

OREGON BOARD OF PSYCHOLOGIST EXAMINERS BOARD BULLETIN

Volume 1, 2010

Board of Psychologist Examiners

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OUR "NEW" MISSION

The mission of the Oregon Board of Psychologist Examiners is to promote, preserve and protect the public health and welfare by ensuring the ethical and legal practice of psychology.

OUR CORE VALUES

- TRANSPARENCY
- INTEGRITY
- OBJECTIVITY
- ACCOUNTABILITY
- COMPASSION

~Mission and Core Values adopted November 2009

2010-2011 Jurisprudence Exam Dates

July 16 ~ (June 16 notice deadline)

October 15 ~ (September 15 notice deadline)

January 14 ~ (December 14 notice deadline)

April 22 ~ (March 22 notice deadline)

July 15 ~ (June 15 notice deadline)

October 14 ~ (September 14 notice deadline)

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Congratulations New Licensees!

October 2009

JOHNNA VOGHT
KATIE McCALL
ROSE F. EAGLE
LANE K. DeWAN
DOUGLAS R. HERR
JEFFREY L. ANDERSON
SERGIY V. BARSUKOV
CHRISTIANE BLANCO-OILAR
LAURIE L. BURKE
MORGAN T. SAMMONS
JEANINE S. COPPERSTONE
ANNE W. CLARK
CYNTHIA B. CONNOLLY
BRIAN A. DASKIVICH
BETH D. FRENCH
AIMEE GERRARD-MORRIS
FREDERICK D. GROSSMAN
KRISTINE K. HANNA
TARA N. HOLSTEIN
TAMARA HOOGESTRAAT
RYAN F. HOSLEY
BROOKE HOWARD
CAROL S. JONES
HEIDI JOSHI
BENJAMIN KESSLER

AL KUBAT
ELIZABETH A. LIST
C. CHYRELLE MARTIN
KENNETH W. MERRELL
SHANNON MONG
JAMES M. MOURS
PEGGY C. MURPHY
TAMARA PEDERSON
CYNTHIA M. POLANCE
LONDON POPPLETON
AUTUMN L. PORUBSKY
MELISSA RANUCCI
ELIZABETH RAPKOCH
RUTH C. RESCH
VERONICA L. RODRIGUEZ
PARIS C. SCHAEFER
ROBERT L. ROGERS
NOAH L. ROOST
JOHAN ROSQVIST
AMY B. STAPLETON
BRIAN C. TUCKER
SAW-MYO TUN
MARTHA VILLEGAS-
GUTIERREZ
NEVILLE R. VINES
JENNIFER J. WATSON

ROBERT J. WENIGER
CHRISTINA L. ZAMPICH
SCOTT T. ALVORD
MARIA G. AGUIRRE
JACQUELINE ALVAREZ
MONIKA-MARIA GRACE
ELIZABETH B. ANDERSON

January 2010

ADAM FENSKE
SUSAN GENDEIN-MARSHALL
RONN JEFFRY NELSON, II
TIFFANY PARCEL
AMANDA J. RAGONESI
MATTHEW J. STURGEON
ILDIKO SUTO
SARA O. WOODARD
REBECCA J. SEIFERT
WERNER BERG

February 2010

TERESA A. DAVIGO

April 2010

MEGHAN C. KELLEY

Board Retreat November 2009

The Board held its all day annual retreat and planning meeting on November 14, 2009. Guest in attendance was Scott Pengelly, Oregon Psychological Association Liaison to OBPE.

Topics covered and discussed at length included: Board Mission Statement revision and a core values exercise; Emerging Practices; OPA Impaired Professionals Program and the State Department of Human Services impairment program; Strengthening the supervision of licensees under discipline and the supervision of residents; Developing standardized disciplinary guidelines; Strengthening licensure renewal; and Website improvements.

The retreat discussion, goals and decisions, along with a new mission statement and agency core values and will be incorporated into a five-year strategic plan for the staff and Board. The draft strategic plan will be reviewed by the Board at their March 2010 meeting. ✂

Kathy Mann Retires

As many of you know, Kathy Mann, a twenty-five year employee of OBPE, was diagnosed with multiple myeloma this past July. This is a "blood cancer" and is not curable, but is treatable. In September she married her high-school sweetheart and is now living in her new home over-looking the Lewis River in Washington.

