



**EXAMINING BOARD OF PSYCHOLOGY
MEETING MINUTES**

July 8, 2011

LOCATION:

Department of Health
110 Israel Road Southeast
Town Center 2, Room 158
Tumwater, Washington 98501

BOARDMEMBERS PRESENT: Christine Guzzardo, Ph.D., Chair
Thomas Wall, Ph.D., Vice-Chair
Ray Harry, Public Member
Decky Fiedler, Ph.D.
Janet Look, Ed.D.
Timothy Cahn, Ph.D.
Jorge Torres-Saenz, Psy.D.
David Stewart, Ph.D.

BOARD MEMBERS ABSENT: None

STAFF PRESENT:

Steve Saxe, Director, Health Professions and Facilities
Robert Nicoloff, Executive Director
Betty J. Moe, Program Manager
Judy Young, Staff Attorney
Mike Wiesman, Staff Attorney

AAG PRESENT:

Mark Calkins, Assistant Attorney General (AAG)

OTHERS PRESENT:

Lucy Homans, Ed.D, WSPA
Frances Parks, Argosy University
James J. Mazza, Ph.D., Professor, Educational Psychology,
UW
Janine Jones, Ph.D., Associate Professor, Educational
Psychology, UW

On July 8, 2011, the Examining Board of Psychology (Board) met at Department of Health, Town Center 2, Room 158, Tumwater, WA 98501. In accordance with the Open Public Meetings Act, the meeting agenda was e-mailed to members of the Examining Board of Psychology Listserv.

1. CALL TO ORDER – Christine Guzzardo, Ph.D., Chair

9:03 a.m.

- 1.1 Christine Guzzardo, Ph.D., Chair shared that Raleigh Harmon, Public Member has resigned. The recruitment of new members is a difficult process. Steve Saxe, Director shared that work is being done with the Governor’s office to ease the recruitment process for both professional and public members.
- 1.2 The Board approved the agenda.
- 1.3 The Board approved the May 6, 2011 [minutes](#) as written.

2. NEW BUSINESS - Christine Guzzardo, Ph.D., Chair

- 2.1 Board members reviewed a question from Dr. Smucker Barnwell. Dr. Smucker Barnwell requested clarification on the Board’s view on clinical supervision via televideoconferencing or telephone, and whether or not the Board adheres to American Psychological Association (APA) [Implementing Regulation C-28](#).

Board members discussed that there is no incorporation of the American Psychological Association (APA) standards in the Board’s regulations. The Board cannot provide an approval in this area, as the rules do not indicate what is acceptable in term of tele-supervision.

The rules require separate ratios for supervision through the practicum, preinternship, internship, and post-doctoral supervised experience; the rules do not prohibit the use of televideoconferencing so long as the requirements set forth in rule are being met.

The Board has a committee looking at this issue, and at this time the Board is reviewing information and waiting for the recommendations that will be made by the ASPPB and APA joint task force on the practice of telepsychology.

Action – Board members asked Ms. Moe to respond to Dr. Smucker Barnwell.

- 2.2 Board members discussed the ethics of free consultation. Dr. Look raised the issue of whether, when a psychologist sees a potential client for the first time, and the visit is free, is this person considered a client? Board members agreed that the person is a client, if they believe they are client. The person would complete all of the standard disclosure forms, and would be entitled to the same level of confidentiality.
- 2.3 Board members discussed an article in which Texas may ban texting by lawmakers during session. Board members agreed that this is not an issue with this group, so long as they are not violating the Open Public Meeting Act by texting each other during meetings.
- 2.4 Board members reviewed a request from the Association of State and Provincial Psychology Boards (ASPPB). The ASPPB is looking for volunteers to assist in reviewing documents. Dr. Torres-Saenz indicated that he has volunteered in the past.

- 2.5** Board members discussed the process of responding to complex, technical, or legal questions. Ms. Moe indicated that she is a gatekeeper. If a question goes beyond her area of expertise based on existing law and Board policy and practice, she will share the question with the Board chair. The chair will indicate when she or he wants to include the assistant attorney general advisor. For example, lately, the program has had several application issues which have required assistance of the chair and the AAG.

Bob Nicoloff shared that this process happens daily with all the professions, and that we also have other resources such as the policy office.

Board members agreed that the current process is working well.

- 2.6** Board members reviewed request from Dr. Rosen to comment on a court decision. The Board decided to defer the discussion on the issues until its September 9, 2011 meeting. The Board prefers to wait to consider the issues until the Court of Appeals has decided whether or not to publish all or part of the *Hernandez* decision.

