



# Oregon

John A. Kitzhaber, MD, Governor

**Oregon Board of Psychologist Examiners**

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## **PUBLIC SESSION MEETING MINUTES**

January 14, 2011

Salem, OR

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

Legal Counsel: Raul Ramirez, AAG

Staff: Debra McHugh  
Karen Berry

Guests: Scott Pengelly, Ph.D.  
Linda Zahavi  
Kristen Maus  
Yasmin Malik  
Terry Schumann

CALL TO ORDER AT 1:00P.M.

### **I. PUBLIC FORUM**

**A.** Scott Pengelly, Ph.D., Oregon Psychological Association (OPA) liaison. Dr. Pengelly presented the following information:

**SB 228.** OPA has filed a bill allowing psychologists with specific training and education to prescribe certain psychotropic drugs.

**Cultural Competency.** OPA would like the language of this concept broadened to include people with disabilities, gay and lesbian community etc. Currently, the language is limited to racial and ethnic diversity.

**Colleague Reporting Mandate.** OPA hopes to influence change in the law, particularly regarding "behavior unbecoming the profession". Colleagues are refraining from consulting. This issue will likely depend on Representative Greenlick's willingness.

**B. Linda Zahavi, M.A., ATR-BC, NCC.** Ms. Zahavi discussed the rules limiting unlicensed practitioners' use of language in ads and her practice as an art therapist. She stated that she was not aware of the changes in law. She received her degree in the late 1980's. Later, Marylhurst began a licensable degree and she got the national accreditation. She attempted to remove the information from the website and some of the words were missed. She further stated that she would like to have been warned to allow time to make changes.

## II. APPROVE MINUTES

November 14, 2011 **PUBLIC SESSION MINUTES**

Moved: Haydon Second: Shallcross Abstention: None

**Action:** To approve the Executive Session meeting minutes with corrections.

In Favor: Unanimous Oppose: None Abstain: Wade

November 14, 2011 **PUBLIC SESSION MINUTES**

Moved: Sherman Second: Carlson Abstention: None

**Action:** To approve the Public Session meeting minutes as presented.

In Favor: Unanimous Oppose: None Abstain: Wade

## III. THIRTY-DAY INVESTIGATION EXTENSIONS – Vote to grant 30-day extensions on investigations for good cause:

2009-011, 2009-057, 2009-072, 2009-073, 2010-003, 2010-012, 2010-013, 2010-023, 2010-026, 2010-027, 2010-030, 2010-037, 2010-038, 2010-042, 2010-048, 2010-052, 2010-054, 2010-062, 2010-063, 2010-064, 2010-065, 2010-069, 2010-070, 2010-071, 2010-072, 2010-073, 2010-075, 2010-076, 2010-078, 2010-079, 2010-081, 2010-082, 2010-085, 2010-086, 2010-088, 2010-089, 2010-090, 2010-091, 2010-093, 2010-094, 2010-095, 2010-096, 2010-097, 2010-098, 2010-099, 2010-100, 2010-102, 2010-103, 2010-104, 2010-105, 2010-106, 2010-107, 2010-108, 2010-109, 2010-110, 2010-118

**Action:** To grant 30-day extensions on investigations for good cause.

In Favor: Unanimous Oppose: None Abstain: Wade

## IV. CONSUMER PROTECTION STATISTICS

122 complaints were filed in 2010, and none have been filed in 2011. There are 72 open cases under investigation (including the investigation files scheduled for Board consideration), 5 in the contested case process. Of the open cases under investigation, 33 are regarding licensed practice (including 3 applicants) and 39 are regarding unlicensed practice.

## V. CONSUMER PROTECTION VOTES

**Case No. 2009-057** Moved: Wade Second: Sherman

**Action:** Continue Investigation

In Favor: Unanimous Opposed: None Abstention: None

**Case No. 2010-042** Moved: Shallcross Second: Wade

**Action:** Continue Investigation

In Favor: Unanimous Opposed: None Abstention: None

**Case No. 2010-063** Moved: Wade Second: Hendry

**Action:** Continue Investigation

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-079**

Moved: Anderson      Second: Hendry

**Action:** To issue a Thirty-Day letter for unlicensed practice.

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-003**

Moved: Shallcross      Second: Carlson

**Action: To issue a Notice of Proposed Discipline.**

Roll Call: Ferder-Aye; Anderson-Aye; Hendry-Aye; Haydon-Aye; Shallcross-Aye; Sherman: Aye; Carlson-Aye; and Wade-Aye.      Abstention: Sherman

**Case No. 2010-030**

Moved: Wade      Second: Carlson

**Action: To issue a Notice of Proposed Discipline.**

Roll Call: Ferder-Aye; Anderson-Aye; Hendry-Aye; Haydon-Aye; Shallcross-Aye; Sherman: Aye; Carlson-Aye; and Wade-Aye.      Abstention: Sherman

