

OREGON BOARD OF PSYCHOLOGIST EXAMINERS BOARD BULLETIN

FALL 2010

Board of Psychologist Examiners

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Psychologist, Portland

Kent Anderson
Public Member, Eugene

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Psychologist, Hood River

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Psychologist, Gaston

Robin Shallcross, PhD
Psychologist, Portland

James Hendry
Public Member, Portland

Roger Carlson, PhD
Psychologist, Portland

Fran Ferder, PhD
Psychologist, Gleneden Beach

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503-373-1155

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503-373-1146

Karen Berry, Investigator
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503-373-1196

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503-373-1196

Upcoming Events (2010)

9/17 ~ Board Office closed (Mandatory Furlough day)

9/24 ~ Board Meeting (Salem)

**10/15 ~ Oregon Jurisprudence Exam (9/15 notice
deadline)**

11/11 ~ Board Office closed (Veteran's Day)

11/12 ~ Board Meeting (Salem)

11/13 ~ Board Strategic Planning Meeting (Salem)

11/25 ~ Board Office closed (Thanksgiving Day)

**11/26 ~ Board Office closed (Mandatory Furlough
day)**

12/24 ~ Board Office closed (Christmas Holiday)

12/31 ~ Board Office closed (New Years Holiday)



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Congratulations New Licensees!

April 2010

SANDRA LYNN MINTA
LISA B. CLAYTON
DANIEL E. RUBIN
MERCEDES D. DICKINSON
SHAWN JOHNSTON
TERRI ANN LECHNYR
ROBERT D. LINHARES
PATIENCE B. McGINNIS
MEGAN A. McNEAL
ANGELA L. ADAMS
KELLY M. MURRAY
PEPITA PAYNE
CAROLYN J. RITTENBACH
MIRSAD SERDAREVIC
KAREN E. STALLWOOD
ERICA S. TAN

DONNA SPERRY
S. PAIGE WILCOXSON
DAVID McNAMARA

June 2010

LINDSAY K. HEYDENRYCH

July 2010

GREGORY C. DILSAVER
TAMARA E. TASKER
SARAH R. OSLUND
THOMAS W. ROSS
CASEY O. STEWART
EUGENE E. KRANZ
JANET N. IVERSEN
MARCY C. HUNT-MORSE
RUTH E. BRAUN

TERRY J. BRENNER
PATRICIA M. WHITE

August 2010

WINSTON SEEGOBIN
JANICE R. HOWARD
SHOSHANNA M. LANDEN
SABINE HALABY
PATRICK J. BARTOS
BRIAN L. THOMPSON

September 2010

REBECCA C. BREIHOLZ
RAYMOND ANNABLE
KAMERON DILL
SARA HUNT

We Appreciate Your Feedback!

Feedback provided by licensees, applicants and others have led to several recent improvements at the Board. We are listening!

- We have doubled the number of jurisprudence exams offered- from 2 to 4 per year.
- The Board meeting draft minutes are now posted on the website within a week of the meeting, as opposed to only posting final approved minutes, which can take two months.
- The OBPE website will offer a new “applicant tracking” function, where applicants can log-in and track their progress towards licensure.
- We have been continuously making efforts to improve our website to increase the amount of information available and to make it easier to navigate.
- We have been pursuing more unlicensed practice cases. Complaints are now opened against unlicensed providers who purport to treat or diagnose behavioral, emotional, or mental disorders, as well as individuals who call themselves “psychologist” or “psychotherapist.” *Also see “What is Unlicensed Practice” below.*

Please call or email Board staff with any suggestions you may have to improve our operations. If you prefer to remain anonymous, please go to the Board website (www.oregon.gov/OBPE) and click on “anonymous comments.” ❄

Even-Numbered Licensees to Phase to Birthday Renewals

All odd-numbered licensees will soon be on track with birth-month renewals. In December, even-numbered licensees will also begin the transition.