The Board and staff will hold a celebration on April 30, 2010 at 3:00PM at the Board's office in Salem. All are welcome!

WHAT GETS US INTO TROUBLE IS
NOT WHAT WE DON'T KNOW. IT'S
WHAT WE KNOW FOR SURE THAT
JUST AINT SO. ~ Mark Twain

Emerging Practices

At the November 2009 Board Retreat, the Board developed the following screening criteria for “emerging practices.” If you are considering using an emerging, non-traditional or non-standard technique or practice, ask yourself the following questions:

- ✓ Is the practice evidence based? Is there a scientific rationale for this practice?
- ✓ Can you relate this approach to the practice of psychology?
- ✓ Is this within the scope of practice of psychology? Can you explain this treatment to another psychologist?
- ✓ Have you consulted with other professionals, in particular, psychologists?
- ✓ What is the patient risk financially & emotionally?

Common Questions

CAN I PRACTICE IN ANOTHER STATE?

The short answer is, “It depends on the state.” State requirements for visiting psychologists vary broadly. First, call the state’s licensing office and ask if they require a temporary license for an out-of-state psychologist to practice for a short time in the state. You can also find a complete summary of licensing requirements for all states and Canadian provinces at: <http://www.asppb.org/HandbookPublic/before.aspx>.

WHAT’S THE BEST WAY TO HANDLE THIS?

Board staff gets asked this question at least once a day! The first question we have is, “Do you belong to the Oregon Psychological Association (OPA)?” A recent study in Pennsylvania established that 98% of that Board’s discipline cases *did not* belong to their professional association.

In Oregon, we refer licensees, applicants and students with these questions to the OPA *first*. The OPA has many resources to help their members wrestle with ethical and legal dilemmas outside the scope of what the Board can provide. First, the OPA has an Ethics Committee that can provide consultation. Second, OPA membership includes some free legal advice every year. Third, and maybe most importantly, the OPA provides ready peer-consultation opportunities through their newsletter continuing education, conferences and an active Listserve.

HOW DOES A RESIDENT BILL INSURANCE?

We seem to have more and more calls about this recently. Oregon law states, “The psychologist resident must be designated at all times by the title “psychologist resident.” All signed materials, letterhead, business cards, telephone directory listings, brochures, **insurance billings** and any other public or

private representation must include the individual’s title as ‘psychologist resident’ and the supervisor’s name and designation as ‘supervisor’. [OAR 858-010-0036-- Guidelines for Supervised Employment]

Further, the American Psychological Association’s “Ethical Principles of Psychologists and Code of Conduct (2002),” which this Board has adopted by rule and has the force of law, states, “In their reports to payors for services or sources of research funding, psychologists take reasonable steps to ensure the accurate reporting of the nature of service provided or research conducted, the fees, charges, or payments, and where applicable, **the identity of the provider**, the findings, and the diagnosis.” [6.06 Accuracy in Reports to Payors and Funding Sources]

Submitting insurance claims indicating that the supervisor was the person “rendering service” or was the “service provider” when, in fact, the resident provided the psychological service is a violation of law. This misrepresentation would be especially egregious when the resident has opened an independent private practice off-site, and the supervisor is submitting insurance claims declaring the supervisor as the provider of services.

ARE THERE REGULATORY RESOURCES FOR PSYCHOLOGY FACULTY?

ASPPB (the Association of State and Provincial Psychology Boards) now has a *new* link on their website just for Psychology Faculty. The link will lead you to Information for Psychologists Teaching Professional Psychology. The Psychology Faculty section of the ASPPB website provides you with an overview of licensure information that will be useful to you as you help your students as they proceed

Common Questions, Cont....

with their professional career. As you know, psychologists who offer psychological services to the public must be licensed. There are exemptions from licensure requirements that vary across jurisdictions; for example, those who practice psychology in a state or federal institution or agency, in a college or university, or in a research laboratory *may* be exempt from licensure in some jurisdictions. However, the trend is toward requiring licensure of government agency employees to ensure the same level of protection for consumers of services in both the public and private sectors. As a state or provincial agency, a psychology board seeks to protect the public and by ensuring high standards for those who practice psychology, the board also serves the best interests the profession.

