



**EXAMINING BOARD OF PSYCHOLOGY
MEETING MINUTES**

May 14, 2010

LOCATION:

Department of Health
101 Israel Road Southeast
Town Center 1, Room 163
Tumwater, Washington 98501

BOARDMEMBERS PRESENT:

Ray Harry, Public Member, Chair
Christine Guzzardo, Ph.D., Vice-Chair
Carol Pahlke, Ph.D.
Jorge Torres-Saenz, Psy.D.
Timothy Cahn, Ph.D.
Decky Fiedler, Ph.D.
Raleigh Harmon, Public Member
Janet Look, Ed.D.

BOARDMEMBERS ABSENT:

Thomas Wall, Ph.D.

STAFF PRESENT:

Robert Nicoloff, Executive Director
Betty Moe, Program Manager
Cece Zenker, Program Support
Bill Kellington, Office Director, Office of Legal Services
Tammy Kelley, Disciplinary Manager

AAG PRESENT:

Mark Calkins, Assistant Attorney General (AAG)

OTHERS PRESENT:

None

On May 14, 2010, the Examining Board of Psychology (Board) met at Department of Health, Town Center 1, Room 163, 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. CLOSED SESSION

The Board met in closed session to work on the jurisprudence examination.

2. CALL TO ORDER – Ray Harry, Public Member, Chair 11:05 a.m.

- 2.1** Mr. Harry introduced board member, Dr. Janet Look Ed.D.
- 2.2** The May 14th agenda was approved.
- 2.3** The March 12, 2010 meeting minutes were amended and approved.
- 2.4** The March 26, 2010 special meeting minutes were approved.

3. ASPPB UPDATE – Jorge Torres-Saenz, Psy.D.

Dr. 's Torres-Saenz discussed the ASPPB meeting held in Seattle, Washington. One area of concern was the lack on internships.

The second issue was around tele-psychology. He shared that a large populous is using this method. However, there is not a lot of regulation. Ethical guidelines need clarity. There are some states that have guidelines and they will be reviewed by the ASPPB to gain insight as to what other states requirements are currently.

The board will create a sub-committee to look into this issue further at their next meeting.

4. CONSENT AGENDA - Ray Harry, Public Member, Chair

The items listed under the consent agenda (informational items) were approved by a single motion of the board without separate discussion.

- The current issue of “The Sentinel News for Department Employees.”
- Current budget report.
- Credentialing Statistics. Currently there are 2, 146 active psychologists, 18 on military status, 125 on retired active status, and 933 expired.

5. RULES HEARING 12:00 p.m.

Ray Harry, Public Member Chair, led a rules hearing on WAC 246-924-483, regarding the creation of a new section to provide temporary practice permits to be issued to psychology licensure applicant while a fingerprint-based national background check is completed.

The national background check is a lengthy process which caused licensing delays that could affect the public’s access to healthcare. To receive the permit, the applicant must meet all other licensing requirements, be licensed in another state, and have no criminal record in Washington.

The board received no comments on the rule. Ms. Moe will file the CR 103 to complete the rule-making process.

6. LETTER FROM BOARD- Ray Harry, Public Member, Chair

Mr. Harry presented a subsequent letter sent to Mr. Nicoloff requesting answers to questions relative to the need for the board to carry out its duties due to budgetary concerns. It has been four months since the board sent their initial letter. The board currently has an account balance of \$480, 059.

Mr. Nicoloff assured the board that this issue has been and, still is being addressed by Assistant Secretary, Karen Jensen. Mr. Nicoloff shared a draft procedure for approving the use of unallotted funds by Boards and Commissions and provided under RCW 43.70.320(4). The purpose of the document is to identify the steps to be followed to approve the use of unallotted funds as established by the legislature in House Bill 1103.

Mr. Nicoloff will update the board when he has more information. Mr. Nicoloff assured the board that their letter spurred attention to address the need for approving the use of unallotted funds.

7. OPERATING AGREEMENT DISCUSSION – Robert Nicoloff, Executive Director

Mr. Nicoloff presented the draft operating agreement to members of the Board. This version is dated April 13, 2010. The board members were asked to review this on their own, for further discussion at the July meeting.