**Case No. 2010-038**

Moved: Shallcross      Second: Anderson

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-064**

Moved: Hendry      Second: Sherman

**Action: To issue a Notice of Proposed Discipline.**

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

**Case No. 2010-037**

Moved: Haydon      Second: Sherman

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2006-017**

Moved: Anderson      Second: Hendry

**Action: Approve request to terminate supervision.**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-012**

Moved: Haydon      Second: Shallcross

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-023**

Moved: Haydon      Second: Hendry

**Action: To issue a Thirty-Day letter.**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-026**

Moved: Anderson      Second: Sherman

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-027**

Moved: Anderson      Second: Haydon

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-070**

Moved: Sherman      Second: Hendry

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-071**

Moved: Haydon      Second: Carlson

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-054**

Moved: Haydon      Second: Hendry

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-095**

Moved: Anderson      Second: Sherman

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-078**

Moved: Anderson      Second: Haydon

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-072**

Moved: Sherman      Second: Hendry

**Action: To issue a Thirty-Day letter.**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-052**

Moved: Anderson      Second: Sherman

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2010-105**

Moved: Anderson      Second: Haydon

**Action: Dismiss**

In Favor: Unanimous      Opposed: None      Abstention: None

**Case No. 2008-053**

Moved: Sherman      Second: Hendry

**Action: To approve proposed Final Order.**

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

**VI. EXECUTIVE SESSION CONSENT AGENDA**

Moved: Sherman      Second: Hendry

**Action: To Approve the Consent Agenda of unlicensed practice cases.**

In Favor: Unanimous      Opposed: None      Abstention: None

**VII. EXECUTIVE DIRECTOR REPORT**

**a. LEGISLATIVE MATTERS**

Ms. McHugh reported on two recent legislative concepts that will affect psychologists: 1) Mandated Cultural Competency CEUs proposed by the Oregon Health Authority, and 2) Mandatory Workforce Data Collection proposed by the Oregon Health Policy & Research.

**b. UNLICENSED PRACTICE & ART THERAPISTS**

Ms. McHugh reported concerns raised by unlicensed Oregon art therapists and the National Art Therapy Association. The Board received a lengthy letter from the national association. Ms. McHugh assured the Board that many of the suggestions were already a part of Oregon law or Board policy.

Ms. McHugh reported that she was meeting with the executive directors of the Oregon Board of Clinical Social Work and the Oregon Board of Professional

Counselors and Therapists to coordinate public protection efforts regarding unlicensed practice. Historically, this Board was the only agency who could address unlicensed practice. As of January 1, 2011, the Board of Social Work has authority to address unlicensed practice. In addition, the Counselors and Therapist Board is putting forth a legislative concept in the 2011 Session to give them the same authority.

Board member, Dr. Roger Carlson, reported experiencing feedback about the unlicensed practice letters sent by the Board. Dr. Carlson expressed concern about setting up an adversarial relationship with other similar groups such as hypnotherapists, music therapists, and sex therapists. Ms. McHugh explained that the process used by Board staff was the process directed by the Board in 2008. Ms. McHugh reminded the Board that the composition of the Board has evolved over time and perhaps the current Board would like to modify the process.

Dr. Robin Shallcross added that this is a complex situation. She pointed out that licensing boards are for *regulation* and the professional organization is the *advocacy* organization. Everyone agreed that they have learned a lot from the people who come to speak at Board meetings.

**Action:** Board staff will modify the “Agreement to Cease” form to reflect the intent of being educative rather than punitive.

Dr. Carlson reported colleague’s perceptions and reactions to the Board’s most recent newsletter articles that explained laws about use of the title “doctor,” and the rules around psychologists identifying themselves as “licensed clinical psychologist” when the rule says psychologist must identify themselves as “licensed psychologist” only.

Ms. McHugh explained that staff was directed to inform licensees about the new laws passed during the 2009 Legislative Session—the “doctor title act” was one of many laws reported in the newsletter. In addition, Board staff frequently receives calls from psychologists (new and veteran) asking what is “O.K.” to put on letterhead, business cards, and even building directories. Ms. McHugh pointed out that there is an inherent tension between licensees and their Board, and some may perceive a threat when education is the intent. Dr. Shane Haydon added that he has seen the huge cultural shift in attitude about the Board in that the Board is not viewed as the enemy by most licensees.

**c. QUALIFIED PERSON DESIGNATION: Non-Compliance**

Ms. McHugh provided a handout with a list of all of the licensees who have not complied with the Board’s request for a qualified person designation. Ms. McHugh reported that staff now informs new licensees of this obligation as part of their new licensee packet.

**d. 2011 OPA TOWN HALL**

The Board is scheduled: May 13, 2011 – 1:30pm-3:00pm in Eugene.

**e. APPROVE 2011 CALENDAR**

**VIII. 2010 OBPE CUSTOMER SATISFACTION SURVEY**

Ms. McHugh provided the Board with the numerical results of the 2010 Customer Satisfaction Survey. Ms McHugh reported that every year our scores have improved.

**IX. POLICY MATTERS**

**Proposed Administrative Rules**

**a. Educational Requirements**

**Action:** Convene Board Education sub-committee to comprehensively review current educational requirements for licensure and provide recommendations to the Board.

**b. Administrative Rule Clarification for Accruing Residency Hours**

“At least 50% of psychological work must be face-to-face client contact.”

**Action:** Confirm the “50% face-to-face client contact” requirement and charge Education sub-committee to look at this requirement when they review educational requirements for licensure.

**7. LICENSEE REINSTATEMENT**

**Bridget Fanning-Ono, PsyD**

**Action:** Approved

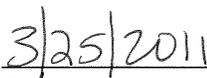
**8. MISCELLANEOUS INFORMATION --**

**a. Current Agency Budget Report**

**ADJOURN**

Respectfully Submitted:

  
\_\_\_\_\_  
Debra McHugh, Executive Director

  
\_\_\_\_\_  
Date