BEFORE THE ARKANSAS PSYCHOLOGY BOARD

IN THE MATTER OF
Barry S. McDonald, Ph.D.
License # 87-17P

Case No. C# 15-04

CONSENT AGREEMENT
WITH
LETTER OF REPRIMAND

A complaint alleging that **Barry S. McDonald, Ph.D.**, (hereinafter referred to as "the Respondent") violated Ark. Code Ann. § **17-97-310** *et seq.*, (hereinafter referred to as "the Act") has been received by the Arkansas Psychology Board (hereinafter referred to as "the Board"). In lieu of a formal hearing on these issues, and in the interest of prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

IT IS HEREBY AGREED TO BY THE RESPONDENT AND THE ARKANSAS PSYCHOLOGY BOARD THAT:

1. Respondent, has read the proposed Consent Order, acknowledges **HIS** right to consult with counsel, and voluntarily agrees to enter into this Consent Order on his own volition and without any reliance upon any representations by the Board or any officer, employee, agent, or other representative thereof, other than expressly set forth herein.
2. Respondent hereby waives any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order.
3. Respondent agrees to this Consent Order for the purpose of resolving the pending matter without further administrative action. In this regard,

Respondent agrees that the Board will review and determine whether to approve this Consent Order. Furthermore, should this Consent Order not be approved by the Board, Respondent agrees that the presentation and consideration of this Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in, consideration, or resolution of the matters involved herein at any subsequent hearing.

4. Respondent understands and agrees that approval and entry of this Consent Order shall not preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed herein.

5. This agreement shall not become a valid and enforceable order of this Board unless and until accepted and approved by the Board at an official meeting, executed by the Chairman of the Board or his designee, and when both the Respondent and the Chair of the Board, or his designee, have executed it.

6. The Consent Order and the Board's records, in regards to this proceeding, are public records and available to the public pursuant to and subject to the exceptions of the Freedom of Information Act, Ark. Code Ann. § 25-19-101, *et seq.*

FINDINGS OF FACT

F.1. Respondent **is a Psychologist** licensed by the **ARKANSAS PSYCHOLOGY BOARD**, license number **87-17P**, and is therefore subject to the Board's licensing law and regulations (including the American Psychological Association's *Ethical Principles of Psychologists and Code of Conduct)* and the Board's disciplinary jurisdiction

F.2. In a Complaint, dated, April 12, 2015, filed by Michael Whitfield ("Complainant") and received by the Board on April 21, 2015, it is alleged that Respondent violated one or more ethical Standards violations, pertinent to the practice of Psychology, while providing Psychology Services to the Complainant. This Complaint included violations of the following Arkansas Law, Arkansas Psychology Board Rules and Ethical Standards found in American Psychological Association's *Ethical Principles of Psychologists and Code of Conduct:*

a) Ark. Code Ann. § 17-97-310(a)(8);

b) APA Ethical Standards 3.10(a) and (d) Informed Consent, 9.11 Maintaining Test Security, and 6.01 Documentation of Professional and Scientific Work and Maintenance of Records.

F.3. Respondent had an Interpretive Session with Complainant on April 14, 2015. Shortly after the session ended, Complainant returned to Respondent's office to request documentation of the findings as had been discussed in the Session. Respondent questioned the need for such documentation and the resulting exchange provided the basis for Complainant's allegations of a lack of recordkeeping, violation of client's

rights to be informed about the services received and paid for, and violation of client's right to medical records.

F.4. Complainant's initial evaluation with Respondent was on April 7, 2015. Complainant was given a CAARS assessment to complete. Respondent gave Complainant the option of dropping the completed forms off at the office, instead of mailing, in order to expedite the scoring. Respondent further provided that if he was not available, the forms could be left in the mailbox in a sealed envelope. After leaving the assessment in the mailbox, Complainant expressed his discomfort with the procedure and alleged this practice to be a violation of his right to privacy and confidentiality.

F.5. Respondent failed to provide a receipt for a payment until Complainant later called and requested the receipt.

F.6. Upon investigation, Respondent acknowledged that he did not have documentary evidence of informed consent.

CONCLUSIONS OF LAW

Respondent, Barry S. McDonald, Ph.D., License # 87-014P, did admittedly engage in violation of APA Ethical Standards 3.10(a), 6.01, and 9.11.

ORDER

It is therefore the Order of this Board, with full agreement by the Respondent, that the Respondent, Barry S. McDonald, Ph.D., License # 87-14P, shall incur the following sanctions:

A. A Letter of Reprimand for the admitted violations is appropriate, and this Order shall be deemed as the issuance of that reprimand.

B. Respondent shall pay a fine in the amount of $500, payable within ten (10) days that the fully executed Agreement becomes effective.

C. Respondent shall successfully complete six (6) hours of face-to-face continuing education pertaining to the foregoing violated Standards and any other ethical principles. The course must be APA authorized and must be pre-approved by the Board. This ethics continuing education is in addition to, and not part of, the annually-required twenty (20) hours of continuing education expected of all licensees for renewal of a license. This continuing education action is due within six (6) months of the effective date of this Agreement.

D. A copy of this fully executed Order will be placed in Respondent's Licensure file and Complaint file. Any violation of the terms and conditions of this Order may subject the Respondent to additional disciplinary proceedings.

IT IS SO ORDERED this 21st day of December, 2015.

ARKANSAS PSYCHOLOGY BOARD

Maggie Sponer

Maggie Sponer, Board Administrative Director

Agreed to and Approved by

Barry S. McDonald, Ph.D.

Barry S. McDonald, Ph.D., Respondent