

Public Session Board Meeting Minutes

July 12, 2013

3218 Pringle Road 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.
Anne-Marie Smith, Ph.D.

Excused: Devin Salinas, Public Member

Legal Counsel: Warren Foote, AAG

Staff: Becky Eklund, Interim Executive Director
Karen Berry, Investigator
LaRee Felton, Program Analyst
Ashlie Rios, Office Specialist

Guests: Jason Wells, Applicant
Jim Gardner, Gardner & Gardner
Judy Smith, Psychologist
Christian Wolff, Psychologist Associate
Anonymous Caller

INTRODUCTIONS/ROLL CALL

Dr. Ferder called the Board of Psychologist Examiners Public Session meeting to order at 1:03 p.m. on Friday, July 12, 2013, at the Board's office at 3218 Pringle Road SE, Salem, Oregon 97302.

BOARD APPOINTMENTS

Dr. Ferder began Public Session by thanking Ms. Felton for her hard work and working out of class during the absence of an executive director. DAS has approved payment to Ms. Felton to compensate her for all of her hard work during the period.

Ms. Eklund asked the Board about purchasing iPads for future Board meetings. The new budget and biennium will allow for this expense. Board members supported the suggestion. Some members expressed concern about confidentiality of information under the current practice of communicating information to board members.

FINANCIAL REPORT

Opal Bontrager, the Board's accountant from DAS, reported the OBPE's ending financial balances for the 2011-2013 biennium.

PUBLIC FORUM

Christian Wolff commented on the change in continuing education rules. He explained that the research is intuitive and he didn't learn much from his past CE courses. He thinks that while changing the policy and number of CE hours required, the Board should also make the courses tougher, insuring that licensees are learning something. He supported lowering the number of hours to 40. He also suggested that the Board require each licensee to provide their full CE documentation at renewal, but the random audit would still be present. Regarding psychologist associates and the EPPP exception for Senior Psychologists, he would like to see the Board initiate legislative action to allow psych. associates the same opportunity.

MEETING MINUTES

May 17, 2013 Regular Meeting Public Session

Dr. Munoz moved and Dr. Jenkins seconded a motion to approve the minutes as corrected. All in favor, no objections, Mr. Hendry & Dr. Bjorkquist abstained.

May 30, 2013 Special Meeting Public Session

Dr. Jenkins moved and Mr. Hendry seconded the motion to approve the minutes as corrected. All in favor, no objections, Dr. Bjorkquist abstained.

CONSUMER PROTECTION CASES

New Reports

Case # 2012-072: Dr. Munoz moved and Mr. Hendry seconded the motion to dismiss. All in favor, no objections, no abstentions.

Case # 2013-004: Mr. Hendry moved and Dr. Munoz seconded the motion to issue a 30 day letter. Roll Call: Dr. Bjorkquist-aye, Dr. Jenkins-aye, Chair-aye, Dr. Munoz-aye, Dr. Haydon-aye, Mr. Hendry-aye, and Dr. Smith-aye.

Case # 2013-009: Dr. Munoz moved and Mr. Hendry seconded the motion to dismiss. All in favor, no objections, no abstentions.

Case # 2013-013: Mr. Hendry moved and Dr. Munoz seconded the motion to dismiss. All in favor, no objections, no abstentions.

Case # 2013-014: Dr. Munoz moved and Mr. Hendry seconded the motion to dismiss. All in favor, no objections, no abstentions.

Case # 2013-015: Mr. Hendry moved and Dr. Munoz seconded the motion to issue a 30 day letter. Roll Call: Dr. Bjorkquist-aye, Dr. Jenkins-aye, Chair-aye, Dr. Munoz-aye, Dr. Haydon-aye, Mr. Hendry-aye, and Dr. Smith-aye.

Case # 2013-016: Dr. Jenkins moved and Dr. Munoz seconded the motion to dismiss. All in favor, no objections, no abstentions.

Case # 2013-017: Dr. Munoz moved and Mr. Hendry seconded the motion to issue a 30 Day letter. Roll Call: Dr. Bjorkquist-aye, Dr. Jenkins-aye, Chair-aye, Dr. Munoz-aye, Dr. Haydon-aye, Mr. Hendry-aye, and Dr. Smith-aye.

Case # 2013-019: Dr. Munoz moved and Mr. Hendry seconded the motion to dismiss. All in favor, no objections, no abstentions.

Case # 2013-020: Dr. Munoz moved and Dr. Smith seconded the motion to dismiss. All in favor, no objections, no abstentions.

Continuing Education

License #906: Dr. Munoz moved and Mr. Hendry seconded the motion to issue a Notice of Proposed Discipline. Roll Call: Dr. Bjorkquist-aye, Dr. Jenkins-aye, Chair-aye, Dr. Munoz-aye, Dr. Haydon-aye, Mr. Hendry-aye, and Dr. Smith-aye.

Final Order

Case # 2011-038: Mr. Hendry moved and Dr. Haydon seconded the motion to approve the Final Order. Roll Call: Dr. Bjorkquist-aye, Dr. Jenkins-aye, Chair-aye, Dr. Munoz-aye, Dr. Haydon-aye, Mr. Hendry-aye, and Dr. Smith-aye.