In addition to licensure information, you will find information regarding professional training before and after licensure that may be helpful to you and your students. ✂

Questions regarding any of these issues can be directed to Debra McHugh debra.mchugh@state.or.us or 503-373-1155.

ANY NEW CHANGES?

Applicants and licensees are required by law to keep the Board informed of any changes to contact information. A correct address is critical to receiving Board newsletters, renewal notices and other critical information. Changes must be documented in writing. Please use the "Change of Information" form at www.obpe.gov.

2009 OBPE LEGISLATIVE CHANGES

The 2009 Legislative Session brought significant changes to the Board, our applicants, licensees and the practice of psychology in Oregon. These changes went into effect January 1, 2010.

"EXEMPT SITE" PSYCHOLOGISTS & RESIDENTS

As a public protection measure the OBPE lobbied the 2009 Legislature to reduce the number of exemptions to licensure. The over-arching goal was to ensure that everyone who practices psychology in Oregon is licensed, and is being held to a code of ethics and a standard of practice. However, this effort was challenged on various fronts. In the end, the Board was required to reduce the scope of its effort. Following is a summary of the new requirements for individuals working in "exempt settings."

Effective January 1, 2010, employees of state and local government agencies, as well as community mental health programs (CMHP's) and drug and alcohol treatment programs are no longer exempt from the licensure laws of this agency. Employees of state and local governmental agencies, CMHP's and drug and alcohol programs that hold a doctoral degree in psychology will have **24 month grace period** to complete the licensure process. Individuals who were already employed on January 1, 2010 have twenty-four months from that date to become licensed. An individual who is hired at a later date has twenty four months from the date of hire to complete the licensure process. There is no "grandfathering" provision.

Don't let what you cannot do interfere with what you can do.

~John Wooden

During the twenty-four month grace period the employee:

- ✓ May practice psychology only within the scope of the person's employment;
- ✓ May practice psychology only as an employee of the employing agency or program; and
- ✓ May not use the title "psychologist."

Note: Psychologist Residents *do not* have an exemption and must apply for licensure and get into a supervision contract by March 31, 2010. Contractors and sub-contractors of federal, state, local agencies or programs practicing psychology *do not* have (and never had) an exemption to licensure. ✂

CIVIL PENALTY AUTHORIZATION

The Board requested the Legislature authorize an increase in the amount of civil penalty the Board can impose from \$1,000 to up to \$10,000. This represents a substantial increase from the prior maximum civil penalty amount of \$1,000. Effective January 1, 2010 the Board may issue a civil penalty up to \$5,000 at their discretion and up to \$10,000 *only* if the following conditions exist:

- 1) The conduct giving rise to the penalty had a serious detrimental effect on the health or safety of another person;
- 2) The person subject to the penalty has a history of discipline for the same or similar conduct;
- 3) The conduct giving rise to the penalty involves a willful or reckless disregard of the law;
- 4) The conduct giving rise to the penalty was perpetrated against a minor, an elderly person or a person with a disability; or
- 5) The person violated ORS 675.020 by practicing psychology or representing that the person is a psychologist without having a license.

This increase request is aimed at individuals who practice psychology without a license and are a danger to the public. The civil penalty is this Board's only recourse to stop someone who violates the OBPE Practice Act. In addition, a larger civil penalty will help defray the investigative and administrative hearings costs of those licensees that challenge their discipline through the contested case hearing process which can cost the Board from \$10,000 - \$40,000 for each hearing. ✂

BOARD MEMBER NOMINATIONS, ELIGIBILITY & QUALIFICATIONS

Two separate bills passed during the 2009 Legislative Session affect OBPE's board member nominations, eligibility & qualifications [Senate Bill 173 and House Bill 2118]. First, the Board has been expanded from seven to nine members, adding one additional public member and one additional professional member. Second, psychologist associates and retired psychologists are now eligible to sit on the Board. Finally, psychologist members may be appointed, by the Governor, from a list of three to five nominees for each vacancy by "any professional organization that represents psychologists." ✂

OTHER LEGISLATIVE CHANGES

Privacy for Personal Information

House Bill 2118 permits health licensing boards to release or withhold personal electronic mail address, home address and personal telephone number for person licensed, registered or certified by the board. In addition, this new law requires the release of information if request for information is made for public health or state health planning purpose.

