board's request. Mr. White updated his request to included one (1) of supervision

each week. Dr. Alford moved to approve Mr. White's request. Mr. Sperry seconded the motion. Ms. Glenn abstained. The motion passed.

### **Neuropsychology Course Documentation – A. Parish**

Amy Parish was licensed in January 2008. She was requested to update her Statement of Intent to practice Neuropsychology Assessments under supervision until she received appropriate coursework. When the coursework is complete, Dr. Parish may request to provide Neuropsychology Assessments independently. Dr. Parish was told by letter that one (1) option she could obtain the coursework was through independent study course(s). Dr. Parish provided documentation that this has been achieved and the Board denied the course(s) submitted stating that the course(s) must be a graduate level course from a regionally accredited or APA accredited program and that she must follow the National Academy of Neuropsychology (NAN) guidelines. Dr. Parish submitted a letter requesting clarification and also expanded her explanation of how the coursework was obtained. Dr. Parish was questioned during her oral examination about receiving neuropsychology assessment coursework and her answer was negative. In the most recent letter, she stated that she had the coursework in school and that it is listed on her transcript.

The Board staff met with Dr. Parish to achieve clarification. Then, the Board staff would approach the Board with the clarification. During this meeting, it was discovered that Dr. Parish's file did not have a final transcript showing her doctorate degree conferred. Dr. Parish requested her transcript from the university to the Board. On the final transcript, it shows the doctorate degree conferred to Dr. Parish and it shows the coursework necessary to provide neuropsychology assessments independently. Dr. Dixon moved to approve Dr. Parish to practice neuropsychology assessments independently. Dr. Edward Kleitsch seconded the motion. The motion passed unanimously.

### **Supervision Plan Changes**

Joshua Lee provided an updated supervision plan to include one (1) hour of supervision each week. Dr. Dixon moved to approve the updated plan. Mr. Sperry seconded the motion. The motion passed unanimously.

### **Rules & Regulations – Revision and Adoption Process**

Ms. Ford provided the process of how the Board shall go about revising and adopting the Rules & Regulations.

Ms. Ford stated that the section of the Rules & Regulations concerning criminal background checks has two (2) mistakes. She provided a draft with the changes made. This change will be provided in the overall Rules & Regulations revisions.

### **Continuing Education Units (CEU) Process – Revisions for Rules & Regulations**

Dr. Kleitsch provided updated language changes concerning continuing education units (CEU). Dr. Hassel requested that the CEU changes be submitted for approval during the legislative session occurring in January 2009. Mr. Sperry moved to accept the new language and new process for CEU earning and reporting by licensees. Dr. Kleitsch seconded the motion. The motion passed unanimously.

## **NEW BUSINESS**

### **Staff Report**

#### **Executive Director Update**

Ms. Sheila Pauley, Executive Director, stated that she attended the Joint Budget Committee Budget Hearings concerning the Arkansas Psychology Board's budget. She stated the Committee did question how the investigation fees were paid. Ms. Pauley stated that she did clarify that an outside investigator was performing the investigations, not a staff member. Ms. Pauley stated that overall, the budget passed.

Ms. Pauley did receive from the Board's budget analyst the process to request funding to acquire a new database.

Ms. Pauley stated she is still in process on the Risk Assessment for the Board office. She stated she has completed three (3) sections out of ten (10).

Ms. Pauley stated that the Board office would like to have backups of files in case of emergencies or damage or loss of the office or building. Ms. Ford stated to follow the Arkansas Records Retention process and requested the Board staff to research other agencies and companies for ideas.

Ms. Pauley provided a contact information page to all Board members and requested updated information for use by the staff. The staff clarified that the information will only be used by the staff for Board meeting purposes; the information will not be used in the licensee files.