WHAT TO EXPECT:

In October, even-numbered licensees will receive their renewal notice and instructions for the period from January, 2011 through their birth month 2011. For example, if you were born in June, your license will be good from 1/1/2011 until 6/30/2011. You will only be assessed a pro-rated license fee for this period. You will then receive a renewal notice about a month and a half prior to the expiration date of this pro-rated license. This will be a bill for the full licensure fee (\$750) and will last through your birth-month 2013. So, for

example, if your birthday is in June, you will receive your notice mid-May, and your payment would need to be post-marked by 6/30/2011 (the license expiration date). After this transition, you will always renew your license on your birth month in odd years. *Note that this transition does not apply to 2010 new licensees. These individuals are already set to renew in their birth months.

HOW TO PREPARE:

There will be no surprises, because we will send you your renewal notice ahead of time. But as always, please make sure that we have your current contact information. If your address, phone number, or email has changed, please let us know by completing the "change of address" form at www.oregon.gov/OBPE under "forms." **This form can be submitted via email.** Questions? Please contact Kelli Kelly at kelli.kelly@state.or.us or (503) 373-1146. ✂

BOARD ACTIONS (DISCIPLINES)

January 1, 2010 to current



FRANK P. COLISTRO, Ed.D., Stipulated Order.

Basis: Failure to Avoid Harm; Multiple Relationship; Breach of Confidentiality; Failure to Obtain Informed Consent.
Action: Reprimand; Civil Penalty (\$5,000); Supervised Practice (Minimum 2 years).

KENNETH P. MORGANSTERN, Ph.D., Interim Stipulated Order

Basis: Board concern regarding licensee's ability to safely and competently practice psychology.
Action: Voluntary withdrawal from the practice of psychology until further review.

AMY L. ROSS, Psy.D., Stipulated Order

Basis: Failure to Avoid Harm; Multiple Relationship; Unprofessional Conduct; Sexual Relations with Student.

Action: Suspension of License (Minimum 2 years); Evaluation Required Prior to License Reinstatement; Course on Professional Boundaries. ✂

National Provider Identifier

Q: What is an NPI?

A: A standard unique identifier for healthcare providers. This 10-digit number is assigned to individuals or organizations.

Q: Who needs an NPI?

A: All health care providers (including psychologists and psychologist associates) are eligible to apply. Health care providers who are Health Insurance Portability and Accountability Act (HIPAA) covered entities must obtain an NPI to identify themselves in HIPAA standard insurance transactions.

Q: What is a HIPAA-covered health care provider?

A: A health care provider who transmits any health information in electronic form in connection with a transaction for which the Secretary of the Department of Human and Health Services has adopted a standard, even if the health care provider uses a business associate to do so. See

Q: Why did DHHS switch to NPI?

A: For standardization, simpler electronic transmission, and increased efficiency in coordination of benefits transactions. The NPI will replace previously-used health care provider identifiers, including Medicare legacy IDs (UPIN, OSCAR, PIN, and National Supplier Clearinghouse or NSC).

To find out if you need a NPI, or how to one, go to the DHS NPI webpage at:
www.oregon.gov/DHS/healthplan/tools_prov/mpi.shtml

Exempt Setting Facts for Applicants

Fact #1: As of January 1, 2010, if you have a doctoral degree in psychology and are *employed* by:

- 1) A local, state, or federal government agency; or
- 2) A community mental health program; or
- 3) A drug and alcohol treatment program licensed or certified by the State of Oregon,

you may practice psychology without a license for no more than 24 months. That is, at the end of 24 months of employment you must have either **a)** completed the licensure process or **b)** stop practicing psychology.

Fact #2: Your work must:

- 1) Be within your scope of employment (for example, if you work in a drug and alcohol program, you may not treat mental health issues such as depression, anxiety, bi-polar disorder etc. You must refer the individual for the treatment of mental health disorders, and
- 2) Be performed within the employing agency only. You may not perform psychological work outside the “exempt” agency.

Fact #3: You may use the title “psychological trainee,” “psychological intern,” “psychologist resident.”

Fact #4: You may not use the title “psychologist.” You may use the title “school psychologist” if you are licensed by the Teacher Standards and Practices Commission (TSPC) as a School Psychologist **AND** employed by a school district as a school psychologist.

Fact #5: You are not *required* to have a Board “Contract for Supervision of a Psychologist Resident”; however, to receive credit for your one year of postdoctoral supervised work experience you must follow the Board requirements for supervised work experience. Details of these requirements are on the Board website at:

http://arcweb.sos.state.or.us/rules/OARS_800/OAR_858/858_tofc.html.