8. PROGRAM REPORTS – Robert Nicoloff, Executive Director and Betty Moe, Program Manager

8.1 Executive director report.

- Letter from Steve M. Saxe regarding SHB 2617 outlines board and commissions travel restrictions and unnecessary expenses. Mr. Saxe suggests the board work with Mr. Nicoloff to investigate other cost saving measures.

8.2 Ms. Moe did not have anything additional to report.

9. PUBLIC COMMENT - Ray Harry, Public Member, Chair

No comment.

10. Sub-Committees – Lunch was provided to board members at this time.

Operating Agreement (OA) and Business Plan Sub-Committee

Carol Pahlke, Ph.D., Tim Cahn, Ph.D., and Ray Harry, Public Member

This subcommittee did not meet.

Training-Licensee Orientation Sub-Committee

Carol Pahlke, Ph.D. and Tom Wall, Ph.D.

This subcommittee did not meet.

Examination Sub-Committee

Tom Wall, Ph.D., Ray Harry, Public Member, Christine Guzzardo Ph.D. and Decky Fiedler, Ph.D.

The examination subcommittee did not meet. The entire morning closed session was devoted to the examination.

Licensing Review Sub-Committee

Jorge Torres-Saenz, Psy.D., Sub-Committee Chair, Ray Harry, Public Member, Christine Guzzardo, Ph.D., and Tim Cahn, Ph.D.

The sub-committee completed a review request from Bret Cardnuff. The board indicated that they cannot assure you of whether any particular course will meet the requirements of WAC 246-924-046.

WAC 246-924-046 outlines the requirements that all curricula must be included in the doctoral degree program. Therefore, in order for master's level courses from another school to fulfill WAC 246-024-046 criteria they must be accepted as part of your doctoral program at Walden University.

Credits from another school might qualify provided that the institution granting the doctoral degree officially accepts those courses as meeting the requirements for the doctoral degree.

The board determined:

- PSYC 8721 appears to meet the criteria intended under WAC 246-924-046 (3) (l).
- PSYC 8342 and 8343 would appear to meet two of the three courses required under WAC 246-924-046 (3) (n). Any future class taken to meet the requirements under this doctoral degree program rule must officially be accepted by the degree-granting institution.

Communication & Newsletter Sub-Committee

The board believes the board leadership should always be part of this sub-committee. Jorge Torres-Saenz, Psy.D., Raleigh Harmon, Public Member, Ray Harry, Public Member, Chair, Christine Guzzardo, Ph.D., Vice-Chair

- Reviewed ideas for newsletter.

11. SUB-COMMITTEE REPORTS – Ray Harry, Public Member, Chair

Sub-committees reported as listed above on current projects.

12. DISCUSSION ABOUT REPEALING WAC 246-924-485 -Delegation of authority to initiate investigations – Bill Kellington, Office Director, Office of Legal Services

1:00 p.m.

Bill Kellington, Office Director, Office of Legal Services, discussed repealing WAC 246-924-485 – Delegation of authority to initiate investigations. This rule allows for a single board member to be on the disciplinary charging panel. The board currently requires three members on the charging panel. Repealing WAC 246-924-485 would not change the way the board reviews and charges disciplinary cases. Mark Calkins, AAG, informed the board the AAG office joins with the department in recommending the board repeal this rule. The board moved, seconded, and unanimously agreed to repeal WAC 246-924-485.

13. CONTINUING EDUCATION REQUEST – Betty Moe, Program Manager

The Board reviewed a continuing education (CE) request from Donna M. Genett, Ph.D. Dr. Gennett asked the board to accept the CE that she was completed for her California license to meet the requirements for Washington renewal.

The board determined that if Dr. Genett meets the Washington State CE requirements, she will be in compliance in regard to continuing education. A motion to approve was entertained and granted. Ms. Moe will send a letter to Ms. Genett apprising her of the Board's decision.