Ms. Pauley stated that she had her computer looked at by a technician from the Department of Information Systems (DIS), Roseanne Mitchell. The staff provided to Ms. Mitchell the type of items that had been downloaded to the computer prior to Ms. Pauley assuming the Executive Director position; appropriate and non-appropriate items were mentioned. Ms. Mitchell was able to clear many items that were not necessary from Ms. Pauley's computer and requested the staff to allow thirty (30) days for the computer to work better. If, after the thirty (30) days the computer was not working better, the staff would contact Ms. Mitchell for other options.

#### **Administrative Assistant Update**

Ms. Rebecca Wright, Administrative Assistant, stated that she and Ms. Pauley attended training to be Certified Notary Publics. She stated that the next step is to receive certification that the training was attended, then the staff could be bonded appropriately and register with the Secretary of State's office.

Ms. Wright stated that she had found a local independent contractor that builds access databases. She stated that other agencies have used this contractor at reasonable costs. Ms. Wright stated that the staff has an appointment on November 7, 2008, to meet with the contractor.

Ms. Wright stated that she would speak to other jurisdictions about databases while in attendance of the Association of State and Provincial Psychology Boards (ASPPB) national meeting in Nashville, TN.

The Board recessed at 10:35 a.m. for oral examinations.

The Board reconvened at 1:45 p.m. in public session.

### **Supervisor Status Requests**

Rodney Goodwin requested supervisory status. He submitted an application and three (3) letters of recommendation from licensed Psychologists. Mr. Sperry moved to approve Dr. Goodwin's request. Dr. Kleitsch seconded the motion. The motion passed unanimously.

Hillary Hunt requested supervisory status. She submitted an application and three (3) letters of recommendation from licensed Psychologists. Mr. Sperry moved to approve Dr. Hunt's request. Dr. Kleitsch seconded the motion. Dr. Alford abstained. The motion passed.

Kami Mays Hunt requested supervisory status while receiving supervision. The Board discussed that Dr. Hunt needs training to be a supervisor; therefore, the application will not be considered. The Board discussed that licensees providing supervision while being supervised do not need to apply for supervision. The experience is considered to be training until the licensee is ready to supervise independently. The Board discussed that the supervision experience occur for a minimum of one (1) year. Dr. Alford moved to notify Dr. Hunt by letter that she did not need to apply for supervisor status at this time because she will be getting training and experience as a supervisor with supervision. Ms. Glenn seconded the motion. The motion passed unanimously.

J. Michael Wood requested supervisory status. He submitted an application and three (3) letters of recommendation from licensed Psychologists. Mr. Sperry moved to approve Dr. Wood's request. Dr. Kleitsch seconded the motion. The motion passed unanimously.

### **Statement of Intent Revisions / Primary Supervisor and Plan**

Michelle Messer submitted an updated Statement of Intent for her provisional licensure and a Supervision Agreement and Plan with Dr. Carl Reddig. Mr. Sperry approved to approve the submissions. Ms. Glenn seconded the motion. The motion passed unanimously.

Evelyn Weigel submitted an updated Statement of Intent to include adults for her Psychological Examiner Independent license. Mr. Sperry moved to approve Ms. Weigel's request. Dr. Dixon seconded. The motion passed unanimously.

### **Oral Examination Questions Update**

Dr. Kleitsch submitted updated oral examination questions to the Chair.

Dr. Hassel stated she is working on an updated format of the oral examinations, including an index of the questions for quick reference.

The Board entered Executive Session at 2:15 p.m. concerning personnel issues.

The Board reconvened at 2:45 p.m. in public session. There was no business to conduct concerning the Executive Session.

### **Board Meeting Dates**

The Board discussed the upcoming November and December Board meetings. Due to the holidays and the amount of business, the Board discussed canceling one of the Board meetings. Mr. Sperry moved to have the November Board meeting and to cancel the December Board meeting. Dr. Kleitsch seconded the motion. The motion passed unanimously. The next regularly scheduled Board meeting will be November 21, 2008.

### **Adjourn**

Dr. Alford moved to adjourn. Ms. Glenn seconded the motion. The motion passed unanimously. The Board adjourned at 2:50 p.m.