



Oregon

John A. Kitzhaber, MD, Governor

State Board of Psychologist Examiners

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PUBLIC SESSION MEETING MINUTES

May 27, 2011

Salem, OR

Members Present: Susan Latham, Public Member, Chair
Shane Haydon, Ph.D., Vice-Chair
David Wade, Psy.D.
Fran Ferder, Ph.D.
Linda Sherman, Ph.D.
Roger Carlson, Ph.D.
Jim Hendry

Excused: Robin Shallcross, Ph.D.
Kent Anderson

Legal Counsel: Raul Ramirez, AAG
Julie Kelly, Law Clerk

Staff: Debra McHugh
Karen Berry
LaReé Felton
Kelli Kelly

Guests: Christina Lion
Heather Bacon
Roger Harris
Kasey Luy
Denise DeZolt
Jennifer Diallo
Lynda Gardner
Marilyn Powell
Tracy Marsh
Jim Gardner
John Sabatini

CALL TO ORDER AT 1:00P.M.

I. PUBLIC FORUM

A. Christina Lion, Ph.D. – Current applicant and 2011 Walden University graduate. Dr. Lion discussed her attempts to produce syllabi requested by the Board during the application process. She expressed frustration because she made sure Oregon would license her before she enrolled in Walden. She felt that she had followed the rules. Dr. Lion pointed out that Oregon has licensed another Walden graduate. She stated that on-line classes were more difficult than “bricks and



mortar” classes. Her opinion was that she had received an “excellent education” through Walden University.

B. Heather Bacon, Ph.D. - Current applicant attending Walden University. Heather discussed her opinion about the need to allow on-line education so people can have families and live and work in rural areas.

C. Roger Harris - Attorney representing Christina Lion, Ph.D. Mr. Harris discussed administrative rules as they apply to educational requirements in Oregon. He discussed Dr. Lion’s transcript, residency hours, and additional continuing education hours earned while getting her doctorate. Mr. Harris suggested the Board consider credit for continuing education hours earned while working on her PhD. Mr. Harris asked that the Board look at Christina’s practicum and internship reviews.

D. Marilyn Powell, PhD – Interim Department Chair, Psychology, Walden University. Dr. Powell discussed residencies and Walden’s philosophy behind the Academic Year in Residence (AYR). She also discussed the goals of AYR’s: skill acquisition, socialization to the profession, and student evaluation. Dr. Powell indicated they believed that Dr. Lion had 500 hours of residency. She further discussed her view that a residency is a process and there are other points of qualification for licensure besides a residency.

II. OBPE EDUCATION SUB-COMMITTEE

1. Proposed Administrative Rules Changes to Education Requirements

Rescheduled to July 2011

Action: None

2. Unlicensed Practice Policy – The Board discussed the utility of using an agreement form for unlicensed representation as a psychologist. They concluded that a letter sent from the Board would suffice as a ‘Notice’ to cease and desist. Further review of the unlicensed practice policy criteria was rescheduled for July.

A. Policy Change

Action: None

B. Agreement Form

Action: Discontinue use of the *Agreement to Cease* form

III. OREGON OFFICE OF DEGREE AUTHORIZATION (ODA) – Jennifer Diallo

ODA is located in the Oregon Student Assistance Commission to keep a neutral status because they mediate issues between students and education providers. They also send cease and desist letters to people who are claiming an academic credential that they do not possess or are from a substandard university. Often people think they have an academic credential but it is not valid in Oregon. ODA authorizes several types of schools and are responsible for distance learning schools

Federal law requires that schools have state approval for their online programs. The main concern is that students are able to work in their field upon graduation. Even if a school is regionally accredited, they still have to have authorization from ODA to have students in Oregon, and/or to operate in Oregon. In the past ODA used regional accreditation as a standard, but it’s no longer enough.

Walden University’s authorization to operate in Oregon lapsed in 2002. ~~Walden recently~~ filed an application, and is in a grace period. However, ODA will not re-authorize Walden

until they can show that psychology graduates of their university meet Oregon's standards for licensure. ODA works hand-in-hand with the Oregon Nursing Board to validate programs acceptable for licensure. ODA would like the same relationship with OBPE.

IV. EXECUTIVE DIRECTOR REPORT (Debra McHugh)

1. Walden University – Program Concerns

Ms. McHugh explained that Walden University is regionally accredited ~~by the Higher Learning Commission~~. The first step in licensure is that the applicant must graduate from either an APA accredited psychology program **OR** a regionally accredited university. There are many additional educational qualifications including the structure of the department within the university, the structure of the program and the curriculum, among others.