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

14.1 Mr. Calkins shared a memorandum about legal and policy factors relevant to rule-making that would impose qualifications or practice standards for supervisors for internship experience. Under RCW 18.83.070(3) it impliedly allows the board to adopt rules relevant to qualifications for supervisors of supervised experience. The rule already includes some qualification criteria-such as the type of credential required for supervision and the number of years experience required. Mr. Calkins shared that when considering additional requirements, there are relevant factors that board should consider:

- What kind of impact would the rule impose on doctoral programs-three of the supervised experience components occur within the doctoral program.
- When considering supervisor qualifications for non-psychologists, does the rule impose a qualification standard on other professions.
- Would the effect of such a rule on other professions be outside the board's authority?
- Does the qualification or standard conflict with any statutory provision or can it be harmonized? If there is a conflict, the statutory provision control and a legislative change would be necessary before such a rule could be adopted.

- What kind of “lead time” would the rule require-if any? For example, the recent changes to the supervised experience rules required a prospective effect date to allow students and doctoral programs to adjust to the new requirements.
- For psychologists who are supervisors, would a rule requiring certain training, competency based qualifications, or continuing education requirements impose obstacles that would make compliance difficult or impractical for a larger percentage of psychologists supervisors?

This information was provided to assist the board in its review of these issues. More detailed analysis would require application of these factors to hypothetical example.

- 14.2** Mr. Calkins shared a memorandum about the record retention requirements under WAC 246-924-354 for information obtained from third parties. The question posed to the board was do the record maintenance and retention requirements under WAC 246-924-354 apply to records obtained from third parties. Yes, the rule requires psychologists to document client services; retain records; to establish policies and maintain records and preserve confidentiality; to retain records for eight years; and to dispose of records in a secure and confidential manner when the retention period is over.

Subsection (2) of the rule requires all records to be retained. The unconditional qualifier “all” necessarily includes records created by the psychologist and records obtained by the psychologist from third parties and from the client.

- 14.3** Mr. Calkins shared a memorandum about research-related services not qualifying for supervised experience for licensure. The question posed was under WAC 246-924-059, the post-doctoral supervised experience rule may supervised research qualify.

No. Under RCW 18.83.010(c) the “the conduct of research” is excluded from the definition of the “practice of psychology.” Supervised research involving human subjects would therefore not qualify under WAC 246-924-059, which is intended to recognize supervised hours providing psychological services to clients.

15. LICENSED COUNSELORS INTERPRETATION AND ADMINISTRATION OF TESTS – Ray Harry, Public Member, Chair

Dr. Joseph Nevotti’s concerns about master’s level practitioners completing and interpreting tests was discussed. It would take a legislative change to make a change to this issue.

16. OTHER ITEMS- Ray Harry, Public Member, Chair

- 16.1** There were no other items.

17. FUTURE AGENDA ITEMS – Ray Harry, Public Member, Chair

- **Mark Calkins was asked to look at the services that a psychologist could provide in an emergency situation.**
- **2 hour closed session examination review.**
- **2011 meeting dates.**
- **Budget update.**
- **Rules update.**
- **Tele-psychology sub-committee creation.**
- **Operating agreement. Cross-walk review.**
- **Counselor implementation update.**
- **Review of sub-committee assignments.**
- **Discussion on the board’s ability to contract with a third party for exam administration.**
- **Follow up on e-mail sent to ASPPB listserv about other states supervision requirements.**

CLOSED SESSION [RCW 42.30.140]

18. CASE PRESENTATIONS AND CONTINUING EDUCATION AUDIT REVIEWS & CONTINUING EDUCATION EXTENSION REQUESTS

18.1 Board members broke into panels to discuss case reviews.

19. ADJOURNMENT.

4:00 p.m.

Submitted by:

Approved by:

Betty J. Moe, Program Manager
Examining Board of Psychology

Ray Harry, Public Member, Chair
Examining Board of Psychology

- **July 9, 2010** - Seattle Pacific University, 3307-3rd AVE. W. STE. #306 , Seattle, WA 98119
- **September 10, 2010** – TBD
- **November 19, 2010** - Department of Health , Creekside Three Room 1, 20435 72nd Avenue S, Kent, WA 98032

Upcoming Hearing Dates:

- **June 11, 2010**
- **August 13, 2010**
- **October 8, 2010**
- **December 10, 2010**

Upcoming Exam Dates:

- **May 21, 2010**
- **June 18, 2010**
- **July 16, 2010**
- **August 13, 2010**

- **September 24, 2010**
- **October 22, 2010**
- **November 19, 2010**