



Oregon

John A. Kitzhaber, MD, Governor

Oregon Board of Psychologist Examiners

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Public Session Board Meeting Minutes

May 18, 2012

**3218 Pringle Road SE
Salem, OR 97302**

Members Present: Shane Haydon, Ph.D., Chair
Fran Ferder, Ph.D., Vice Chair
Susan Latham, Public Member
David Wade, Psy.D.
Robin Shallcross, Ph.D.
Linda Sherman, Ph.D.
Roger Carlson, Ph.D.
Kent Anderson, Public Member
James Hendry, Public Member

Excused: (none)

Legal Counsel: Warren Foote, AAG

Staff: Debra McHugh, Executive Director
Karen Berry, Investigator
LaRee Felton, Program Analyst

Guests: Rob Lundblad, Ph.D., OPA Liaison
Nancy Taylor Kemp, Ph.D., Incoming OPA Liaison

Call to Order

Dr. Haydon called the Board of Psychologist Examiners meeting to order at 1:00 pm on Friday, May 18, 2012, at the Board's office at 3218 Pringle Road SE, Salem, Oregon 97302.

I. Consumer Protection Votes

- **Applicant #1** – Moved: Hendry; Second: Ferder; **Action: Move Forward with Application.** In favor: Unanimous; Opposed: None; Abstained: None.
- **Case #2011-069** – Moved: Anderson; Second: Latham; **Action: Approve Stipulated Order.** Roll Call: Ferder-Aye; Anderson-Aye; Hendry-Nay; Shallcross-Aye; Wade-Aye; Latham: Aye; Sherman: Aye; Carlson: Abstain; and Haydon-Aye.
- **Case #2009-035 & 2010-007** – Moved: Sherman; Second: Latham; **Action: Issue Amended Proposed Order** affirming ALJ's finding as to Client B, amend ALJ finding as to Client A, with a reprimand, one year Board-approved supervision, and Board-

approved coursework. Roll Call: Ferder-Aye; Anderson-Nay; Hendry-Nay; Shallcross-Aye; Wade-Aye; Latham: Aye; Sherman: Aye; Carlson: Aye; and Haydon-Aye.

- **Case #2011-029** – Moved: Sherman; Second: Latham; **Action: Issue Notice of Proposed Disciplinary Action.** Roll Call: Ferder-Aye; Anderson-Abstain; Hendry-Aye; Shallcross-Aye; Wade-Abstain; Latham: Aye; Sherman: Aye; Carlson: Abstain; and Haydon-Aye.
- **Case #2011-051** – Moved: Ferder; Second: Latham; **Action: Issue Notice of Proposed Disciplinary Action.** Roll Call: Ferder-Aye; Anderson-Aye; Hendry-Aye; Shallcross-Aye; Wade-Abstain; Latham: Aye; Sherman: Aye; Carlson: Aye; and Haydon-Aye.
- **Case #2011-074** – Moved: Anderson; Second: Carlson; **Action: Approve Request for Dismissal Summary.** In Favor: Unanimous; Opposed: None; Abstention: None.
- **Case #2012-029** – Moved: Latham; Second: Shallcross; **Action: Dismiss.** In Favor: Unanimous; Opposed: None; Abstention: None.
- **Case #2011-056** – Moved: Anderson; Second: Sherman; **Action: Approve Request for Dismissal Summary.** In Favor: Unanimous; Opposed: None; Abstention: None.
- **Case #2012-032** – Moved: Latham; Second: Ferder; **Action: Dismiss.** In Favor: Unanimous; Opposed: None; Abstention: None.
- **Case #2012-034** – Moved: Latham; Second: Ferder; **Action: Dismiss.** In Favor: Unanimous; Opposed: None; Abstention: None.
- **Case #2011-031** – Moved: Hendry; Second: Latham; **Action: Issue 30-Day Letter.** In Favor: Unanimous; Opposed: None; Abstention: None.
- **Case #2011-052** – Moved: Hendry; Second: Anderson; **Action: Dismiss.** In Favor: Ferder, Anderson, Hendry, Shallcross, Wade, Latham, Sherman, and Haydon; Opposed: None; Abstention: Carlson.
- **Case #2011-066** – Moved: Anderson; Second: Hendry; **Action: Dismiss.** In Favor: Unanimous; Opposed: None; Abstention: None.
- **Case #2011-073** – Moved: Ferder; Second: Anderson; **Action: Dismiss.** In Favor: Unanimous; Opposed: None; Abstention: None.
- **Case #2012-004** – Moved: Latham; Second: Ferder; **Action: Dismiss.** In Favor: Unanimous; Opposed: None; Abstention: None.
- **Case #2012-010** – Moved: Anderson; Second: Hendry; **Action: Dismiss.** In Favor: Unanimous; Opposed: None; Abstention: None.

II. Executive Session Consent Agenda

Moved: Hendry; Second: Ferder; **Action: Approve Executive Session Consent Agenda.** In Favor: Unanimous; Opposed: None; Abstention: None.

III. Meeting Minutes

- **March 30, 2012 Executive Session Meeting Minutes.** Moved: Hendry; Second: Ferder; **Action: Approve with Corrections.** In Favor: Ferder, Shallcross, Carlson, Wade, Hendry, Anderson, Sherman, and Haydon; Opposed: None; Abstention: Latham.