When you apply for licensure, your supervisor will be required to attest (via a reference form) to the dates, hours and conditions of the supervision.

Fact #6: You must apply for licensure before the Board can approve a “Contract for Supervision of a Psychologist Resident.” ✕

APA Amends Ethics Code

Note: These new provisions will *not* be tested in October 2010 Jurisprudence examination.

The 2002 APA Ethical Principles of Psychologists and Code of Conduct were amended by the American Psychological Association, effective June 1, 2010. The changes were minor and were made to clarify some potential ambiguities to assure that the code would not be interpreted to justify or defend violating human rights (specifically interrogation techniques). The changes are as follows (deletions in strikethrough, additions in underline):

1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority

If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights. ~~If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.~~

1.03 Conflicts Between Ethics and Organizational Demands

If the demands of an organization with which psychologists are affiliated or for whom they are working are in conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights. ~~to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code.~~

NEW Fingerprinting for Applicants

Beginning 7/1/10, the Board began fingerprinting all *new* applicants for national criminal background checks (CBCs). A completed CBC is required before you become licensed. The Board may also require a CBC for licensees who are under investigation when the Board has a rational reason to determine if the licensee has a history of criminal behavior.

History

The Legislature gave the Board authority to conduct CBCs in 2005. The Board and staff researched and learned about all the processes involved and then wrote draft administrative rules for implementation. The draft rules were reviewed by a Rules Advisory Committee consisting mainly of licensees, and some changes were made in July of 2007. The proposed rules were sent out to licensees, applicants for licensure, the Legislature and other interested parties for comment. After reviewing all of the comments the Board decided to “pull” the CBC rules in March of 2008 and re-visit the process. After much discussion, compromise, and several revisions,

the CBC rule became final in January of 2010 (see OAR 858-010-0034).

The Process

Applicants must pay the \$52 fee to receive their “fingerprinting packet,” which covers the actual cost of conducting the CBC from the Oregon State Police and the FBI. The packet includes a fingerprint card and instructions. Although there are no specific criteria for determining which crime will render an applicant unfit for licensure, the rule does list several guidelines for the Board to consider, including 1) the nature of the crime; 2) the facts that support the conviction or pending indictment or that indicate the making of a false statement; 3) the relevancy, if any, of the crime or the false statement to the specific requirements of the applicant’s or licensee’s present or proposed license; and 4) mitigating circumstances relevant to the responsibilities and circumstances of the license (such as passage of time since crime commission, age at the time, subsequent commission of the crime, etc.). ✕

What is Unlicensed Practice of Psychology?

Regulating the unlicensed practice of psychology is one of the Board’s major public protection functions. In general, a person may not practice psychology without a license. However, many non-psychologist practitioners fall into various exemptions created by the legislature. The following are some frequently asked questions about what is and what is not considered unlicensed practice of psychology:

1) Question: What does it mean to represent oneself as a psychologist?

Answer: Generally, a person cannot say that they are a psychologist unless you are a licensed psychologist. To *represent* oneself as a psychologist means to use a title such as “psychologist” or to say that you provide psychology services.

Representation can be verbal or in print form.

Examples:

- a. “I’m a psychologist” or “I practice psychology”
- b. “I’m a psychotherapist” or “I practice psychotherapy”
- c. “My profession is psychology”
- d. “My treatment orientation is Jungian psychotherapy”

- e. “I provide psychological services”
- f. “My specialties are depression, anxiety, ADHD...”
- g. A business named “Frank’s Psychotherapy Clinic”

A person may not advertise or provide services for a “disorder” listed in the most current revision of the Diagnostic and Statistical Manual of Mental Disorders (e.g., DSMIV-TR). Lay terms such as abuse, overeating, trauma, and addiction, as well as lay terms for depression and anxiety (e.g., grief, moody, fear, worry etc.) are not considered diagnoses and are too general to treat as the specific practice of psychology.

2) Question: Does a person who works at a college and supervises students who are

providing psychotherapy services need to be licensed?

Answer: Yes. They may not supervise students or anybody else who is providing direct psychological services to individuals unless you are a licensed psychologist or you fall under another exemption (for example, they are licensed by another mental health licensing board; or are a State university employee. See question 6 below).

