



Oregon

John A. Kitzhaber, MD, Governor

Oregon Board of Psychologist Examiners
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Public Session Board Meeting Minutes

March 21, 2014

3218 Pringle Rd. SE
Salem, OR 97302

Members Present:

Fran Ferder, Ph.D., Chair
Daniel Munoz, Ph.D., Vice Chair
Patricia Bjorkquist, Ph.D.
Shane Haydon, Ph.D.
James Hendry, Public Member
Sandra Jenkins, Ph.D.
Devin Salinas, Public Member
Anne-Marie Smith, Ph.D.

Legal Counsel:

Warren Foote, AAG

Staff:

Becky Eklund, Executive Director
Janelle Houston, Operations & Policy Analyst
Karen Berry, Investigator
LaReé Felton, Program Analyst
Ashlie Rios, Office Specialist

Guests:

Christian Wolff, M.A.
Elizabeth Hartshorn, LPC

INTRODUCTIONS/ROLL CALL

Dr. Ferder called the Board of Psychologist Examiners (OBPE) Public Session meeting to order at 1:03 p.m. on Friday, March 21, 2014, at 3218 Pringle Rd. SE, Salem, OR.

MEETING MINUTES

Dr. Munoz moved and Mr. Hendry seconded the motion to approve the 1/17/14 meeting minutes. All board members voted in favor of the motion, no objections, and no abstentions. The motion passed.

FINANCIAL REPORT

Ms. Eklund reviewed the current revenue and expenditure projection report with the board. There are no major concerns by the Department of Administrative Services, the OBPE staff, or the Board.

Ms. Eklund acknowledged the upcoming Association of State Provincial Psychology Board's Mid-Year Conference. Dr. Anne-Marie Smith has agreed to attend the conference in San Antonio, TX, on behalf of the board. She will report on the workshops during the next board meeting.

CONSUMER PROTECTION CASES

Updates

Case #2013-017: Mr. Hendry moved and Dr. Haydon seconded the motion to amend the NPDA to include both complaints. Roll call vote: Dr. Munoz-Aye; Dr. Bjorkquist-Aye; Dr. Haydon-Aye; Mr. Hendry-Aye; Dr. Jenkins-Aye; Mr. Salinas-Aye; Dr. Smith-Aye; Dr. Ferder-Aye. The motion passed.

Votes

Case #2011-063: Mr. Munoz moved and Mr. Hendry seconded the motion to adopt the ALJ ruling. Roll call vote: Dr. Munoz-Aye; Dr. Bjorkquist-Aye; Dr. Haydon-Aye; Mr. Hendry-Aye; Dr. Jenkins-Aye; Mr. Salinas-Aye; Dr. Smith-Aye; Dr. Ferder-Aye. The motion passed.

Case #2005-019: Dr. Munoz moved and Mr. Hendry seconded the motion to end supervision. Roll call vote: Dr. Munoz-Aye; Dr. Bjorkquist-Aye; Dr. Haydon-Aye; Mr. Hendry-Aye; Dr. Jenkins-Aye; Mr. Salinas-Aye; Dr. Smith-Aye; Dr. Ferder-Aye. The motion passed.

License #605: Dr. Munoz moved and Dr. Bjorkquist seconded the motion to issue a Default Order. Roll call vote: Dr. Munoz-Aye; Dr. Bjorkquist-Aye; Dr. Haydon-Aye; Mr. Hendry-Aye; Dr. Jenkins-Aye; Mr. Salinas-Aye; Dr. Smith-Aye; Dr. Ferder-Aye. The motion passed.

Thirty-Day Letter Responses

Case #2013-029: Mr. Hendry moved and Mr. Salinas seconded the motion to issue NICP of \$5,000. Roll call vote: Dr. Munoz-Aye; Dr. Bjorkquist-Aye; Dr. Haydon-Aye; Mr. Hendry-Aye; Dr. Jenkins-Aye; Mr. Salinas-Aye; Dr. Smith-Aye; Dr. Ferder-Aye. The motion passed.

New Case Reports

Case #2013-035: Mr. Hendry moved and Dr. Munoz seconded the motion to dismiss the case. All board members voted in favor of the motion, no objections, and no abstentions. The motion passed.

Case #2013-044: Mr. Hendry moved and Dr. Munoz seconded the motion to dismiss the case. All board members voted in favor of the motion, no objections, and no abstentions. The motion passed.

Case #2013-047: Mr. Hendry moved and Dr. Munoz seconded the motion to dismiss the case. All board members voted in favor of the motion, no objections, and no abstentions. The motion passed.

Case #2013-048: Dr. Munoz moved and Mr. Salinas seconded the motion to issue a thirty-day letter. Roll call vote: Dr. Munoz-Aye; Dr. Bjorkquist-Aye; Dr. Haydon-Aye; Mr. Hendry-Aye; Dr. Jenkins-Aye; Mr. Salinas-Aye; Dr. Smith-Aye; Dr. Ferder-Aye. The motion passed.

Case #2014-004: Dr. Munoz moved and Mr. Hendry seconded the motion to dismiss the case. All board members voted in favor of the motion, no objections, and no abstentions. The motion passed.

