

Minutes
Arkansas Psychology Board
101 East Capitol, Suite 415
Board Meeting
February 20, 2009

CALL TO ORDER

The meeting was called to order by Dr. Joe Alford, Chair, at 9:21 a.m.

ROLL CALL

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

The Board excused Dr. Russell Dixon's absence due to illness. The Board excused Dr. Tom Poling's absence in January 2009 due to illness and today's absence due to psychology related activities.

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

Guests Present: Dr. Joyce Fowler.

Meeting Agenda

Dr. Alford presented the agenda. Dr. Alford requested to add an Executive Session after Old Business. Mr. Dwight Sperry moved to approve the amended agenda. Ms. Elizabeth Glenn seconded the motion. The motion passed unanimously.

Minutes

Dr. Alford presented the January 16, 2009, minutes. Mr. Sperry stated that a word was missing on page five (5) in the second paragraph under Provisional License Extension Requests. Dr. Alford requested that the minutes reflect that Dr. Dixon arrived late to the Board meeting. Mr. Sperry moved to approve the amended minutes. Ms. Glenn 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 #C-08-03 Action: The Board, at its 2/24/08 meeting, approved the Committee's recommendation of negotiating a Consent Order incorporating a letter of reprimand and a monetary fine. Those general provisions have been accepted by the

Respondent and the exact wording of the Order is being finalized between the parties. The issue involved herein was a psychologist using master's degreed staff to conduct portions of Mental Status Exams for Arkansas SSA/DDS disability claimants (and which staff also wrote portions of the MSE reports) without the Respondent acknowledging the participation of those other professionals in the reports, being a violation of Standard 6.06 (Accuracy in Reports to Payors and Funding Sources). Respondent, through her attorney, has been holding out for language about the violation being "unintentional" in the Findings of Fact and/or depiction of the staff involvement as being only assistance in gathering background information while Respondent "performed all of the testing." Neither of those perceptions are facts and we will not agree to stating such as being facts. This investigator has provided proof of the staff involvement being more than gathering background information (through excerpts from the taken staff statements at which Respondent's attorney sat in on). This resolution has been in negotiation since 10/31/08 and Respondent's attorney was last e-mailed on 2/18/09 requesting a status report after he had indicated on 2/3/09 that he would be talking with his client. The involved fine now stands at \$2,410 and growing because of all of the delays and impediments. It is now the Committee's recommendation that Respondent, and her attorney, be warned that unless a response accepting the latest proposed Order is received by March 6th, a Notice & Call to Hearing be issued for a hearing to be held in conjunction with the May Board meeting. Dr. Edward Kleitsch called the question. The motion passed unanimously.

Complaint #C-08-10A&B Action: Our investigation is considered to be completed and the Committee recommends dismissal of the complaint due to not establishing any violation by the actual facts of some of the allegations and the inability to prove facts necessary to find a violation involving the other allegation and/or allegations being beyond our purview. Mr. Sperry called the question. The motion passed unanimously.

Complaint #C-08-11 Action First, it is acknowledged that the cited ethical Principles are only aspirational and not enforceable, so they can form no basis for a finding of any violation. The ethical standard cited requires an assumption of facts (a personal problem involving substance abuse and incompetent services) that either has not been established by the recited events and circumstances admitted by Respondent or would not be able to be established in any sufficient and persuasive manner. Respondent has not been the subject of any previous similar complaint so as to raise a reasonable inference of a personal problem or an inability to provide competent services. Accordingly, the Committee is of the opinion that there is a lack of probable cause to believe that a violation, subject to sanction, has transpired and therefore recommends that the complaint be dismissed, subject to reopening in the future should any subsequent complaint or information be received by the Board regarding similar allegations involving the Respondent. Mr. Sperry called the question. The motion passed unanimously.

Dr. Alford stated that he would like to see the Board create policies and procedures for a drug and alcohol abuse program for licensees. He stated that he has been researching other license Boards and how they have implemented the same.

Welcome to New Board Members

Dr. Alford welcomed the following Board members:

Dr James Fuendeling as a new appointment as a Board member. His term will end December 31, 2013.

Dr. Edward Kleitsch as reappointed as a Board member. His term will end December 31, 2013.

Ms. Rosalyn Watts as a new appointment as the Consumer Representative. Her term will end December 31, 2013.

OLD BUSINESS

Provisional License Extension Request

Lahoma Schultz is an applicant for Psychologist. She has requested a provisional license extension due to family circumstances. Dr. Schultz began her application in 2006. Dr. Schultz does not have an active provisional license. Mr. Sperry moved that Dr. Schultz must reapply for licensure. Dr. James Fuendeling seconded the motion. The motion passed unanimously.

Maternity Leave Affecting 3000 Hours Accrual for Licensed Psychological Examiner Independent (LPE-I) Post-1997

Alison Babitzke informed the Board that due to her maternity leave, the completion date of the 3000 hours accrual for Licensed Psychological Examiner Independent (LPE-I) Post 1997 will not be what she had submitted originally. At this time, Ms. Babitzke does not know what the completion date will be. Dr. Fuendeling moved to accept Ms. Babitzke's statement and stated that accruing the 3000 hours is not time limited. Mr. Sperry seconded the motion. The motion passed unanimously.

Statement of Intent Revisions

Angela Etchison submitted a revised Statement of Intent to reflect that neuropsychological assessments under supervision would be as screenings only. Mr. Sperry moved to accept the revised Statement of Intent. Dr. Fuendeling seconded the motion. The motion passed unanimously.

The Board entered a private meeting to discuss oral examination results and requested the public to leave at 10:17 a.m.

The Board reconvened to public meeting at 10:25 a.m.

The Board recessed for a break at 10:25 a.m.