THIRTY-DAY INVESTIGATION EXTENSIONS

2012-040, 2013-005, 2013-018, 2013-022, 2013-023, 2013-024, & 2013-025.
Dr. Munoz moved and Mr. Hendry seconded a motion to grant a 30-day extension of investigations listed above: all in favor, no objections, and no abstentions.

REPORTS FROM COMMITTEES

Education Committee

a) Applied Track to Licensure

Dr. Ferder explained that previous board members thought that this applied track would help individuals become licensed who did not have an interest working in a clinical setting. The review during the last year has shown that it provides a loophole for people who do not qualify as clinical psychologists to become licensed through this applied track and then practice clinically. The proposal is to eliminate this track; OPA is in agreement with this. The next step would be to develop revisions to administrative rules for public comment. Dr. Haydon worried that putting out so many rule changes at different times would cause confusion; he suggested grouping proposed rule changes to minimize confusion.

Dr. Munoz moved and Dr. Haydon seconded a motion to file the Notice of Proposed Rule Making to eliminate the applied psychology track to licensure. Roll Call: Dr. Bjorkquist-aye, Dr. Jenkins-aye, Chair-aye, Dr. Munoz-aye, Dr. Haydon-aye, Mr. Hendry-aye, and Dr. Smith-aye.

b) Continuing Education Rule Review

Dr. Munoz summarized the Education Committee's proposals.

- Reduce from 50 to 40 continuing education hours required at renewal. Oregon is the 3rd highest of the states by requiring 50 hours. The average number of hours required by other states is 17.5. Dr. Haydon asked if cutting the hours would stimulate good and more effective training. Ms. Felton compiled stats about continuing education in other states. The data suggests that 10 fewer continuing education hours will not make for more ethical misconduct. Dr. Ferder also noted that the LPCT Board has 40 CE. With our upcoming shared duties it will be easier to manage the two at the same level. Dr. Bjorkquist thinks that OBPE and OPA could discuss continuing education content.
- Eliminate the random CE audit. The Education Committee thought the audit was a burden on staff. The Committee asked Ms. Felton to report the findings of the current audit see whether it's helpful.
- Eliminate the requirement of ethics or expand the definition to allow more courses to qualify as ethics.
- Broaden the scope of countable hours for CE. The Board adopted ASPPB recommendations, but their recommendations have no data or science or evidence behind it. Professional conference attendance is not currently accepted as CE but Dr. Munoz believes that it should be. He also thinks that reading journals should count to some extent, which would encourage clinicians to do research and read more current articles on pressing topics. This would benefit licensees and consumers. Mr. Hendry suggested that teaching courses should qualify for double or triple the hours because of the required research, writing, and then actively teaching others. Dr. Munoz thinks this is an option, particularly for rural licensees who can't easily attend conferences or speak with colleagues.

Laws & Rules Committee

The Laws & Rules committee has one member at the moment. The Board feels that there is no need to appoint others to this committee because there are no pressing issues currently.

ADMINISTRATIVE RULES

Rule Caption: Modifies definitions, applied psychology educational requirements, application procedure, inactive status, and supervised work experience requirements.

Review public comments received and hearing officer's report.

Vote: File permanent rules or modify rules and file notice of proposed rulemaking (hearing).

Admin Rules #1: Ms. Felton gave a brief history of this rule. The Board received all the public comments. Dr. Ferder added that the main issue was the definition of "therapy". She and Dr. Munoz think that adding "not limited to" would help with any confusion.

Dr. Ferder moved and Dr. Munoz seconded the motion to re-file the Notice of Proposed Rule making the proposed change to the rule. Roll Call: Dr. Bjorkquist-aye, Dr. Jenkins-aye, Chair-aye, Dr. Munoz-aye, Dr. Haydon-aye, Mr. Hendry-aye, and Dr. Smith-aye.

Rule Caption: Modifies definition of "in-residence" for the clinical psychology educational requirements.

Review public comments received.

Vote: File permanent rules or modify rules and file notice of proposed rulemaking (hearing).

Admin Rule #2: Ms. Felton gave a brief history of the rule. She also clarified that "in residence" means that the student must be present and at a physical location for a certain amount of time each month to qualify. This would eliminate students who went to online universities. The Board's sunset time is in 2015 for the applicants who were already in their program and were caught in the loophole with the rule change in 2011.

Dr. Munoz moved and Mr. Hendry seconded the motion to file a permanent rule. Roll Call: Dr. Bjorkquist-aye, Dr. Jenkins-aye, Chair-aye, Dr. Munoz-aye, Dr. Haydon-aye, Mr. Hendry-aye, and Dr. Smith-aye.

ACCREDITATION

Dr. Haydon spoke education requirements for licensure, APA program accreditation and regionally accredited institutions. Regional organizations accredit institutions whereas APA accredits psychology programs. Dr. Haydon's research revealed that APA accreditation is the highest standard that Oregon should follow. APA has grounded itself starting in the 1960's and most states have moved in that direction since then.

