



# Oregon

Kate Brown, Governor

**Oregon Board of Psychologist Examiners**  
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## Public Session Board Meeting Minutes

**November 20, 2015**

The Grand Hotel at Bridgeport  
7265 SW Hazel Fern Rd.  
Portland, OR 97224

**Members Present:** Fran Ferder, Ph.D., Chair  
Peter Grover, Ph.D., Vice-Chair  
Patricia Bjorkquist, Ph.D.  
Sandra Jenkins, Ph.D.  
Dorothy Mellon, Public Member  
Anne-Marie Smith, Ph.D.  
Jon Weiner, Public Member

**Legal Counsel:** Warren Foote, AAG

**Staff:** Charles Hill, Executive Director  
Karen Berry, Investigator  
LaReé Felton, Operations Manager  
Torey McCullough, Licensing Coordinator  
Ashlie Rios, Office Specialist

**Guests:** Anthony Medina, DAS, CFO Analyst  
Ryan Dix, OPA Liaison  
Raymond Trybus, Walden University  
Tracy Marsh, Walden University  
Jim Gardner, Gardner & Gardner  
Robert Plamondon  
Daniel Plamondon

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### **INTRODUCTIONS/ROLL CALL**

Dr. Ferder called the Oregon Board of Psychologist Examiners (OBPE) Public Session meeting to order at 1:00 p.m. on Friday, November 20, 2015, at 7265 SW Hazel Fern Rd., Portland, OR.

### **FINANCIAL REPORT**

Mr. Hill welcomed Anthony Medina to the meeting and asked him to explain his position with the Department of Administrative Services (DAS). Mr. Medina is the Board's new budget analyst who just moved back to Oregon after graduating from Stanford University. Mr. Hill mentioned that the Board also has a new accountant, Lyubov Salov. Together, they have been

working on more accurately tracking and projecting expenditures for the next biennium. The DAS Budget office is already projecting a potential risk that the Board may exceed its spending limitation this biennium, and are working on ways to prevent this. One option is for Mr. Hill to present the Board's case to the legislature and ask to increase the spending limitation. This will happen in 2016. Also, with the current temporary reduction in licensure fees, the Board will be looking at a two month cushion of ending balance for the '19-21 budget, but DAS likes to see roughly four.

## **MEETING MINUTES**

### **Executive Session, Regular Meeting – September 25, 2015**

Dr. Grover moved and Dr. Bjorkquist seconded the motion to approve the meeting minutes as correct. All board members present voted in favor of the motion, no objections, and Mr. Weiner abstained. The motion passed.

### **Public Session, Regular Meeting – September 25, 2015**

Dr. Bjorkquist moved and Dr. Jenkins seconded the motion to approve the meeting minutes. All board members present voted in favor of the motion, no objections, and Mr. Weiner abstained. The motion passed.

## **CONSUMER PROTECTION CASES**

### **Orders**

**Case #2013-056:** Dr. Bjorkquist moved and Ms. Mellon seconded the motion to Approve the Stipulated Order. Roll call vote: Dr. Smith-Aye; Dr. Jenkins-Aye; Dr. Bjorkquist-Aye; Dr. Grover-Aye; Dr. Ferder-Aye; Ms. Mellon-Aye; Mr. Weiner-Aye. The motion passed.

**Case #2015-021:** Dr. Jenkins moved and Dr. Bjorkquist seconded the motion to issue the Default Final Order. Roll call vote: Ms. Mellon-Aye; Mr. Weiner-Aye; Dr. Smith-Aye; Dr. Jenkins-Aye; Dr. Bjorkquist-Aye; Dr. Grover-Aye; Dr. Ferder-Aye. The motion passed.

### **Thirty-Day Letter Responses**

**Case #2015-001:** Dr. Bjorkquist moved and Dr. Grover seconded the motion to dismiss the case. All board members present voted in favor of the motion, no objections, and no abstentions. The motion passed.

### **New Case Reports**

**Case #2014-062:** Dr. Jenkins moved and Dr. Smith seconded the motion to issue a Thirty-Day Letter. Roll call vote: Dr. Smith-Aye; Dr. Jenkins-Aye, Dr. Bjorkquist-Aye; Dr. Grover-Aye; Mr. Weiner-Aye; Ms. Mellon-Aye; and Dr. Ferder-Aye. The motion passed.

**Case #2015-013:** Dr. Jenkins moved and Dr. Smith seconded the motion to dismiss the case. All board members present voted in favor of the motion, no objections, and no abstentions. The motion passed.

**Case #2015-026:** Ms. Mellon moved and Dr. Bjorkquist seconded the motion to dismiss the case. All board members present voted in favor of the motion, no objections, and no abstentions. The motion passed.

**Case #2015-029:** Dr. Bjorkquist moved and Dr. Grover seconded the motion to issue a Thirty-Day Letter. Roll call vote: Dr. Smith-Aye; Dr. Jenkins-Aye, Dr. Bjorkquist-Aye; Dr. Grover-Aye; Mr. Weiner-Aye; Ms. Mellon-Aye; and Dr. Ferder-Aye. The motion passed.

