



Oregon

John A. Kitzhaber, MD, Governor

State Board of Psychologist Examiners

3218 Pringle Road SE, Suite 130

Salem, OR 97302-6309

(503) 378-4154

FAX: (503) 378-4404

www.obpe.state.or.us

PUBLIC SESSION MEETING MINUTES

Friday, November 12, 2010

Oregon City, OR

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

Excused: David Wade, Psy.D.

Legal Counsel: Warren Foote, AAG

Staff: Debra McHugh
Karen Berry

Guests: Scott Pengelly, Ph.D.

CALL TO ORDER AT 1:00 P.M.

I. PUBLIC FORUM

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

A. OPA is working with the Insurance Commissioner regarding Psychologist Associates insurance issues.

B. Legislative Matters: OPA will bring legislation for prescriptive authority for qualified psychologists. There is a work group within the house judiciary committee addressing Parole Board practice of releasing psychological assessments and the charts in their entirety to victims and/or their families.

C. Concerns about ORS 676.150 (mandatory reporting law). OPA feels the Legislature needs to define "conduct unbecoming."

D. Publishing names and details of disciplinary actions in OBPE newsletter is shaming. Moreover, the disciplinary documents have an "accusatory tone." Licensees with complaints would like more contact about the process and the timeline for their case. It would be helpful to let them know before a Board meeting that their case will *or* will not be coming up.

E. OPA is still surveying members who have not renewed their membership. There is also reduced participation in CE seminars sponsored by OPA.



II. APPROVE MINUTES

September 24, 2010 **EXECUTIVE SESSION MINUTES**

Moved: Haydon Second: Shallcross Abstention: None

Action: To approve the Executive Session meeting minutes as presented.

In Favor: Unanimous Oppose: None Abstain: Anderson, Hendry

September 24, 2010 **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: Anderson, Hendry

III. THIRTY-DAY INVESTIGATION EXTENSIONS

2009-011, 2009-041, 2009-057, 2009-066, 2009-072, 2009-073, 2009-078, 2010-012, 2010-013, 2010-023, 2010-026, 2010-027, 2010-030, 2010-032, 2010-037, 2010-038, 2010-040, 2010-041, 2010-042, 2010-048, 2010-052, 2010-053, 2010-054, 2010-057, 2010-058, 2010-059, 2010-060, 2010-061, 2010-062, 2010-063, 2010-064, 2010-065, 2010-066, 2010-068, 2010-069, 2010-070, 2010-071, 2010-073, 2010-074, 2010-075, 2010-076, 2010-078, 2010-079, 2010-080, 2010-081, 2010-082, 2010-083, 2010-084, 2010-085, 2010-086, 2010-087, 2010-088

Action: To approve the Thirty-Day investigation extensions for good cause.

In Favor: All Opposed: None Abstention: None

IV. CONSUMER PROTECTION STATISTICS

106 complaints have been filed in 2010. There are 76 open cases under investigation (including the investigation files scheduled for Board consideration), 7 in the contested case process. Of the open cases under investigation, 39 are regarding licensed practice (including 4 applicants) and 37 are regarding unlicensed practice.

V. CONSUMER PROTECTION VOTES

Case No. 2009-073 Moved: Carlson Second: Ferder

That the Board: **Issue Thirty-Day letter for unlicensed practice of psychology.**

In Favor: Unanimous Oppose: None Abstain: None

Case No. 2010-042 Moved: Anderson Second: Haydon

That the Board: **Require Agreement to Cease form.**

In Favor: Unanimous Oppose: None Abstain: None

¹⁹⁹⁶⁻
Case No. 2010-044 Moved: Shallcross Second: Haydon

That the Board: **Approve application for licensure with supervision.**

In Favor: Unanimous Oppose: None Abstain: Ferder

Case No. 2003-033 Moved: Sherman Second: Hendry

That the Board: **Approve the request to terminate supervision.**

In Favor: Unanimous Oppose: Carlson Abstain: None

Case No. 2008-067 Moved: Anderson Second: Carlson

That the Board: **Approve the request to terminate supervision.**

In Favor: Unanimous Oppose: None Abstain: None

Case No. 2009-011 Moved: Shallcross Second: Haydon

That the Board: **Issue a Notice of Proposed Discipline.**

Roll Call: Ferder-Aye; Anderson-Aye; Hendry-No; Haydon-Aye; Shallcross-Aye;
Sherman: Aye; Carlson-Aye; Latham-Aye Abstain: None

Case No. 2009-017 & 2009-025 Moved: Ferder Second: Anderson

That the Board: **Adopt the Order with the neuropsychological assessment requirement.**

Roll Call: Ferder-Aye; Anderson-Aye; Hendry-Aye; Haydon-Aye; Shallcross-Aye;
Sherman: Aye; Carlson-Aye; Latham-Aye Abstain: None

