OREGON BOARD OF PSYCHOLOGIST EXAMINERS

PUBLIC SESSION MEETING MINUTES

February 3, 2012
Salem, OR

Members Present: Shane Haydon, Ph.D., Chair
Fran Ferder, Ph.D., Vice Chair
David Wade, Psy.D.
Robin Shallcross, Ph.D.
Linda Sherman, Ph.D.
Kent Anderson, Public Member
James Hendry, Public Member

Excused: Susan Latham, Public Member
Roger Carlson, Ph.D.

Legal Counsel: Warren Foote, AAG

Staff: Debra McHugh
Karen Berry
LaReé Felton

Guests: Rob Lundblad, PhD

9:00 A.M. Dr. Haydon called the meeting to Order

THIRTY-DAY INVESTIGATION EXTENSIONS

2009-057; 2010-023; 2010-063; 2010-072; 2010-110; 2011-010; 2011-014; 2011-023; 2011-024; 2011-026; 2011-029; 2011-031; 2011-037; 2011-038; 2011-040; 2011-042; 2011-046; 2011-051; 2011-052; AND 2011-053**.**

Action: Approve Investigation Extensions for good cause.
Moved: Wade Second: Sherman
In Favor: Unanimous Oppose: None Abstain: None

II. PUBLIC SESSION CONSENT AGENDA

Action: Approve Public Session Consent Agenda
Moved: Wade Second: Ferder
In Favor: Unanimous Oppose: None Abstain: None

III. PUBLIC SESSION MEETING MINUTES

1) JULY 22, 2011

Action: Approve July 22, 2011 Public Session Meeting Minute
Moved: Anderson Second: Ferder
In Favor: Unanimous Oppose: None Abstain: Hendry, Wade

2) SEPTEMBER 23, 2011
Action: Approve September 23, 2011 Public Session Meeting Minutes
Moved: Shallcross Second: Anderson
In Favor: Unanimous Oppose: None Abstain: None

IV. PROPOSED RULES

Action: Approve proposed administrative rules to be sent out for public comment.
Moved: Anderson Second: Wade

1) DIVISION 10 (Application timelines)

Roll Call: Ferder-Aye; Anderson-Aye; Haydon-Aye; Hendry-Aye; Shallcross-Aye; Sherman: Aye; Carlson-Aye; and Wade-Aye.

2) DIVISION 20 (Investigations)
Roll Call: Ferder-Aye; Anderson-Aye; Haydon-Aye; Hendry-**No**; Shallcross-Aye; Sherman: Aye; Carlson-Aye; and Wade-Aye.

3) DIVISION 30 (Fees)
Roll Call: Ferder-Aye; Anderson-Aye; Haydon-Aye; Hendry-Aye; Shallcross-Aye; Sherman: Aye; Carlson-Aye; and Wade-Aye.

IV. ADMINISTRATIVE RULES – Education Committee

Members: Robin Shallcross, Fran Ferder, Linda Sherman, and Roger Carlson. Dr. Carlson attended via speakerphone.

On behalf of the Education Committee, Dr. Shallcross led the discussion. Since the September 27, 2011 administrative rule change implementation, there have been challenges and unintended consequences. The Board received proposals from both Ms. McHugh and from the Education Committee. The proposals were the basis for the discussion.

Interim Review Process: Dr. Carlson made opening comments about the Committee's concern about applicants that do not meet the current licensure schematic. The Committee proposes meeting every two months, serving in a consultative capacity. Ms. McHugh wants definitive administrative rules to spell-out the requirements. Because the Board is a state administrative agency, we owe the public the right to know what to expect. We must put them on notice of what all of the standards are. The purpose of administrative rule is to give applicants notice of their 'rights and responsibilities.' This significant difference of opinion needs to be resolved.

Dr. Ferder explained the Committee would only review applications that are ambiguous or have a particular issue that a psychologist could best address. Ms. McHugh clarified that the Committee would be required to apply the same rules that the staff applies. In addition, there are whatever policy directives have been given by the Board over time (e.g. any applicant background concerns such as an arrest or a poor reference should be reviewed by the Board). Dr. Haydon suggested a process that will put it back in applicant's lap to explain and/or address the deficiency. We need an internal mechanism

that will allow staff to ask the question - how can we work with that person. Ms. McHugh reiterated that both the staff and the Board (or a committee) must operate under the same regulations—there are no exceptions. The Board (or a committee) cannot apply a subjective review.

Dr. Shallcross explained that the Committee would not be reviewing applications arbitrarily, but only the Committee has the expertise to review the applicant's situation. The Committee would handle the appeals. Dr. Sherman agreed, and suggests that applicants were 'caught' by the new rules, and the Committee could help them.

Mr. Foote pointed out some concerns about the proposed Interim Review Process:
1) Delegation issues. A sub-committee of the Board can make recommendations to the board and staff and the full board would vote on it.
2) Standard issues. If the applicant asks, "Why am I being denied", the Board must be able to articulate the reason. The Board and staff are applying administrative rule, not making a suggestion, not giving a variance. Whatever standard is applied must be applied uniformly.