Action – Board members asked Ms. Moe to respond to Dr. Rosen regarding its decision.

- 2.7** Board members reviewed an educational review request from Puja Kakkar. The Board agreed that it does not provide advance approval of or recommendations for specific coursework or doctoral programs.

To meet the education requirements for licensure, an applicant must possess a doctoral degree from a regionally accredited institution as defined under WAC 246-924-046. If a doctoral program is not approved by the American Psychological Association, then the doctoral program must satisfy the requirements set forth in WAC [246-924-046](#).

Anyone who would like have a formal review of their education completed by the Board needs to submit an original application and application [fee](#). This information can be accessed at:

<http://www.doh.wa.gov/hsqa/professions/psychology/forms.htm>

Action – Board members asked Ms. Moe to respond to Dr. Kakkar and to develop a form letter for these types of requests. The letter will be reviewed at the next meeting.

- 2.8** Board members discussed having a staff attorney attend a meeting to review the disciplinary process. Board members agreed that this would be useful, and agreed to allow an hour on the agenda.

Action – Board members asked Ms. Moe to coordinate a presentation at a future meeting and to limit the presentation to 60 minutes.

2.9 Board members discussed setting sanctions over the phone vs. in person meetings. Tammy Kelley joined the Board via phone. Ms. Kelley shared that if a member has a case and feels that it would be better to save it for an in person meeting, there is always that option. However, if all cases were handled in this manner it would take much longer to set sanctions.

Board members agreed that if they had a case that would be better presented in person, that they would share that information and it would be added to the agenda.

**3. UNIVERSITY OF WASHINGTON (UW) SCHOOL PSYCHOLOGY PROGRAM
– James J. Mazza, Ph.D.**

Drs. James Mazza and Janine Jones joined the Board for a presentation on the UW School Psychology Program.

Dr. Mazza shared the latest self-survey the UW submitted to the American Psychological Association (APA) and reported that the school psychology doctoral program was awarded 5 years of APA accreditation.

The Board discussed the concept that under its laws, the State grants a general psychology license. The question was posed as to whether or not a psychologist who obtained a degree in school psychology had met the academic components required to practice clinical/counseling psychology.

Dr. Mazza shared that the guideline practice book is the same for all APA accredited schools whether they are counseling, clinical or school psychology accredited. The Board explained that they were trying to understand how clinical/counseling psychology was distinct from school psychology. Dr. Mazza discussed the integrity of the UW's school psychology program's educational and supervised experience components. He pointed out that once licensed graduates from the program are subject to the same ethical requirements for practice as any other practitioner. Dr. Jones shared how the students are put through the same internships as other APA approved programs and that no other state differentiates between school, counseling and clinical psychology programs.

Board members thanked Drs. Mazza and Jones for the informative information they provided.

**4. JOINT OPERATING AGREEMENT AND BUDGET ADDENDUM DISCUSSION
– Robert Nicoloff, Executive Director**

The Board approved the joint operating agreement.

5. 2012 BUSINESS PLAN – Betty Moe, Program Manager

Board members reviewed the 2009-2011 business plans. The Board agreed that everything in the business plan would be carried out in the next biennium and no changes needed to be made other than updating the date.

6. MANAGEMENT REPORTS – Robert Nicoloff, Executive Director and Betty Moe, Program Manager

Executive director report

6.1 Mr. Nicoloff shared that in the fall, the HSQA program would be moving from Point Plaza East, to Town Center Two. The move is being done to consolidate work areas and to reduce costs associated with rent.

Program manager report

6.2 Ms. Moe shared that the Board is currently recruiting for two public members.

6.3 Ms. Moe shared the proposed meeting, hearing, exam, and orientation dates for 2012. The Board agreed on the following:

Meeting Dates 2012	Training Dates	Hearing Dates	Jurisprudence Exam Dates
January 20 – Kent			January 27 Department of Health
		February 10th	February 17
March 23 - Tumwater			March 16
		April 20th	April 13
May 18 - Tumwater			May 11
		June 8^h	June 15
July 20 - Tumwater			July 13^{-TBD}
		August 17th	August 10 – TBD
September 21- Yakima	September 20 - Yakima		September 14^{-TBD}
		October 19	October 12-TBD

November 16 - Tumwater			November 12^{-TBD}
		December 7	December 14 -TBD

Action - Dr. Torres-Saenz agreed to see if a suitable room is available for the orientation and meeting in September.

6.4 The Board approved the delegation form for the 2011-2013 biennium. The Board delegated signature authority for elements of the credentialing, disciplinary, rules, and compliance processes. The delegation is limited to lead workers, supervisors, or managers. The delegation does not delegate all of the Boards authority to department staff.