**Case #2015-032:** Dr. Bjorkquist moved and Dr. Grover seconded the motion to dismiss the case. All board members present voted in favor of the motion, no objections, and no abstentions. The motion passed.

**Case #2015-033:** Dr. Jenkins moved and Ms. Mellon seconded the motion to dismiss the case. All board members present voted in favor of the motion, no objections, and no abstentions. The motion passed.

**Case #2015-039:** Dr. Grover moved and Dr. Jenkins seconded the motion to dismiss the case. All board members present voted in favor of the motion, no objections, and no abstentions. The motion passed.

**Case #2015-040:** Dr. Grover moved and Dr. Bjorkquist seconded the motion to dismiss the case. All board members present voted in favor of the motion, no objections, and no abstentions. The motion passed.

**Case #2015-042:** Ms. Mellon moved and Dr. Smith seconded the motion to dismiss the case. All board members present voted in favor of the motion, no objections, and Dr. Jenkins abstained. The motion passed.

## **INVESTIGATION EXTENSIONS**

**Case #s 2015-036, 2015-037, 2015-038, & 2015-043.**

Dr. Grover moved and Dr. Bjorkquist seconded the motion to approve the investigation extensions for the cases listed above. All board members present voted in favor of the motion, no objections, and no abstentions. The motion passed.

## **ESTABLISHING A BOARD MEMBERSHIP COMMITTEE**

Several boards have board member openings that need to be filled. The transition of staff at the Governor's Office has created some backlog in these openings. The main priority is to make appointments for boards that don't have quorum, and the Board does have quorum at this time. The new appointments officer, Mary Moller, wants to work more closely with the Boards and would like members to be more involved in the appointments process. The Board has already begun by interviewing possible candidates that apply and then making recommendations to the Governor's Office. There are more than 250 boards and commissions in Oregon, and people are always expiring, leaving, etc. and it's difficult to keep track of. The Board would want to see a list of qualifications or attributes they would like in future board members. This committee will be very time consuming and transparency is important, but Dr. Bjorkquist thinks it's overdue. Dr. Ferder believes that finding a public member may be the most difficult, and diversity is a

concern. More seasoned individuals have more time and experience and are usually the ones that apply for these positions. Dr. Smith finds value in bringing on younger board members, but many of them are currently raising families and it is very difficult to have time for board and committee meetings. Dr. Smith would like to see the Board make it easier, in any way, for younger individuals to participate. Dr. Ferder mentioned that there is currently one person waiting for the Governor's Office to approve his application to sit on the Board and another who is part way through the vetting process. They would like to create a pool of applicants for future openings.

## **CAREER COUNSELING RECORDS ISSUE**

Mr. Hill received correspondence from Portland Community College asking for direction with regards to HIPPA and FERPA laws. Legal Counsel has recommended that the Board not give an opinion or statement as this is legal advice they are seeking. Universities have their own legal counsel and can answer those types of questions. Administration has been getting many inquiries similar to this issue; it's nationwide and not just in Oregon.

## **ASPPB PLUS**

Ms. Felton updated the Board with the current correspondence with the Association of State and Provincial Psychology Boards (ASPPB). The current PLUS application will be an option but not a requirement. Ms. Felton and the ASPPB staff are working on a few of the documents needed for the PLUS application and making sure it covers all the required areas. They are hoping to have this live on January 1, 2016.

## **RULEMAKING**

### **CE Credit For Reading Books**

At the September meeting, the Board considered the concept of accepting reading books, in addition to journal articles, for continuing education credit. Ms. Felton was directed to draft a proposed rule. The draft rule was reviewed by the Education Committee in October and approved to be presented before the Board. The rule draft indicates that reading 100 book pages will equal one hour of CE.

Dr. Grover moved and Dr. Smith seconded the motion to file a Notice of Proposed Rulemaking approving continuing education for reading books. All board members present voted in favor of the motion, no objections, and no abstentions. The motion passed. Ms. Felton will create a notice, file it with the Secretary of State's office, and sent it out for public comment.

### **Proposed Statewide Criminal Records Check Rules (HB 3168 & 2250)**

Recent legislation required DAS to develop statewide criminal background check administrative rules, which will require agencies to repeal agency-specific rules. Ms. Felton has provided the Board with the Rulemaking Notice and draft rule text from DAS, which are intended to become effective at the beginning of 2016 after the public comment period. These proposed rules include a weigh test very similar to the process under the Board's current rule. Dr. Grover looks forward to relying on a structure that all agencies will adhere to.