Mr. Anderson suggests fixing the issues by rule change, not a policy change, or a sub-committee.

Licensure by Endorsement – Dr. Shallcross explained that since rule changes took effect in September the staff, and subsequently Board, discovered that the rules do not allow for mobility of out-of-state and/or 'seasoned' psychologists. Seasoned psychologists could be grandfathered along with some additional specific criteria such as practicing for more than 10 years with no discipline etc. Licensure by Endorsement would be similar to the "Senior Psychologist" provision the Board had in the past. Ms. McHugh has identified some models from other states that the Committee had approved.

New Graduates -- Dr. Shallcross discussed the notion of a "grandfather provision". The Committee believes a grandfather provision should not apply to students. Ms. McHugh explained that only a handful of people (approximately 5-10% of applicants) have not attended an APA accredited psychology program. Ms. McHugh suggested that for the non-APA applicants (Regionally Accredited), the Board could ensure the applicant was adequately prepared for practice in Oregon through rule. The concern is that Regional Accrediting bodies accredit at the university level, and there is no review of the quality of the psychology program. In contrast, an APA approved *program* has been vetted by APA and continues to meet APA's accreditation standards through site visits etc. Dr. Shallcross summed up the Committee's proposal that APA graduates be approved per se. The Board staff would vet these applicants, by verifying their educational preparation and supervised work experience—applying the rules set by the Board. That would require a rule change.

Ms. McHugh clarified that the Board had described what they are trying to accomplish, but there was no specific 'language' to vote on at the meeting. Ms. McHugh suggested she and Ms. Felton draft language, and then schedule a conference call to vote. Ms. McHugh agreed to provide a draft within a week, and schedule a conference call the following week. Ms. McHugh further suggested that the more critical parts of the rules

could be put in to effect as ‘emergency rules” the day of the conference call. Mr. Foote affirmed that the issue identified would qualify as emergency rules, and be in effect while they went out for comment.

The Board then posed questions to Mr. Foote regarding the public meetings laws. Questions and comments included: whether it applies to all of the work of the agency; the difficulty getting committee work accomplished; and meeting as a sub-committee.

Dr. Ferder quickly reviewed the Committee’s draft of a response letter to the Oregon Psychological Association’s letter to the Board in November 2011.
Action: Draft proposed rules for approval at next Board meeting.

11:00 A.M. ADJOURN

EXECUTIVE SESSION

“Pursuant to Oregon Revised Statutes (ORS)192.660(1)(2)(a)(f)(k), the Board of Psychologist Examiners will convene in EXECUTIVE SESSION to consider records that are exempt by law from public disclosure.

PUBLIC SESSION

2:30 P.M. Re-convene in Public Session.

I. CONSUMER PROTECTION VOTES

Case #2011-018 Moved: Hendry Second: Anderson
Action: Dismiss
In Favor: Unanimous Opposed: None Abstention: None

Case #2011-040 Moved: Hendry Second: Ferder
Action: Dismiss
In Favor: Unanimous Opposed: None Abstention: None

Case #2011-069 Moved: Hendry Second: Ferder
Action: To Issue a Thirty-Day Letter
In Favor: Unanimous Opposed: None Abstention: None

Case #2011-014 Moved: Hendry Second: Anderson
Action: Dismiss
In Favor: Unanimous Opposed: None Abstention: None

Case #2011-024 Moved: Anderson Second: Hendry
Action: Dismiss
In Favor: Unanimous Opposed: None Abstention: None

Case #2011-051 Moved: Wade Second: Ferder
Action: To Issue a Thirty-Day Letter
Roll Call: Ferder-Aye; Anderson-**No**; Haydon-Aye; Hendry-Aye; Shallcross-Aye; Sherman: Aye; and Wade-Aye

II. EXECUTIVE SESSION CONSENT AGENDA --

Action: Approve Executive Session Consent Agenda
Moved: Wade Second: Ferder
In Favor: Unanimous Oppose: None Abstain: None

III. EXECUTIVE SESSION MEETING MINUTES

1) JULY 22, 2011
Action: Approve July 22, 2011 Executive Session Meeting Minutes
Moved: Shallcross Second: Ferder
In Favor: Unanimous Oppose: None Abstain: Hendry, Wade

2) SEPTEMBER 23, 2011
Action: Approve September 23, 2011 Executive Session Meeting Minutes
Moved: Shallcross Second: Anderson
In Favor: Unanimous Oppose: None Abstain: None

3) NOVEMBER 18, 2011
Action: Approve November 18, 2011 Executive Session Meeting Minutes
Moved: Sherman Second: Hendry
In Favor: Unanimous Oppose: None Abstain: None

ADJOURN

Respectfully Submitted:

//Debra McHugh March 30, 2012
Debra McHugh, Executive Director Date