6.5 Ms. Moe shared a follow up e-mail regarding the Model Licensing Act.

Action – Board members agreed to have a presentation, and asked Ms. Moe to contact Dr. Peter Scontrino and ask him for a presentation. The Board agreed to allow half an hour on the agenda.

7. PRESENTATION OF UPDATED APPLICATION FORM – Christine Guzzardo, Ph.D., Chair

Dr. Guzzardo shared that all the changes have been made to the application. The application is now much more detailed and will give reviewing Board members the information they need.

There are two other applications that are used to apply for licensure: applications by “endorsement” and for temporary permits. Those applications will now be looked at to see if all three applications can be incorporated into one application.

8. ASSISTANT ATTORNEY GENERAL (AAG) REPORT – Mark Calkins, AAG

8.1 Mr. Calkins shared a memo regarding whether a psychologist licensed in another state must obtain a temporary practice permit before conducting forensic evaluations for a federal case “related to an incident on a reservation which is in the state of Washington?” The memo indicated that if the “client” being evaluated is a member of the tribe and the tribe’s governing body (e.g. tribal council) allows psychologists to provide these evaluation services without requiring a Washington state license (or temporary permit) is not required. State licensure (or temporary permit) is required if the “client” being evaluated is not a tribal member.

8.2 Mr. Calkins shared the recent State Supreme Court opinion in *Hardee v. State* which was filed on 07/07/2011 as Docket Number 83728-7. He shared that the decision requires that to revoke a license, there must be a preponderance of the

evidence to satisfy constitutional due process. This case overrules the previous decision in Ongom. Mr. Calkins advised the Board that *Hardee* is being reviewed as to how it would apply to professions such as psychologists and that until more formal advice is provided, the prudent approach for the Board to consider taking in disciplinary actions would be to consider charges of unprofessional conduct under the “preponderance of the evidence” standard and, in addition, under the “clear and convincing” standard.

8.9 Mr. Calkins discussed SHB 1493. The bill adds a new section to the Uniform Disciplinary Act (UDA). The new section does the following:

- Requires disciplinary authorities (DA) to give complainants an opportunity to supplement the complaint and requires prompt response to inquiries about the status of a complaint.
- On completion of an investigation and on request, requires the DA to provide a copy of the file relating to a complaint or report to the complainant or the license holder. Exceptions include confidential or privileged information about a third party and all available exemptions to disclosure under chapter 42.56 RCW. Allows the DA to charge for reproduction of the records.
- Requires DA to give the complainant an opportunity to present an impact statement before the final decision on any disciplinary proceeding before a DA. If the complainant is not present at the proceeding, a copy of the statement is to be provided to the license holder, who is to acknowledge that they have received the statement.
- Requires the DA to inform the complainant and the license holder of the result of the final disposition of the complaint or report in writing.
- Allows the complainant to seek reconsideration of a decision to close a complaint or report without issuing a statement of allegations (SOA) or a statement of charges (SOC). The complainant must seek reconsideration within 30 days of the decision and must provide new information related to the complaint or report. DA must provide any new material to the license holder and allow 30 days for response before issuing a written decision.

These changes will be discussed in more detail when the Legal Service Office does an abbreviated training at an upcoming meeting.

9. DISCUSSION OF PSYCHOLOGIST DISCIPLINARY AS MENTIONED IN THE SEATTLE TIMES – Mark Calkins, AAG

Mr. Calkins provided background information related to the Board’s disciplinary history with Stuart Greenberg in light of the attention given in the June 25, 2011 Seattle Times article .

After Dr. Greenberg's suicide in 2007, the Board authorized its AAG to bring an action to unseal the records of the earlier disciplinary proceedings, keeping the patient's identity confidential. The Board agreed to this request, and the court granted the Board's motion to unseal the Board and court records, with redactions for any identifying information regarding Dr. Greenberg's clients. The Board's redacted records then became available to the Seattle Times reporter.

10. PUBLIC COMMENT – Christine Guzzardo, Ph.D., Chair

Dr. Parks shared she would like to see the Board include programs that are ASPPB/National Register Designated as meeting the standard for APA application for license. This is the case in many states.

The Board agreed to continue this discussion at the next meeting. This change would require a change to the current rules.

Dr. Homans questioned whether the presentation from the legal services office would be open to the public. Dr. Guzzardo indicated it would be given during the open session of the meeting.

Dr. Homans asked whether the form letter for applicants with questions would be available to the public. Dr. Guzzardo indicated that under the public records laws, the public could gain access to the letter.