The Board reconvened to public meeting at 10:38 a.m.

The Board entered Executive Session to discuss personnel matters at 10:38 a.m.

The Board reconvened to public meeting at 10:53 a.m.

The Board recessed for one (1) oral examination at 10:53 a.m.

The Board reconvened to public meeting at 11:27 a.m.

NEW BUSINESS

Director's Report

Ms. Sheila Pauley, Executive Director, stated that she submitted a report to the Economic Impact Committee regarding changing the reporting of continuing education units by licensees. She stated that the Economic Impact Committee has fifteen (15) days to respond with feedback. Ms. Amy Ford, Assistant Attorney General, stated that the report was submitted at the right time. She stated that the Legislative Council, which reviews Rules and Regulation changes, does not meet during Legislative Session. Ms. Ford stated that the Rules and Regulations could be reviewed in April or May after the Legislative Session is adjourned.

Mr. Sperry thanked Ms. Pauley for the work she has done.

Administrative Assistant Report

Ms. Rebecca Wright, Administrative Assistant, recommended that the Board office acquire the FileMaker Pro database. She stated that the Board had approved this program in 2007. Ms. Wright stated she had met with Jane Gordon, a local programmer, and Ms. Gordon could develop the database for the Board office for an estimated cost of \$10,000. Mr. Sperry moved to acquire the FileMaker Pro database for the Board office. Ms. Rosalyn Watts seconded the motion. The motion passed unanimously.

Statement of Intent Revisions

Suzy Both requested to perform testing services independently. Ms. Both does not need independent status and does not need supervision to perform psychoeducational assessments. Mr. Sperry moved to notify Ms. Both that she does not need independent status and does not need supervision to perform psychoeducational assessments. Dr. Kleitsch seconded the motion. The motion passed unanimously.

Carla Lester requested to expand her Statement of Intent. Ms. Lester does not have a Supervision Plan on file. This request has been tabled by the Board until a Supervision Plan consistent with the Statement of Intent has been submitted.

Supervision Plans

David Boyd requested to change his primary supervisor to Dr. Mark Clark. Mr. Sperry moved to grant the request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Robin Duran requested a new primary supervisor to be Dr. Robert Lindeman. Ms. Glenn moved to grant the request. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Angela Etchison requested to change her primary supervisor to Dr. Harry Bishop. The Board stated that the Supervision Plan is not consistent with the Statement of Intent. Ms. Glenn stated that she would inform Ms. Etchison by written correspondence to make these forms consistent and to resubmit her request.

Kandi Holmes requested a new primary supervisor to be Dr. Susan Schaefer. The Board stated that the Supervision Plan is not consistent with the Statement of Intent. Ms. Holmes will be notified by written correspondence to make these forms consistent and to resubmit her request.

Continuing Education Units (CEUs) Requirements Waiver

Nancy Deyoub requested to earn all CEUs by home study due to a disability. She is currently not working. Dr. Fuendeling moved to grant Dr. Deyoub's request so long as she does not continue to work. If Dr. Deyoub resumes working, she must earn the CEUs per the Rules and Regulations requirements. Mr. Sperry seconded the motion. The motion passed unanimously.

Licensed Psychological Examiner – Independent Status (LPE-I) Requests

Bernadette Rockwell requested independent status as a pre-1997 licensee. At this time, the Statement of Intent for independent status is not consistent with the current Statement of Intent on file. Ms. Rockwell must make her Statement of Intent for independent status consistent with her current Statement of Intent and she may resubmit her request.

Ginger McCorkle requested independent status as a post-1997 licensee. At this time, the Statement of Intent for independent status is incomplete and inconsistent. Ms. McCorkle must clarify her Statement of Intent for independent status and she may resubmit her request.

Jennifer Moffitt requested independent status as a post-1997 licensee. At this time, the Statement of Intent for independent status is incomplete and inconsistent. Ms. Moffitt must clarify her Statement of Intent for independent status and she may resubmit her request. Ms. Moffitt submitted a supervision plan requesting Dr. Ronald McInroe as her primary supervisor. Mr. Sperry moved to accept the supervision plan. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Oral Examination Requests

Joyce Phillips had a complaint filed against her and in 2000, she was reprimanded and her license was suspended for three (3) years. Ms. Phillips was consent ordered to take a graduate course in Ethics. When she was ready, Ms. Phillips could then request an oral examination focusing on ethics. Ms. Phillips followed the consent order and requested an oral examination in 2004. Ms. Phillips did not pass the oral examination and her license was not reinstated. Ms. Phillips has requested a new oral examination in ethics. Mr. Sperry moved to grant the request and Ms. Phillips may have an oral examination in April 2009. Ms. Watts seconded the motion. The motion passed unanimously.

Amber Waite passed oral examination with restrictions in April 2008. She requested a new oral examination to remove the restriction. Ms. Glenn moved to grant the request and Ms. Waite may have an oral examination in April 2009. Dr. Fuendeling seconded the motion. The motion passed unanimously.

Pre-Approval of Psychology Courses

Christy Bradshaw would like to apply for licensure but has a Master's in Education with no psychology courses. Ms. Bradshaw submitted six (6) courses for pre-approval, many of them independent study courses. Ms. Glenn moved to notify Ms. Bradshaw by written correspondence that she must follow the Rules and Regulations regarding licensure requirements. Ms. Bradshaw may choose to apply for licensure with her current coursework with the knowledge that the application may be denied during credentials review, as all applicants are aware. Ms. Watts seconded the motion. Mr. Sperry abstained. The motion passed.

Adjourn

Mr. Sperry moved to adjourn. Ms. Glenn seconded the motion. The motion passed unanimously. The Board adjourned at 12:40 p.m.