## **APPROVE LICENSES**

Michelle M. Block, Psy.D., Joshua L. Clark, Ph.D., Rick L. Cox, Psy.D., Christine V. Davidson, Ph.D., Lucas R. Eberhardt De Master, Psy.D., Lizabeth M. Eckerd, Ph.D., Carilyn C. Ellis, Psy.D., Abby M. Everaerts, Psy.D., Luann K. Foster, Psy.D., Tyler A. Gerdin, Psy.D., Erin A. Grady, Ph.D., Michael J. D. Irvine, Psy.D., Sara J. Jensen, Psy.D., Thomas F. Kinsora, Ph.D., Paula J. Luginbuhl, Ph.D., Kasey C. Luy, Ph.D., Angelique Melendez-Blanch, Psy.D., John R. Pelletier, Sc.D., Stacie L. F. Rowan, Ph.D., Audrey L. Schwartz, Ph.D., Paul R. Turner, Ph.D., Cerise M. Vablais, Ph.D., Gregory M. Vogt, Ph.D., Robert J. Yoder, Psy.D., Ashleigh C. Young, Psy.D., Maureen T. Zalewski Regnier, Ph.D., Ruth M. Zuniga Soto, Ph.D.

Dr. Bjorkquist moved and Dr. Jenkins seconded the motion to approve the licenses as listed above. All board members present voted in favor of the motion, no objections, and no abstentions. The motion passed.

## **PUBLIC FORUM**

Members of the public were given an opportunity to address the Board.

Dr. Ferder welcomed Tracy Marsh and Raymond Trybus who traveled from Minnesota to speak with the Board. Dr. Marsh spoke of the three remaining students who met the deadline to apply for licensure under the old education rules. They are looking to see if the Board would come to an understanding to allow the final two applicants licensure. The third was not an Oregon resident and did not attend the extended in-residence course at the time it was offered. Walden University has agreed to suspend its legislative push in Oregon. The University's psychology department stopped new enrollments for Oregon students four years ago in 2011, and up until that point they were not aware of any issues with their graduate programs. The current issue is in-residence hours and their attempt to make them up post-graduate.

Dr. Marsh is unclear about which hours will and will not count. She did not understand why the Board suddenly started examining the in residence hours as they had never done so before. Dr. Ferder explained that this started after the Board received two applications that were clearly short of the 500 hour minimum, even by the students' own tally. Upon closer review, it was noticed that many hours claimed did not qualify. It was only after this that Board deemed it necessary to provide more scrutiny. Dr. Trybus believes that in-residence hours have not been reviewed consistently. Dr. Marsh hopes that the Board sees Walden has taken significant strides to advocate for their current students to get them licensed.

Mr. Hill has reviewed earlier correspondence with Ms. Marsh and Mr. Trybus and determined that their major concerns have already been addressed. Dr. Ferder explained that the two previous applicants had applied at a time when the education requirements were changing, and it is understandable that there may have been some confusion about the rules. There were significant issues with these applications. The Board worked extensively with these applicants and Walden to explain the rules and make help them understand which in-residence activities would qualify, and which did not meet the requirements. It was made clear that the in-residence hours must be completed as part of the doctorate program- prior to graduation- and representatives from Walden made assurances that they would not graduate candidates that did not meet these requirements. The Board was surprised and disappointed to receive two

problematic applications from individuals who graduated subsequent to these conversations. These applications contain both substantial post-doctoral hours and problematic pre-doctoral hours, a total deficiency of 240 in-residence hours out of the 500 hours required. There were hours not included on the transcript at all. Dr. Grover noted that this is a substantial shortfall.

Ms. Felton was concerned that Walden University has continued to graduate applicants knowing they didn't have enough residency hours as recently as last year. Mr. Weiner questioned whether Drs. Trybus and Marsh believed, after the meeting with the Board several years ago, that hours completed post-doctorally and hours they had been previously told would not count, would be counted. It is incumbent on an organization that purports to educate people to qualify for a Oregon licensure to be familiar with the OARs that apply. Dr. Marsh believed that the 2011 rules would continue to apply to students who had not yet applied for licensure. However, this is not correct; Walden could have remedied the current applicants' deficiencies prior to graduation. The 2011 rule change added significant clarifying detail so that the requirements are simpler to follow.

Robert Plamondon introduced himself to the Board and first wished to speak regarding the vetting process for new board members. He noticed that the Board hasn't advertised for current open positions. He doesn't believe that the Board put out the word far enough in advance for good applications to come in. He also spoke to the Licensure Workgroup Exemption Meeting. The licensure exemption is known and being addressed, and he would like to see the Board clarify their position on this topic. Dr. Grover thanked Mr. Plamondon for his attendance and critique.

Dr. Ryan Dix is looking forward to the Board's attendance at the Oregon Psychological Association (OPA) annual conference in May 2016. He will ask OPA for current topics they would like to see the Board discuss and report back.

## **STATISTICS**

### **Licensure**

144 new applications have been received and 111 licenses have been issued in 2015. There are currently 171 active applicants- including 76 practicing residents- and 1861 licensees: 1472 active, 205 semi-active, 182 inactive, and 2 suspended.

### **Consumer Protection**

48 complaints have been filed in 2015. There are currently 27 open cases under investigation (including the investigation files scheduled for Board consideration): 20 licensees, 3 applicants, and 4 unlicensed practice cases. There are 5 contested cases in process, and 3 cases on appeal.

The Oregon Board of Psychologist Examiners adjourned Public Session at 2:25 p.m.

*Respectfully Submitted:*

// Charles Hill //

**Charles Hill, Executive Director**

March 18, 2016

**Date**