Case No. 2010-003 Moved: Ferder Second: Shallcross

That the Board: **Issue a Thirty Day Letter**

In Favor: Unanimous Oppose: None Abstain: None Recused: Sherman

Case No. 2010-030 Moved: Anderson Second: Haydon

That the Board: **Issue a Thirty-Day Letter**

In Favor: Unanimous Oppose: None Abstain: None Recused: Sherman

Case No. 2010-038 Moved: Hendry Second: Anderson

That the Board: **Issue a Thirty Day letter**

In Favor: Unanimous Oppose: None Abstain: None

Case No. 2010-040 Moved: Hendry Second: Anderson

That the Board: **Dismiss**

In Favor: Unanimous Oppose: None Abstain: Sherman

Case No. 2010-053 Moved: Anderson Second: Haydon

That the Board: **Dismiss**

In Favor: Unanimous Oppose: None Abstain: None

Case No. 2010-057 Moved: Carlson Second: Ferder

That the Board: **Dismiss**

In Favor: Unanimous Oppose: None Abstain: None

Case No. 2010-058 Moved: Hendry Second: Anderson

That the Board: **Dismiss**

In Favor: Unanimous Oppose: None Abstain: None

Case No. 2010-059 Moved: Shallcross Second: Haydon

That the Board: **Dismiss**

In Favor: Unanimous Oppose: None Abstain: None

Case No. 2010-060 Moved: Anderson Second: Haydon

That the Board: **Dismiss**

In Favor: Unanimous Oppose: None Abstain: None

Case No. 2010-061 Moved: Ferder Second: Carlson

That the Board: **Dismiss**

In Favor: Unanimous Oppose: None Abstain: None

Case No. 2009-041 Moved: Haydon Second: Anderson

That the Board: **Dismiss**

In Favor: Unanimous Oppose: None Abstain: None Recused: Shallcross

Case No. 2010-064 Moved: Ferder Second: Carlson

That the Board: **Issue a Thirty-Day letter.**

In Favor: Unanimous Oppose: None Abstain: None Recused: Latham

VI. CONSENT AGENDA

Moved: Sherman Second: Haydon

Action: **To accept the Consent Agenda as presented**

In Favor: Unanimous Oppose: None Abstain: None

VII. OBPE EDUCATION FORUM REPORT

Drs. Carlson, Sherman and Shallcross summarized the discussions at the OBPE Education Forum. In general, there was consensus to make the increase educational requirements for licensure to APA standards. The details will be reported on and discussed at the Board retreat November 13, 2010.

VIII. HEALTH PROFESSIONAL SPECIAL PROGRAM REPORT

HSPS – Health Professional Special Program is the only permitted impairment program for Oregon health related Boards. This is a “stepped-down” model of the larger program utilized by the Medical Board, Dentistry, Pharmacy and Nursing. HSPS would be less costly.

IX. ASPPB CONFERENCE IN SAVANNAH, GEORGIA REPORT

Jim Hendry and Susan Latham reported on highlights from the ASPPB conference in Savannah.

X. 2011-2013 LEGISLATIVE CONCEPTS UPDATE

Ms. McHugh reported on proposed Legislation by the health-related licensing Boards that would allow “Citation authority” for infractions of rules and laws such as late continuing education or failure to report a change of address.

XI. POLICY MATTERS

A. Moved: Sherman Second: Haydon

Action: **To approve the administrative rule change regarding allowing foreign degrees that have been deemed equivalent.**

In Favor: Unanimous Oppose: None Abstain: None

In Favor: Unanimous Oppose: None

Abstain: None

B. Moved: Shallcross Second: Anderson

Action: **To approve the administrative rule change regarding Psychologist Associates and supervised work experience.**

In Favor: Unanimous Oppose: None

Abstain: None

C. Expert Witness.

Ms. McHugh and Mr. Foote discussed the exemption to licensure for expert witnesses. The ORS 675.090, exemption only covers general comments on psychological conditions or answering hypothetical questions. Ms. McHugh said she always recommends individuals get a temporary license since they never know where the questioning in court may go.

X. MISCELLANEOUS INFORMATION

Ms. McHugh reported on the following issues:

A. Jurisprudence Exam. Will be administered monthly beginning in January.

B. Civil Liability for Supervisors. There is an affirmative defense for individuals who provide information to board in good faith. This defense applies to resident supervisors who report to the Board.

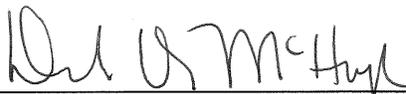
C. Board Expectations re: Payment for Supervision. If the Board has asked a licensee to supervise a resident or a licensee under discipline, there is no expectation that the supervisor work 'for free.' The Board suggests addressing this issue in the disciplinary supervision guidelines document sent to supervisors.

D. Qualified Person Designation. #180 licensees have still not reported despite numerous requests by Board staff. Board recommends putting a "check-off" on the renewal forms.

E. Current Budget Report. Expenses continue to come in under budget.

ADJORN – 3:30 p.m.

Respectfully submitted:



Debra McHugh, Executive Director

1-14-2011
Date: