



# Oregon

John A. Kitzhaber, MD, Governor

## State Board of Psychologist Examiners

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### PUBLIC SESSION MEETING MINUTES

March 25, 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.  
Kent Anderson

**Excused:** James Hendry  
Fran Ferder, Ph.D.

**Legal Counsel:** Warren Foote, AAG

**Staff:** Debra McHugh  
Karen Berry  
LaRee Felton

**Guests:** Cliff Johannsen  
Shari Epstein  
Linda Zahavi  
Yasmin Malik  
Kristen Maus

CALL TO ORDER AT 1:00P.M.

#### I. PUBLIC FORUM

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

1. OPA prescriptive authority bill is being pursued. It was passed out of committee with a 'Do Pass' recommendation. A New Mexico therapist with prescription privileges testified at the first hearing and was very impressive.
2. OPA is bringing back the colleague assistance committee. OPA continues to have interest in the impairment issue, both substance abuse and mental disorders broadly, i.e., including personality disorders. Lori Queen ~~chairs this committee.~~
3. There is an ongoing concern about insurance reimbursement. It appears that the governor is going to leave the director of the insurance division in place.



**B. Shari Epstein, Art Therapist.** Ms. Epstein addressed the following issues to the Board: What is the OBPE Board's goal in having people sign the *Cease Agreement*? She is unclear what words are acceptable in public use and notes that art therapists may be using words (such as depression and anxiety) differently than psychologists. She asked about DSM-IV diagnoses. Ms. Epstein said her goal is to establish an accurate record of what she practices, and does not want any admission of wrongdoing on her record.

**C. Linda Zahavi, M.A. ATR-BC, NCC.** Ms. Zahavi commented about the OBPE January 14, 2011 public session minutes and requested revisions regarding her presentation to the Board. Specifically, she asked that the "minutes" reflect her training credentials. She requested an additional revision. Specifically, she did not state '*My infractions are minor*' and asked that the minutes be corrected. The Board agreed to the revisions.

**D. Yasmin Malik, Art Therapist.** Ms. Malik is a nationally credentialed art therapist. She would like the Board to recognize art therapists as professionals, and change the procedure the Board is using regarding unlicensed practice cases.

## II. APPROVE MINUTES

January 14, 2011      **PUBLIC SESSION MINUTES**

Moved: Haydon      Second: Shallcross      Abstention: None

**Action:** Approve the Public Session meeting minutes with two corrections.

In Favor: Unanimous      Oppose: None      Abstain: Wade

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

2009-057, 2009-072, 2009-073, 2010-013, 2010-023, 2010-042, 2010-062, 2010-063, 2010-065, 2010-069, 2010-072, 2010-079, 2010-081, 2010-094, 2010-099, 2010-100, 2010-103, 2010-104, 2010-106, 2010-107, 2010-108, 2010-110, 2010-113, 2010-115, 2010-117, 2010-118, 2010-119, 2010-120, 2010-121, 2010-122, 2011-001, 2011-002, 2011-003, 2011-004, 2011-005, 2011-006, 2011-007, 2011-009, 2011-010, 2011-011, 2011-012, 2011-015

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

In Favor: Unanimous      Oppose: None      Abstain: None

## IV. CONSUMER PROTECTION STATISTICS

29 complaints have been filed in 2011. There are 67 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, 36 are regarding licensed practice (including 3 applicants) and 27 are regarding unlicensed practice.

## V. CONSUMER PROTECTION VOTES

**#2010-079**      Moved: Carlson      Second: Shallcross

**Action:** Issue a Notice of Intent to Impose Civil Penalty.

Roll Call: Shallcross-Aye; Wade-Aye; Haydon-Aye; Sherman-Aye; Anderson-Aye; Carlson-Aye; Latham-Aye

**#2011-005** Moved: Shallcross Second: Carlson  
**Action: Issue a Thirty-day Letter**  
In Favor: Unanimous Opposed: None Abstention: None

**#2011-016** Moved: Shallcross Second: Sherman  
**Action: Dismiss**  
In Favor: Unanimous Opposed: None Abstention: None

**#2011-017** Moved: Wade Second: Anderson  
**Action: Dismiss**  
In Favor: Unanimous Opposed: None Abstention: None

**#2005-031** Moved: Haydon Second: Anderson  
**Action: Issue an Order Terminating the Order**  
Roll Call: Shallcross-Aye; Wade-Aye; Haydon-Aye; Sherman-Aye; Anderson-Aye;  
Carlson-Aye; Latham-Aye

**#2010-003 & #2010-030** Moved: Carlson Second: Shallcross  
**Action: Approve Final Stipulated Order**  
Roll Call: Shallcross-Aye; Wade-Aye; Haydon-Aye; Anderson-Aye;  
Carlson-Aye; Latham-Aye; and Sherman-Abstain

**#2010-040** Moved: Wade Second: Sherman  
**Action: Approve ORS 675.175 Request**  
In Favor: Unanimous Opposed: None Abstention: None

**#2010-064** Moved: Anderson Second: Shallcross  
**Action: Approve Default Order**  
Roll Call: Shallcross-Aye; Wade-Aye; Sherman-Aye; Anderson-Aye; Carlson-Aye;  
Haydon-Aye and Latham-Abstain

**#2010-094** Moved: Anderson Second: Haydon  
**Action: Dismiss**  
In Favor: Unanimous Opposed: None Abstention: None

**#2010-100** Moved: Sherman Second: Shallcross  
**Action: Issue a Thirty- day Letter**  
In Favor: Unanimous Opposed: None Abstention: None

**#2010-106** Moved: Shallcross Second: Haydon  
**Action: Issue a Thirty- day Letter**  
In Favor: Unanimous Opposed: None Abstention: None

**2010-111** Moved: Sherman Second: Anderson  
**Action: Dismiss**  
In Favor: Unanimous Opposed: None Abstention: None

**#2011-001** Moved: Haydon Second: Wade  
**Action: Dismiss**  
In Favor: Unanimous Opposed: None Abstention: None

**#2011-002** Moved: Anderson Second: Sherman  
**Action: Dismiss**  
In Favor: Unanimous Opposed: None Abstention: None



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#2011-003

Moved: Shallcross Second: Haydon

John A. Kissinger MD, Governor

Action: Dismiss

In Favor: Unanimous

Opposed: None

Abstention: None

#2011-008

Moved: Wade Second: Sherman

Action: Dismiss

In Favor: Unanimous

Opposed: None

Abstention: None

## VI. EXECUTIVE SESSION CONSENT AGENDA

Moved: Wade Second: Sherman

Action: Approve the Consent Agenda

In Favor: Unanimous

Opposed: None

Abstention: None

## VII. EXECUTIVE DIRECTOR REPORT

### A. Legislative Matters

1. Ms. McHugh reported that the Governor's office issued a directive regarding state agency testimony to the 2011 Legislature. State agency testimony (written or oral) needs to be approved by the governor's office. They have a process in place to review proposed testimony quickly. Mr. Foote discussed a board that opposed a bill brought forward by Governor Kulongoski three years ago, and noted there continues to be a rippling effect from that event. We have a new health policy advisor in the Governor's office. The Governor's health policy advisor is also dealing with big issues such as the State Hospital and the new Health Authority.
2. Ms. McHugh reviewed proposed legislation that may affect the Board OBPE and/or psychologists in Oregon.
3. Ms. McHugh announced a potential piece of legislation that would give authority to Oregon Health Licensing Boards to achieve semi-independent status. Ms. McHugh discussed the pros and cons of Semi-Independent status, and referred Board members to the handout in the meeting packet that describes the pros and cons in more detail.

**B. 2011-13 Budget Presentation to the Legislature** – Ms. McHugh reported that the Board's budget had a hearing in March. Susan Latham, Chair, attended the hearing along with Ms. McHugh.

**C. National Art Therapy Association.** Warren Foote, AAG, noted a public discussion at a board meeting is not an open discussion. The Board's responsibility is to determine whether or not an art therapist is practicing psychology. Discussion by board members suggested finding a way to help art therapists fashion their services that is not contrary to law and how the board's notice letter can be phrased to do this.

**D. 2011 OPA Town Hall.** Ms. McHugh announced that the Oregon Psychological Association's OBPE Town Hall is scheduled for May 13, 2011. Suggested discussion topics for the meeting included: mandated reporting, Board statistics, the life of a complaint and what information is confidential and is not. Other suggestions were unlicensed practice and a possible new role of the LPC board.



## VIII. IMPAIRMENT

Dr. Haydon, presented information on a potential third option for the State Impairment Program. He is meeting with Martin Pittioni, Board of Licensed Clinical Social Workers, to provide expertise and feedback on the proposal.

## IX. OBPE EDUCATION SUB-COMMITTEE

Dr. Shallcross reported on the activities of the Education Sub-Committee. The Committee is comprised of Drs. Shallcross, Sherman and Haydon, as well as Debra McHugh, OBPE Executive Director. The Committee is looking at the entire educational preparation for licensure. The Committee is considering a "licensure track" for applied psychologists.

## X. POLICY MATTERS

**A. Proposed Administrative Rule Change for Accruing Residency Hours.** Vote to remove requirement of "At least 50% of psychological work must be face-to-face client contact." Proposal is to take this requirement out of the administrative rule.

**Action:** Approve recommendation of Education Sub-Committee.

**B. Proposed Administrative Rule Change for Change of Information.** Rule adds requirement that licensees inform the Board's office of address, phone, and name changes within 30 days. Recommended for approval.

**Action:** Approved recommendation

**C. Board Responses to Difficult Situations.** Aggression, threats, and unprofessional conduct are issues of concern in the agency on a daily basis.

**Action:** Discuss plan for staff safety.

**D. Letter from Sondra Marshall, Ph.D.** – Requested feedback and support for psychologists (with special training in neuropsychology) to be included in the Oregon Board of Education's Administrative Rule regarding releasing student athletes back to sports after a head injury. The request to the Board was not submitted in time for the Administrative Rule comment period. The Board discussed concerns that releasing a student back to sports after a head injury might be outside the scope of a psychologist—even those with specialized training in neuro-psychology.

**Action:** Ms. McHugh will relay the Board's position to Dr. Marshall.

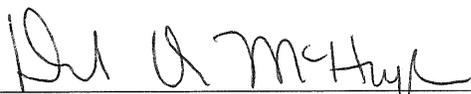
## XI. LICENSEE REINSTATEMENT

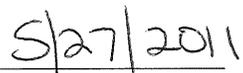
**A. Gary Nielsen** – lapsed for non-payment of licensure fees.

**Action:** Approved request for reinstatement

## ADJOURN

Respectfully Submitted:

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

  
\_\_\_\_\_  
Date