* *Kent Anderson announced that he needed to leave the meeting early and excused himself.*

- **February 15, 2012 Public Session Meeting Minutes.** Moved: Ferder; Second: Shallcross; **Action: Approve.** In Favor: Ferder, Shallcross, Carlson, Wade, Sherman, and Haydon; Opposed: None; Abstention: Latham.
- **March 30, 2012 Public Session Meeting Minutes.** Moved: Ferder; Second: Wade; **Action: Approve with Corrections.** In Favor: Ferder, Shallcross, Carlson, Wade, Sherman, and Haydon; Opposed: None; Abstention: Latham.

IV. Thirty Day Investigation Extensions

Moved: Latham; Second: Carlson; **Action: Grant the following investigation extensions pursuant to ORS 676.165(4):** 2009-057, 2010-110, 2011-026, 2011-029, 2011-031, 2011-037, 2011-038, 2011-042, 2011-051, 2011-052, 2011-061, 2011-062, 2011-063, 2011-064, 2011-065, 2011-066, 2011-068, 2011-073, 2012-001, 2012-003, 2012-004, 2012-005, 2012-006, 2012-008, 2012-009, 2012-010, 2012-011, 2012-014, 2012-015, 2012-017, 2012-018, 2012-019, 2012-020, 2012-021, & 2012-022. In Favor: Ferder, Shallcross, Carlson, Wade, Latham, Sherman, and Haydon; Opposed: None; Abstention: None.

V. Licensee Matters

Patience B. McGinnis, Psy.D. Moved: Ferder; Second: Wade; **Action: Reactivate License #2061.** In Favor: Ferder, Shallcross, Carlson, Wade, Latham, Sherman, and Haydon; Opposed: None; Abstention: None.

VI. Senior Lawyers Task Force Report

Dr. Haydon received a memo from colleague Damon Tempey, who serves on the ABA Senior Lawyers Task Force, with some excellent points on impairment that warrant discussion. The Board has previously discussed the issue of aging licensees and "slippage." Dr. Shallcross brought up the possibility of involving stakeholders such as OPA in this discussion. OPA will take a look at the issue. Ms. Felton will work on compiling statistics on age and complaints/disciplines. No other action at this time.

VII. Forensic Evaluator Certification

Ms. McHugh discussed House Bill 3100. This bill flew through the legislative session in 2011, but fell under the Board's radar because it did not include the words "psychology" or "psychologist." Certification is for very distinct issues only. An advisory committee was formed for the rules because certification was to start January 1 of this year. The notion was that it would go into the Oregon Health Authority (OHA), however it ended up in a department in Mental Health and Addictions. A task force was formed to come up with the rules. There are temporary rules now, and the permanent

rules are out for public comment. There is a push to have a board formed, modeled after this Board or the Medical Board. There is a concern that if the licensee does something unethical under the certification, whether it would be reported back to OBPE. Representative Kennemer has met with Representative Lindsay about concerns with this legislation, and would be willing to lend assistance where he can. Ms. McHugh asked the Health Policy Advisor at the Governor's office if the Board can provide feedback, but has not heard anything back yet. Dr. Sherman voiced some concerns from a colleague about how this ended up under OHA, whether this is the appropriate place for it, and how that agency will interact with the Board. The definitions do seem to be clear. Dr. Shallcross discussed a bid that was put out by OHA, which was awarded to Pacific University, for two trainings this summer. There has been much confusion about the implications of this new certification.

VIII. Public Forum

- Rob Lundblad, Ph.D. reported that OPA felt the Town Hall went well. OPA feels that the changing landscape of education will even out over time, but remains an issue. Dr. Lundblad's term is ending, so he introduced Dr. Kemp as the incoming liaison.
- Nancy Taylor Kemp, Ph.D. introduced herself and was welcomed by the Board. Dr. Kemp reported that the colleague assistance program is gearing up on some new programs, with information to follow soon.

IX. Other Reports

- Dr. Haydon reported that he was contacted by Jim Gardner from Gardner & Gardner (a lobbyist for Walden University) and invited to attend a "meet and greet open house" with him where Walden University representatives would be present. He declined, and invited Mr. Gardner to attend a Board meeting. Then he received another phone call asking him to meet with Mr. Gardner personally. Dr. Haydon again declined and invited Mr. Gardner to attend a Board meeting. The Board discussed the importance of not meeting individually with interest groups, and avoiding any perception that the Board is favoring any group or giving special treatment. Everyone should be given the same opportunity to address the Board during public forum.
- Dr. Ferder discussed the possibility of forming a committee to address the issue of individuals negatively affected by the recent change in educational requirements. The Board will not pursue this at this time.

X. CE Policy Question

Ms. Felton asked the Board for guidance on a licensee's question about whether watching a "DVD seminar" sold by a CE organization would count as CE. There are so many variations of programs out there, and the question comes up frequently from licensees. The Board discussed the current criteria by which CE is evaluated and the effect of new technology, and determined that the issue should be discussed further at the September Board Retreat.

Adjourn at 2:15

Information Only

LICENSURE STATISTICS

8 licenses have been issued in 2012. There are 1627 total licensees, including 1273 active, 183 semi-active, 164 inactive, 5 on probation and 2 suspended.

New licensees:

Sunita R. Nijhawan, Psy.D., John S. Allen, Ph.D., Geriann T. Dillender, Psy.D., & Shilo R. Tippett, Ph.D..

CONSUMER PROTECTION STATISTICS

37 complaints have been filed in 2012. There are currently 56 open cases under investigation (including the investigation files scheduled for Board consideration), with 3 in the contested case process. Of the open cases under investigation, 40 are regarding licensed practice (including 2 applicants) and 16 are regarding unlicensed practice.

Respectfully Submitted:

Becky Eklund, Interim Executive Director

Date