Following is OBPE's policy, approved January 22, 2010, regarding licensee personal information:

"Oregon Board of Psychologist Examiners will not release personal electronic mail address, home address or personal telephone number for individuals licensed, registered or certified by the board, except as required by law."

The ultimate measure of a person is not where they stand in moments of comfort and convenience, but where they stand at times of challenge and controversy.

~Martin Luther King, Jr.

Recently, the Governor's office requested all health licensing boards to collect "public" email addresses (if available) for distribution to vendors, professional associations and others requesting. ✂

Impaired Professional Program

House Bill 2345 directs the Department of Human Services to establish an impaired professionals program (the program) for all health licensees and specifies the duties of a monitoring entity to oversee and report on progress or compliance. The main thrust of the program is to eliminate boards' authority to operate diversion programs for licensees with substance abuse and mental health issues. Health licensing boards may opt in or opt out.

At their meeting in January 2010, the Board voted to participate in this program. The Board believes this program is a good alternative for impaired licensees who could benefit from treatment. There are two ways for health professionals to access the program: 1) Self referral and 2) Board referral as part of a disciplinary action. In either case, it is estimated that the fee to the Board would be \$2,000 per person per year the person is in the program (and in treatment). Licensees will pay for any assessments, on-going testing and treatment recommended by the program.

The program is scheduled to begin July 1, 2010. All agencies currently operating impairment programs will be required to close them and transfer people to the new program operated by DHS. A schematic of the structure of the program is available on the OBPE website at www.obpe.gov. ✂

Duty to Report Professionals

A new duty to report law passed the 2009 Legislature (HB 2059) requiring licenses to report "prohibited or unprofessional conduct" of other health licensees to their professional licensing boards within 10 days.

Criminal Conduct. Under these provisions a psychologist, who believed a medical doctor, licensed massage therapist or a physical therapist (for example) were violating that profession's laws or rules, would be required to make a report directly to that health regulatory board. You can find a listing of all health regulatory boards on the OBPE web page (www.oregon.gov/obpe) under "Links."

The new law requires reporting conduct that:

- (A) Constitutes a criminal act against a patient or client; or
- (B) Constitutes a criminal act that creates a risk of harm to a patient or client.

Unprofessional Conduct. Licensees must also report "unprofessional conduct." In general, unprofessional conduct is defined as "conduct unbecoming a licensee or detrimental to the best interests of the public, ... conduct contrary to recognized standards of ethics ... or conduct that endangers the health, safety or welfare of a patient or client."

Confidentiality. In the exceptional situation where the other health professional is the psychologist's patient or client, *and* the reportable information was obtained during a therapy session, the information would be subject to confidentiality laws and should not be reported. If the patient or client revealed plans to "commit a crime involving physical injury, a threat to the physical safety of any person, sexual abuse or death," the treating psychologist *may* report this (*see* ORS 40.252).

Self-Reporting. Finally, the new law requires licensees to report any arrest for, or conviction of, a felony offense to the OBPE within 10 days. Licensees must also report a conviction of a misdemeanor offense to the OBPE within 10 days. Failure to promptly report could result in disciplinary action.

During the 2010 renewal process, OBPE began requiring licensees to report criminal convictions or pending adjudications. Those answering in the affirmative would be subject to further inquiry by the Board, and would not necessarily be the subject of a complaint.

The American Psychological Association's 2002 Ethics Code, adopted by the Board of Psychologist Examiners by administrative rule, requires a psychologist to attempt an informal resolution (EP 1.04 - Informal Resolution of Ethical Violations). Given these two somewhat inconsistent laws psychologists should first contact the colleague they have a concern about and then report to the Board of Psychologist Examiners.