Ms. McHugh explained that there were some 'red flags' regarding two recent applications from graduates from Walden University. Ms. McHugh consulted with Board legal council, the Board Chair, the Education Sub-Committee, Walden University, the Oregon Office of Degree Authorization, and the Higher Learning Commission. Ms. McHugh delineated the shared concerns as follows:

Applicant #1:

- An application and transcript from Walden arrived showing no practicum and no residency. In five years with the Board, Ms. McHugh had never seen an applicant without practicum or residency. The applicant had rented an office for his practice, and Ms. McHugh was concerned about the applicant's lack of preparation.
- The transcript lacked continuity of information, and did not indicate department or course titles—only geographical information (e.g., "Portland, OR 4 credits").
- On the OBPE *University Accreditation Form*, the Department ~~Chair~~ noted that ~~66 hrs~~ were 'self-reported activities' by the student. The form requires attestation that the student obtained 500 hours of student-faculty educational activities in-residence. The transcript reflected 440 hours of in-residence credit. Walden could not explain the discrepancy or how the self-reported hours were earned or documented.

This discrepancy in the records called into question Walden's system for awarding credits, and the attestation by an administrator of 66 undocumented credit hours called into question the veracity of the administrator.

Applicant #2:

- The *University Accreditation Form* was signed by the same administrator, now "Interim" Chair of the Psychology Department, (and also Dean of the College of Social and Behavioral Sciences) attesting that the student obtained 500 hours of student-faculty educational activities in-residence, yet the transcript reflected 440 hours.
- The student was asked to produce 'proof' of the 500 hours of in-student faculty educational activities in-residence, including courses attended, course syllabi, and learning objectives. Upon review, Walden had awarded graduate level credit for activities such as networking breakfasts, orientation to Walden, and presentations on

how to use the library among many other questionable activities. This called into question the quality of the core and substantive courses where Walden awarded credit.

After a conference call with three Walden administrators, Ms. McHugh was even more concerned. Particularly when the administrators referred to required program processes and conditions that were not reflected in the students' records.

2. Review of OBPE Educational Requirements

The current OBPE educational requirements have been in effect since 1989. The Board's Education Sub-Committee has been meeting regularly, and has substantially revised the administrative rule requirements including those pertaining to practicum and internship. A proposed draft will be presented to the full Board in July.

V. APPROVE MINUTES

January 14, 2011 **EXECUTIVE SESSION MINUTES**

Moved: Haydon Second: Sherman Abstention: None

Action: Approve the Executive Session meeting minutes with one correction.

In Favor: Unanimous Oppose: None Abstain: None

March 25, 2011 **EXECUTIVE SESSION MINUTES**

Moved: Carlson Second: Wade Abstain: None

Action: Approve the Executive Session Minutes as presented.

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

March 25, 2011 **PUBLIC SESSION MINUTES**

Moved: Hendry Second: Wade Abstain: None

Action: Approve the Executive Session Minutes as presented.

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

VI. 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, 2010-063, 2010-069, 2010-072, 2010-081, 2010-106, 2010-110, 2010-113, 2010-115, 2010-117, 2010-121, 2011-005, 2011-006, 2011-007, 2011-010, 2011-014, 2011-015, 2011-018, 2011-019, 2011-020, 2011-021, 2011-023, 2011-024, 2011-025, 2011-026, 2011-027, 2011-028

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

In Favor: Unanimous Oppose: None Abstain: None

VII. CONSUMER PROTECTION STATISTICS

33 complaints have been filed in 2011. There are 47 open cases under investigation (including the investigation files scheduled for Board consideration), with 2 in the contested case process. Of the open cases under investigation, 30 are regarding licensed practice (including 2 applicants) and 17 are regarding unlicensed practice.

VIII. CONSUMER PROTECTION VOTES

#2010-079 Moved: Carlson Second: Hendry

Action: Approve Final Default Order.

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

#2011-005 Moved: Sherman Second: Carlson

Action: Issue Notice of Intent to Impose \$5,000 Civil Penalty

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

#2010-115 Moved: Hendry Second: Sherman

Action: Issue a Thirty-day letter.

In Favor: Ferder, Sherman, Haydon, Latham, Wade Opposed: Hendry Abstention: Carlson

#2011-018 Moved: Haydon Second: Wade

Action: Issue a Thirty-day letter

In Favor: Unanimous Opposed: None Abstention: None

#2011-023 Moved: Ferder Second: Sherman

Action: Issue a Thirty-day letter

In Favor: Ferder, Sherman, Haydon, Carlson Opposed: Hendry, Latham, Wade.
Abstention: None

#2010-099 Moved: Hendry Second: Wade

Action: Dismiss

In Favor: Ferder, Haydon, Carlson, Hendry, Latham, Wade Opposed: None
Abstention: Sherman

#2009-030 Moved: Hendry Second: Ferder

Action: Approve Final Stipulated Order

Roll Call: Hendry-Aye Wade-Aye; Haydon-Aye; Sherman-Aye; Ferder-Aye;
Carlson-Aye; Latham-Aye