Case #2014-008: Mr. Salinas moved and Dr. Smith seconded the motion to dismiss the case. All board members voted in favor of the motion, no objections, and no abstentions. The motion passed.

Consent Agenda Items

Case #2013-040: Mr. Hendry moved and Dr. Bjorkquist seconded the motion to dismiss the case. All board members voted in favor of the motion, no objections, and no abstentions. The motion passed.

Case #2014-001: Dr. Munoz moved and Mr. Hendry seconded the motion to dismiss the case. All board members voted in favor of the motion, no objections, and no abstentions. The motion passed.

THIRTY-DAY INVESTIGATION EXTENSIONS

Case #2013-021, #2013-041, #2013-045, #2013-048, #2013-049, #2013-054, #2013-055, #2013-056, #2014-001, & #2014-003: Dr. Munoz moved and Dr. Bjorkquist seconded the motion to approve the thirty-day extensions on the cases listed above. All board members present at the meeting voted in favor of the motion, no objections, no abstentions; Mr. Hendry was excused from the vote. The motion passed.

COORDINATION OF BOARDS

Ms. Eklund spoke with the board regarding the merger of staff of the OBPE and the Board of Counselors and Therapists. There have been few changes with job responsibilities between the two boards. Ms. Eklund is working with the DAS Leasing Division to see how both boards can find space and address the issue of the board's current leases in the Morrow Crane building. The move would make the merger easier and more effective. There is no appropriate space in the Morrow Crane building, the location of the two boards' offices.

A committee including Dr. Munoz and Dr. Tina Anciaz from the OBLPCT board met to develop a way measure the success of the merger. Staff is working to gather baseline data.

2015-2017 BIENNIAL BUDGET

The 2015-2017 biennial budget development process has already begun, and the agency request budget will need to be finished by August 1, 2014. The Board will need to be make decisions about spending, staffing, and any fee changes. The process for creating the Board's budget has many steps between now and when the Legislature approves it.

A workgroup for the Board's fees met to develop recommendations on OBPE licensing fees. This workgroup consists of Mr. Salinas, Dr. Bjorkquist, and Ms. Houston. The work group recommends the following:

- A one-time 50% fee reduction on licensing renewals that would happen during fiscal years

2016 and 2017;

- increase the current Office Specialist II position to full-time;
- add a half-time investigator position; and
- add a part-time Office Specialist position.

The proposed plan would be complementary to the Board of Counselors and Therapists agency budget request, which would include the other half of the investigator position and the other half of the office specialist position. Communicating these proposed changes to the licensees is a priority to minimize possible confusion. The agency budget request is due to the Department of Administrative Services by August 1, 2014. The Board will have the final approval of the agency request during July 2014 meeting. The board generally agreed with the work group's recommendations.

SECRETARY OF STATE AUDIT

Ms. Eklund reviewed the audit report with the board. Almost a year ago the Secretary of State began a performance audit of all health related licensing boards. The final report is now posted on the Secretary of State website for the public to view. The review and report described operating procedures of the boards, pointing out that there are similarities and differences. Overall, the report was positive and did not propose merging the boards into one large agency. They recommended that the governor's office be more involved with the boards. The report supports the diversity of the boards and supporting their use of the best structures that best fit their needs. The Secretary of State will report their findings to the Legislature and the Governor's office.

ADMINISTRATIVE RULES

Rule Caption: Resident client progress notes. Review public comments.

Ms. Felton summarized the rule. This would make it so that the resident supervisor is not required to sign off on resident notes.

Dr. Munoz moved and Mr. Salinas seconded the motion to file the permanent rule. All board members present at the meeting voted in favor of the motion, no objections, and no abstentions. The motion passed.

EDUCATION STANDARDS FOR LICENSURE

Ms. Eklund touched on the subject with the board. One expectation was to set in-residence requirements for academic standards. This topic is information at this point until the APA accreditation workgroup meets. Once that happens, there will be more information coming to the board.

APA ACCREDITATION

Ms. Eklund advised the board regarding the idea of APA accreditation for licensure. If the board chooses to make this change in law, they will have to write a legislative proposal that is due May 2, 2014. If the Governor accepts the proposal, it would go to the Legislative Counsel draft the language. Once drafted the bill would go to the Legislature for consideration. Dr. Ferder suggested Ms. Eklund put together a work group to begin the draft language and see if the board has the time, support, and resources to move forward this year. Dr. Haydon is the OPA Liaison and feels that OPA would be supportive of a bill; Pacific University, George Fox, and University of Oregon all seem to be supportive as well. Dr. Munoz mentioned that APPIC students are also in full support

of moving towards this type of licensure. Ms. Eklund mentioned that the board can withdraw their legislative concept at any point during the process before it is approved by the Legislature. The board is in support of creating a committee to begin working on the draft legislative concept. Committee members will include Dr. Ferder, Dr. Munoz, and Dr. Haydon. (EDITOR'S NOTE: The change could be made in administrative rule without a change in the law.)