If Oregon determines that APA accreditation were the requirement to apply for Oregon licensure, we would join eight states and one province. However, many other are states considering it.

There is an active effort to synchronize ASPPB and APA standards so that there would be a consistent standard for all states. Dr. Munoz saw an article that in 2015, internships would only be accepted if the degree was from an APA accredited program. He believes this is where the field is moving.

Dr. Munoz spoke with APA, and they are willing to speak with the Board via conference call regarding the topic. Dr. Haydon will contact ASPPB to see if they have any comments and will report back to the education committee for future discussion at board meetings. The Board agreed that this subject should be on the agenda of the Board retreat.

Dr. Ferder moved and Dr. Bjorkquist seconded the motion to appoint Dr. Haydon to the Education Committee on a short term basis. All in favor, no opposed, no abstentions. The Board took a short break at 2:40 p.m. and reconvened at 2:50 p.m. in public session.

EXEMPT SETTINGS

Ms. Felton provided information about exempt settings and who is exempt. Exempt settings are approved by the Addictions and Mental Health Division. Employees providing psychological services can practice at exempt sites for up to 24 months without being licensed. Multiple board members found this as a flaw in the system with the issue of practicing, diagnosing, education, billing, etc. The board agreed that this subject needs to be discussed at the Board retreat.

SENIOR PSYCHOLOGIST STATUS FOR PSYCHOLOGIST ASSOCIATES

OBPE licenses 0.7 psychologist associates per year; the last was in 2011. There have been 52 total since 1977. Thirty-nine are currently licensed, 21 are active, 12 are semi-active, 6 are inactive.

Dr. Haydon briefed the board on how the senior psychologist rule came about. Mr. Foote explained that the statute seems to limit the Board's discretion to allow a psychologist associate to apply under a senior license. Dr. Munoz did some research and found that in fewer than half the states license psychologists at a master's level. Ms. Felton noted that some states have a 'psychological assistant' registration for those who possess a master's degree and are in pursuit of a doctoral degree.

Legal counsel clarified that if the board wanted to go through with this change, then the law would need to be changed. Dr. Ferder asked the board if this is something they want to change and whether or not we should have the statute and authority to license master's level applicants given that we now have the LPC license in place. Another issue is that if the Board decides to use the APA standard for licensure, then it would eliminate masters level licenses altogether because they do not meet the APA standard. The Board agreed not to pursue a change in the law.

TELEPSYCHOLOGY

Dr. Munoz spoke regarding this topic. The primary concern is the responsibility for any complaints that happen across the country. If an Oregon licensee is practicing in another state (where the complaint happened) then our board is responsible to investigate this complaint. No decision was made on how best to handle these situations.

BOARD MERGER

Ms. Eklund updated the board on the proposed merger of the staff of OBPE with the staff of OBLPCT. Mr. Foote and Kelly Gabliks, LPCT counsel, drafted an interagency agreement. Sarah Miller from DAS is working with people at the legislature and the Department of Justice to make sure they are comfortable with moving forward. DAS is covering all the legal costs related to writing the interagency agreement. Dr. Haydon, Dr. Ferder, and Dr. Munoz are going to meet with the chair and vice-chair of the LPCT board on August 1, 2013 to discuss future plans and to see the initial agreement between the two boards. Dr. Ferder and Ms. Eklund have talked about the physical logistics of the offices, and there is interest in moving closer together for convenience and communication purposes.

VOTE TO APPROVE LICENSES

Landon T. Berger, Psy.D.; Azanet Cabezas, Psy.D.; Bethany A. Franklin-Comb, Ph.D.; Stanley A. Garbacz, Ph.D.; Siri R. Hoogen, Ph.D.; Mariko M. Lin, Ph.D.; Joy Mauldin, Psy.D.; Loren W. McCollom, Ph.D.; Rebekah J. Ratzlaff, Psy.D.; Dana K. Smith Patton, Ph.D.; & Salaheddine Ziadeh, Psy.D.

Dr. Munoz moved and Mr. Hendry seconded a motion to approve the licensees listed above. All in favor, no objections, no abstentions.

COLLEAGUE ASSISTANCE PROGRAM

Dr. Ferder briefly described the OPA colleague assistance program. OPA suggested that when a complaint is opened, OBPE send this letter and matrix to the licensee that offers assistance, free of charge. Dr. Munoz wants to make sure that it doesn't come across that the Board is endorsing it. Legal Counsel agreed that it should not be sent out by the Board, as it may be misconstrued as a Board service or legal advice.

STATISTICS

Licensure: 61 new applications have been received and 47 licenses have been issued in 2013. There are currently 1675 total licensees, including 1299 active, 201 semi-active, 170 inactive, 3 on probation and 1 suspended.

Consumer Protection: 26 complaints have been filed in 2013. There are currently 33 open cases under investigation (including the investigation files scheduled for Board consideration), with 5 in the contested case process. Of the open cases under investigation, 20 are regarding licensed practice, 4 are regarding applicants, and 9 are regarding unlicensed practice.

The Oregon Board of Psychologist Examiners adjourned at 3:55 p.m.