#2009-072 & 2010-013 Moved: Sherman Second: Wade

Action: Dismiss

In Favor: Unanimous Opposed: None Abstention: None

#2010-100 Moved: Ferder Second: Haydon

Action: Dismiss

In Favor: Hendry, Wade, Haydon, Sherman, Ferder, Latham. Opposed: Carlson.
Abstention: None

#2010-101 Moved: Hendry Second: Wade

Action: Approve Final Order

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

#2010-106 Moved: Hendry Second: Wade

Action: Issue NPDA

Roll Call: Wade-Aye; Haydon-Aye; Sherman-Aye; Ferder-Aye;
Carlson-Aye; Latham-Aye Abstention: Hendry

- #2010-069** Moved: Hendry Second: Wade
Action: Issue a Thirty-day letter
 In Favor: Hendry, Wade, Haydon, Sherman, Ferder, Latham. Opposed: None
 Abstention: Carlson
- #2010-120** Moved: Hendry Second: Wade
Action: Dismiss
 In Favor: Hendry, Wade, Haydon, Carlson, Ferder, Latham. Opposed: None
 Abstention: Sherman
- #2011-006** Moved: Hendry Second: Wade
Action: Issue a Thirty-day letter
 In Favor: Hendry, Wade, Haydon, Sherman, Ferder, Latham. Opposed: Carlson.
 Abstention: None
- #2011-007** Moved: Sherman Second: Ferder
Action: Issue a Thirty-day letter
 In Favor: Unanimous Opposed: None Abstention: None
- #2011-012** Moved: Hendry Second: Haydon
Action: Dismiss
 In Favor: Unanimous Opposed: None Abstention: None
- #2011-013** Moved: Hendry Second: Wade
Action: Dismiss
 In Favor: Unanimous Opposed: None Abstention: None
- #2011-020** Moved: Wade Second: Ferder
Action: Issue a Thirty-day letter
 In Favor: Wade, Haydon, Sherman, Ferder, Latham, Carlson. Opposed: Hendry
 Abstention: None

IX. EXECUTIVE SESSION CONSENT AGENDA

Moved: Carlson Second: Haydon
Action: Approve the Consent Agenda
 In Favor: Unanimous Opposed: None Abstention: None

X. NOTIFICATION OF DISCIPLINE TO STATE AGENCIES (Dr. Haydon)

Dr. Haydon received a call from a Salem DHS staff who use psychologists for psychological testing of clients. The DHS staff person asked why the Board did not notify them. Ms. McHugh said that she would welcome the challenge of finding a way to spread the word about the Board's website. In addition, she suggested including information about the boards for Counselors and Therapists and Licensed Social Workers to try and find a way to get into the communication systems of DHS.

Action: Ms. McHugh to work on a education process for DHS and other agencies.

XI. OPA TOWN HALL - Debrief

Ms. Latham reported on the Town Hall forum at the Oregon Psychological Association's annual conference in Eugene. Ms. Latham urged Board members to put the 2012 date on

their calendars. She feels it is very important that every Board member attend the Town Hall in the future.

XII. EXECUTIVE DIRECTOR REPORT

1) Information Security Plan

Moved: Hendry Second: Wade

Action: To approve the April 2011 plan.

In Favor: Unanimous Opposed: None Abstention: None

2) Proposed Administrative Rule Comments

The Board discussed the few comments submitted, and requested Ms. ~~McHugh notify~~ licensees and psychologist residents of the effective date of the rule changes. In addition, the Board directed Ms. McHugh to notify licensees and psychologist residents of the reasoning behind the change.

A. Change of Contact Information Notification

B. Remove 50% face-to-face client contact requirement

Moved: Hendry Second: Wade

Action: Approve final filing of rules.

In Favor: Unanimous Opposed: None Abstention: None

XIII. IMPAIRMENT

Shane Haydon reported that there remains anxiety about the duty to report law. The safety of consulting with colleagues is concerning. The OPA colleague assistance program wants to be a resource for licensees who are dealing with complaints. Dr. Lori Queen has formally asked the Board to include this resource in our information to licensees. Ms. McHugh will report back in July.

Action: Request a 'flyer' from OPA regarding the colleague assistance program, and distribute as appropriate—after consulting with the Board's legal counsel.

XIV. POLICY MATTERS (Debra McHugh)

Application Reference Form Policy. Debra McHugh asked the Board for guidance for staff on authenticating application reference forms. What is an adequate relationship and does it matter how long or in what context the reference has known the applicant?

Action: Discuss and approve policy

XV. BUDGET REPORT – Information Only

ADJOURN AT 5:00 P.M.

Respectfully Submitted,


Debra Orman McHugh, Executive Director

Date: July 22, 2011