The new law does not prescribe any particular method for reporting. A telephone call, fax, email or letter would all be acceptable methods of reporting to the appropriate health regulatory board. ✂

RESIDENCY-SUPERVISION CORNER

A Valid Residency?

Have you been approached by an individual looking for supervision? Have you agreed to be a residency supervisor? How do you know if you have a valid agreement that will be recognized by the Board when it comes time for the individual to be licensed? At a minimum, the following is required:

- ✓ The individual has been awarded a Doctorate (psychologist) or a Master's (psychologist associate) in psychology;
- ✓ The individual has submitted an application and has received a letter of approval;
- ✓ The individual has completed a *Contract for Supervision of a Psychologist Resident* and the supervisor has signed it; and
- ✓ The resident and the supervisor have both received an approved copy of the *Contract for Supervision of a Psychologist Resident* from the Board.

If your residency took place outside Oregon or if you have been working in an exempt setting, and do not have a *Contract for Supervision of a Psychologist Resident*, you will be required to demonstrate that your residency experience met all of the requirements of the Board. For example:

- ✓ The supervisor was a psychologist licensed for at least two years;
- ✓ The resident received the required number of supervision hours per week;

- ✓ The resident worked at least 1,500 hours over a period of no less than twelve months; and
- ✓ The above requirements can be documented.

Note: Psychology Residents in an exempt setting can 'count' documented hours between April 2008 and December 31, 2009. To "count" hours after December 31, 2009 they must have applied for licensure by March 31, 2010. Call Kelli Kelly (503-373-1146) for more information. ✂

What Does a Good Residency Experience Look Like?

Come to an "Orientation to Residency Supervision" workshop and find out! All current and potential residents and supervisors are encouraged to attend and find out what is expected of a supervisor and a resident. We will cover clinical issues to supervision recordkeeping to new administrative rules to legal and ethical guidelines. In addition, we will do some small group work on potential ethical dilemmas. The remaining workshops are scheduled: April 30th ~ Eugene and June 4th ~ Portland. Three hours of continuing education will be awarded. Space is limited; you must call Kelli Kelly (503-373-1146) to reserve a seat. More workshops will be scheduled if there is interest. ✂

Exempt Sites & Resident Contracts

Effective January 2010, all post-doc residents must be approved applicants for licensure in a "Contract for Supervision of a

Psychology Resident" approved by the Board. There are no longer any exemptions to this requirement. Even employees of "exempt sites" must comply. Post-doc residency hours will not count towards licensure without a Board approved Contract.

Please call Kelli Kelly (503-373-1146) or email (kelli.kelly@state.or.us) to find out more information and next steps. ✂

New Jurisprudence Exam Schedule

There two new BIG changes to the Jurisprudence exam! First, applicants can now take the exam *anytime* after they have been approved as an applicant for licensure and feel ready. Applicants should receive a letter from the Board telling them they are an "approved applicant." In the past, the

exam was the final step to licensure. Now approved applicants can take the exam anytime!

The second change to the exam is the schedule! The Board now administers the exam four times per year. That means applicants can take the exam in January, April, July and October each year. In addition, applicants now only give 30 day's notice to the Board when they intend to take the examination. In the past the notice was 60 days.

The examination study materials are always available on the Board website at <http://www.oregon.gov/OBPE/Examinations.shtml> ✂

OBPE 2009 Statistics Summary

- ★ The Board licensed **97 new psychologists** in 2009. This is an increase from 87 in 2008 and 69 in 2007. Also, there were **12 psychologists retired** or let their license lapse this year. Over the past 5 years, the total number of licensed psychologists in Oregon has been **growing at a rate of 3.9%**, with an average **increase of 57 licensees per year**.
- ★ There were **78 complaints filed** in 2009. This is a decrease from 84 in 2008, and an increase from 54 in 2007. Of these, 44 were against psychologists and 34 were against unlicensed individuals. 36 of the complaints from 2009 are currently under investigation.
- ★ The Board issued **discipline against 12 individuals** (there were 14 complaints that resulted in discipline). Of these were 9 licensees, 2 applicants, and 1 for unlicensed practice.

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