3) Question: Can a person who teaches psychology at a university call themselves a psychologist?

Answer: Yes, but only if they have a doctoral degree in psychology from an approved doctoral program in psychology. (An “approved” program means that the psychology program is accredited by the American Psychological Association (APA) or the institution is regionally accredited by the Northwest, North Central, Western, New England, Middle States, or Southern accrediting association.). You do not need to be licensed to teach psychology.

4) Question: Can someone who writes journal articles and books on the subject of psychology call themselves a psychologist?

Answer: Yes, but only if they have a doctoral degree in psychology from an approved doctoral program in psychology.

5) Question: Can a student working towards their psychology degree practice psychology?

Answer: You may provide psychological services if you are a student in an approved doctoral program. You can only use the title “psychological trainee” or “psychological intern.”

6) Question: Can a person who is licensed by another mental health licensing board practice psychology?

Answer: They may not use the title “psychologist,” but you may render some psychological services, so long as they only practice within the lawful scope of their license. Examples include:

- An LPC or LPC approved applicant (or intern), by the Oregon Board of Licensed Professional Counselors and Therapists.
- An LMFT or LMFT approved applicant (or intern), by the Oregon Board of Licensed Professional Counselors and Therapists.

- An LCSW or CSWA or approved applicant of either, by the Oregon Board of Clinical Social Workers.
- A School Psychologist licensed by the Teacher Standards and Practices Commission

7) Question: Does a person who works for a drug and alcohol treatment program need to be licensed to treat drug and alcohol addiction?

Answer: If the drug and alcohol treatment program that the person works for is certified by DHS Addictions and Mental Health Services, then they may provide the services that DHS has approved for that particular program. Click here for the [directory](#). They may only practice within the scope of their employment at the program, and may not provide those services in private practice.

8) Question: Does a pastor at a church who provides some psychological services to church members need to be licensed?

Answer: No. There is an exception for clergy, so long as the person only provides services within their capacity as clergy. For example, they may not provide services in private practice without a license.

9) Question: Can a certified alcohol and drug counselor (CADC) provide psychological services?

Answer: Because the Addiction Counselor Certification Board of Oregon is a non-governmental agency, an individual with a CADC certification is not exempt from the psychologist licensing requirement. A CADC certification alone does not allow a person to treat or diagnose behavioral, emotional or mental disorders, including alcohol or drug addiction. However, if the person works for a certified drug and alcohol treatment program, they may treat alcohol and/or drug abuse (see Q. 7 above).

10) Question: Can a qualified mental health professional (QMHP) provide psychological services?

Answer: Employees of [community mental health programs](#) with QMHP designation may render some psychological services, but only within their scope of employment. They may not provide

psychological services in private practice unless they qualify for some other exemption.

11) Question: Can a “non-impatient mental health services provider” provide psychological services?

Answer: No. This certification alone does not allow a clinic’s employees to treat or diagnose behavioral, emotional or mental disorders, including

alcohol or drug addiction, without a license. The non-impatient mental health services provider is a certificate issued by DHS, Addictions and Mental Health, for insurance billing purposes.

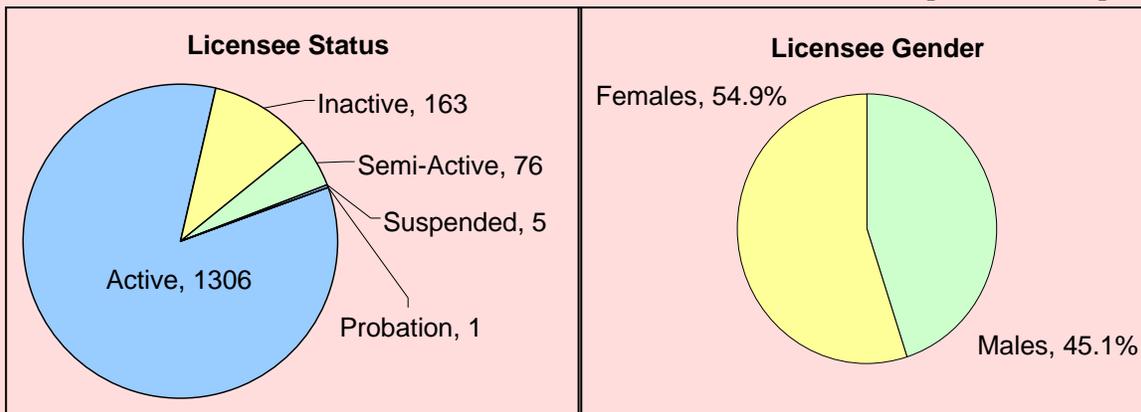
If you have any questions regarding unlicensed practice, please contact LaRee Felton at laree.felton@state.or.us or (503) 373-1196.