QUALIFIED MENTAL HEALTH ASSOCIATES/QUALIFIED MENTAL HEALTH PROFESSIONALS

Ms. Hartshorn expressed her concerns about the activities of Qualified Mental Health Professionals (QMHPs). She indicated that QMHPs are individuals who hold masters level degrees in any mental health field and use that to assess, diagnose, treat. These individuals can get education from any university and practice without any license. The biggest concern is in the Oregon Health Authority's (OHA) administrative rules -- OAR 309-032-1500(103)(e) Graduate degree in recreational, art, or music therapy; or (f) Graduate degree in a behavioral science field. Dr. Haydon asked what she thought the LPCT Board is contemplating. She couldn't speak for the board but knows that they are concerned with how to uphold their mission of protecting the public. Ms. Hartshorn described examples of QMHPs in roles higher than licensed LPCs and social workers. Legal counsel clarified that the QMHP title does not travel with an individual to different job locations; the facility or organization identifies the job duties as a QMHP. The OHA's OAR 309-032-1505 defines the scope of practice for QMHPs. Ms. Hartshorn indicated that OHA's process of investigation is conducting a criminal background check only.

Dr. Ferder recommended putting together a workgroup composed of a few psychologists and a few counselors to review the OAR, scope of practice, and duties of the QMHP/QMHA community. Ms. Hartshorn, Dr. Munoz, Ms. Felton expressed interest in the workgroup. Ms. Eklund will contact the Oregon Board of Licensed Social Workers; they have also expressed concern and interest. Justin Hopkins from OHA would be another person to add to the workgroup.

The OBPE took a break and reconvened at 2:32 p.m.

SUPERVISOR SURVEY

Ms. Houston summarized the results of a survey sent to 165 supervisors of residents; 57 responded. The survey included questions about Board education and support of supervisors. Overall the responses were positive. Several supervisors commented that the process of supervisors signing resident case notes is more time consuming than helpful.

TELETHERAPY

Dr. Munoz talked with Dr. Rachaud Smith of the Washington State psychologist licensing board. The Washington licensing board is interested exploring teletherapy but has the same questions as OBPE about jurisdiction. Both thought of having a pilot project between Washington and Oregon and see if complaints and/or fees rise. The board expressed interest in a pilot project. Legal counsel suggested that the OBPE may need a special teletherapy license that allows the OBPE to have jurisdiction over the practice. A workgroup could be created, and the board would like to include Dr. Spencer Griffith from OPA.

RELEASE OF PATIENT RECORDS

Dr. Munoz spoke to the Board regarding a recent OPA article about releasing patient records during an investigation if the complainant is not the patient. Currently the board may request records after opening a complaint. The process depends on whether the complainant is the client or not. If the complainant is not the client, we would ask the complainant to obtain the release, send the HIPAA form that allows us to obtain records without consent, and/or subpoena the records. Also, we ask for the “full patient files” unless we are investigating something other than the licensee’s practice.

In the future, board staff would like to have official forms and rules in place that allow board investigator to obtain these records.

BOARD SELF ASSESSMENT

One of the required performance evaluations for the Board is an assessment of its functions. A one-page assessment document was included in the Board meeting packet. The board agreed to review certain questions together and discuss them.

One of the measures is conducting a performance evaluation for the executive director. Ms. Eklund will send sample evaluation forms to board members. The Board Chair will facilitate the evaluation process.

PSYCHOLOGIST ASSOCIATES

The Board will take no further action regarding the psychologist associate license. The board appreciated the feedback from the licensees and public. Feedback from the psychologist associates who attended the board meeting also said they enjoyed the discussion.

PUBLIC FORUM

No comments were made from the community.

VOTE TO APPROVE LICENSES

David W. Blakey, Psy.D.; Lea S. Burns, Psy.D.; Joanna M. Cullins, Psy.D.; Martin B. Fisher, Jr., Derrin Y.K. Fukuda, Psy.D.; Lisa P. Kaufman, Ph.D.; Natalie M. Kollross, Psy.D.; Christina C. Lion, Ph.D.; Jacquelyn L. Love, Psy.D.; Emi Sumida, Ph.D.; & Luann Warren-Sohlberg, Ph.D.

Dr. Munoz moved and Dr. Smith seconded the motion to approve all licenses listed above. All board members present at the meeting voted in favor of the motion, no objections, and no abstentions. The motion passed.

STATISTICS

Licensure

20 new applications have been received and 12 licenses have been issued in 2014. There are currently 1727 total licensees, including 1343 active, 201 semi-active, 175 inactive, 1 on probation and 3 suspended.

Consumer Protection

11 complaints have been filed to-date in 2014. There are currently 32 open cases under investigation (including the investigation files scheduled for Board consideration), with 2 in the contested case process. Of the open cases under investigation, 22 are regarding licensed practice, 1 is regarding an applicant, and 9 are regarding unlicensed practice.

ADJOURN

The Oregon Board of Psychologist Examiners meeting adjourned at 3:06 p.m.

Respectfully Submitted:

// Becky Eklund //

5/30/14

Becky Eklund, Executive Director

Date