Dr. Homans asked what the Department was doing to address the effects of [HB1493](#). More psychologists are going to be hiring attorneys; the Board is down two members. Ms. Moe shared that the legal services office has hired some additional attorneys, and are in the process of hiring an additional supervisor, to try to keep up with anticipated increases.

11. SUB-COMMITTEES – Christine Guzzardo, Ph.D., Chair

The Board members broke into sub-committees.

12. SUB-COMMITTEES – Christine Guzzardo, Ph.D., Chair

The following sub-committees presented reports:

Licensee Orientation Sub-Committee: Tom Wall, Ph.D. – Sub-committee did not have anything to report, but are hopeful they will be holding a presentation in September 2012.

Examination Sub-Committee – Tom Wall, Ph.D., Ray Harry, Public Member, Christine Guzzardo Ph.D. and Decky Fiedler, Ph.D.

Dr. Look will join the committee when Ray Harry finishes his tenure with the Board.

This sub-committee did not have anything to present.

Tele-Health Sub-Committee –Tim Cahn, Ph.D., Jorge Torres-Saenz, Psy.D., Decky Fielder, Ph.D., and Janet Look, Ed.D.

ASPPB has formed a joint task force with the APA and APAIT to develop standards related to the practice of telepsychology. At this point the Board should wait to see the results of the Telepsychology Task Force.

They will continue to meet to review information from the task force.

Education Review Sub-Committee – Christine Guzzardo, Ph.D., Janet Look, Ed.D., Jorge Torres-Saenz, Psy.D., and David Stewart, Ph.D.

This committee chose to disband. The presentation from UW answered all of their questions and a sub-committee was no longer needed.

13. CONTINUING EDUCATION (CE) REQUEST – Christine Guzzardo, Ph.D., Chair

The Board approved an indefinite wavier of the CE requirements for Dr. Carl Robinson.

Action - The Board asked Ms. Moe to notify Dr. Robinson of the Board’s decision.

14. CONSENT AGENDA - Christine Guzzardo, Ph.D., Chair

The Board approved the items listed under the consent agenda by a single motion without separate discussion.

- The current issue of “The Sentinel News for Department Employees.”
- Current budget report.
- Credentialing Statistics.

15. REQUEST FOR LISTS AND LABELS

The Board denied a request for list and labels from IMS Health. IMS was denied because they did not meet the definition of an approved educational or professional organization.

Action - The Board asked Ms. Moe to notify IMS Health of the Board’s decision.

16. REVIEW OF MODEL LICENSING ACT – Tom Wall, Ph.D., Vice-Chair

Dr. Wall discussed the Model Act for State Licensure of Psychologists, APA policy adopted 02/20/2010. He shared the APA has developed a model, but each state has the ability to adopt pieces from the Model Act.

17. OTHER ITEMS – Christine Guzzardo, Ph.D., Chair

The Board had nothing additional to discuss.

18. FUTURE AGENDA ITEMS – Christine Guzzardo, Ph.D., Chair

- Follow up on concerns raised by Dr. Rosen.
- Up to one hour presentation from the legal services office.
- Up to 30 minute presentation on licensure mobility.
- Review of form letter for potential applicants asking the Boards review.
- Discussion of the acceptance of the ASPPB designation concern raised by Dr. Parks.
- Benefits of continuing education related to competence.

19. EXAM REVIEW - Christine Guzzardo, Ph.D., Chair

The Board discussed the best way to review the exam questions, and determined at the next meeting 8:30 am to 10:00 am would be designated to the exam.

20. ADJOURNMENT.

3:00 PM

21. CLOSED SESSION [RCW 42.30.140]

CASE PRESENTATIONS

Board members broke into panels to determine whether cases should be investigated, closed, or moved to the informal or formal resolution process.

Submitted by:

Approved by:

Betty J. Moe, Program Manager
Examining Board of Psychology

Christine Guzzardo, Ph.D., Chair
Examining Board of Psychology

Future Meeting Dates:

- **September 9, 2011-** Department of Health, 20435 72nd Avenue S., Room 1
Kent, WA
- **November 4, 2011-**Tumwater -TBD

Upcoming Hearing Dates:

- **October 14, 2011**
- **December 7th- 9th, 2011**

Upcoming Exam Dates:

July 22, 2011 – Point Plaza East	November 18, 2011 –Town Center 1
August 19, 2011 – Town Center 1	October 21, 2011 – Point Plaza East
September 23, 2011-Point Plaza East	December 16, 2011 – Point Plaza East