Interesting Board Stats

★ **51 new licensees** 2010. There were 97 total in 2009, 87 in 2008, and 69 in 2007. In 2010, **6 licensees retired** or let their license lapse.

★ **Licensee demographics:**

- 1551 current licensees: 1306 active, 163 inactive, 76 semi-active, 5 suspended, 1 on probation.



- Race: 3 American Indian/Alaska Native (0.2%), 21 Asian (1.4%), 4 Black/African American (0.3%), 16 Hispanic/Latino (1.0%), 3 Native Hawaiian/Other Pacific Islander (0.2%), 811 White/Caucasian (52.3%), 693 unknown (44.7%).
- Most commonly spoken languages: 54 Spanish, 35 French, 23 German, 8 American Sign Language, 4 Italian, 3 Dutch, 3 Hebrew, and 2 Indonesian.
- Degrees held: 67.0% Ph.D., 29.0% Psy.D., 1.5% Ed.D., 1.4% M.S., 1.2% M.A.
- Age groups: 28-37yrs: #175; 38-4yrs: #294; 48-57yrs: #410; 58-67yrs: #553; #68-77yrs: 104; 78-89yrs: #15. Mean age is 54, Median is 56. Youngest is 28, oldest is 89.
- About 35% of licensees earned their degree in Oregon.

★ **70 complaints** have been filed to date in 2010 (35 filed against psychologists, 35 filed against unlicensed individuals). There were 78 complaints filed in 2009, 84 filed in 2008, and 54 in 2007.

Helpful Hints for Online Advertising

- **KEEP TRACK.** Make sure to bookmark the site where you have placed an ad, and don't forget your password.
- **UPDATE FREQUENTLY.** If you change any significant part of your practice, such as contact information or your practice areas, make sure to update all ads. It is a good practice to routinely go back and make sure everything is still accurate.
- **WATCH FOR “PIGGY-BACK” SITES.** Some online directories may pick up information from your online ads and post it on their sites. A good way to check for this is to perform a search of your name using a search engine such as Google or Bing.

WELCOME TO THE BOARD!!!

Newest Board member, **Fran Ferder, PhD**, practices in Gleneden Beach and has been a licensed psychologist since 1990. Licensed in Washington and Oregon, she received her P.D. in clinical psychology from Loyola University. A native of Salem, Oregon, Fran writes and speaks in areas related to ethics, boundaries, and communication. She has served on the Board of Trustees at Viterbo University in LaCrosse, WI since 2002.

Also new to the Board is **Jim Hendry, Public Member**. Jim is a practicing attorney at Brownstein, Rask, Sweeney, Kerr, Grimm, DeSylvia & Hay, LLP in Portland. He received his J.D. from Willamette University in 1983. He currently serves on the Oregon Governor's Council of Economic Advisors, and was the public member of the Board of Chiropractic Examiners from 1996 to 2006.

Also new to the Board is **Roger Carlson, Ph.D.** He has been a licensed psychologist in Oregon since 2002, and was previously licensed in California and Pennsylvania. He received his Ph.D. from the University of Oregon and is currently in private practice in Portland.

Newest staff member, Office Assistant **Ashlie Rios**, works two days per week and is currently a full-time student working towards her degree in business administration. She helps applicants through the licensure process and assists staff with various projects. Welcome Ashlie!

***BE GREEN!** Please make sure to update your email address with us if it changes so that you continue to receive correspondence. If you have not provided one, please do so. Also, we are now collecting public email addresses. Your current email is, of course, kept private, but if you would like to provide a public email please send it to: oregon.bpe@state.or.us.*

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