

OHIO BOARD OF PSYCHOLOGY
APPROVED SPECIAL MEETING/RETREAT MINUTES
MOHICAN LODGE & CONFERENCE CENTER
4700 GOON RD. PERRYVILLE, OH 44864
MARCH 5-6, 2015

BOARD MEMBERS

President*: Alice Randolph, Ed.D., Licensee Member, 2015
Secretary: Steven Keller, J.D., Consumer Advocate Member, 2018
Victor McCarley, Psy.D., Licensee Member, 2015
Kenneth Drude, Ph.D., Licensee Member, 2016
Amy Hess, Consumer Advocate Member, 2016
Charles Hoffman, Consumer Advocate Organization Rep. Member, 2017
Douglas Cole, Ph.D., Licensee Member, 2018
Denise Rabold, Ph.D., Licensee Member, 2018
Kenneth Covey, Ph.D., Licensee Member, 2019

THURSDAY MARCH 5, 2015

STAFF PRESENT

Ronald Ross, Ph.D., Executive Director; Chiquana Campbell Hancock, Program Administrator 1; Denitra Hairston, Administrative Professional 2

10:00 AM MEETING CALLED TO ORDER BY DR. RANDOLPH

MR. KELLER CALLED THE ROLL

Dr. Randolph	Present
Dr. McCarley	Present
Dr. Drude	Present
Mrs. Hess	Present
Mr. Hoffman	Present
Dr. Cole	Present
Dr. Rabold	Present
Mr. Keller	Present
Dr. Covey	Present

Dr. Randolph began by extending a warm welcome to new Board appointee, Dr. Ken Covey of Wooster, to a term ending October 4, 2019. Dr. Covey provided a summary of his experiences working in a variety of areas of professional psychology, including but not limited to adult and juvenile corrections, workplace fitness for duty, and childhood developmental disabilities. He received an enthusiastic welcome from the Board and staff members.

Dr. Randolph provided an overview of the 2-day special meeting agenda. Dr. Ross updated the Board on recent initiatives in the office and the legislature.

A discussion followed regarding the Board's role in legislative advocacy and lobbying in the public interest and the Board's role in educating members of the Ohio General Assembly on critical issues affecting psychology and the public. It was agreed that additional discussion would be heard on March 6, 2015 regarding access to mental health services and the Board's role in a broader political context.

STRATEGIC PLAN

The Board's 2014-15 Strategic Plan was reviewed. Discussion was heard on the role of the Board in advocacy and in educating the public. Dr. Randolph summarized two primary issues: 1) Advocating for the best protection of the public; and, 2) Reaching into new arenas of psychology with educational programs to reflect current professional standards and the changing nature of the profession.

Discussion followed on the Board's advocacy specific to the *Ohio Youth Sports Concussion and Head Injury Return to Play Guidelines Committee*, which has finalized guidelines for independent "return to play" authority that is not inclusive of properly trained clinical neuropsychologists, contrary to advocacy efforts made by the Board and professional associations.

There was spirited discussion about the Board's prospective expansion of activity in the area of educating the public about minimum standards of care, client rights, and increasing access to competent care. The concept of a "Consumer Bill of Rights" was raised by Dr. Ross and received support for additional research. Dr. Ross reported that several healthcare regulatory boards in Ohio have specific positions for "legislative liaisons" as an index of how important advocacy can be for boards (e.g., Medical Board, Chiropractic Board). Dr. Randolph distributed a handout that served as a summary of prospective agenda topics for 2015-16.

Specific to the Strategic Plan, there was discussion about the Mission Statement, and consensus was reached to add "applied behavior analysis" to "psychological services" (which includes school psychology services). There was consensus to add a new draft goal: "Promote an accurate and broad understanding for license holders of updates to the laws and rules governing psychologists, school psychologists, and certified Ohio behavior analysts." Several deadlines, timelines, and objectives were updated, with a plan to review, amend, and approve an updated draft Strategic Plan at the Board's April 23, 2015 business meeting.

Dr. Rabold volunteered to serve as point-person to assist Dr. Ross and the staff with the process of drafting a set of enforcement policies standard operating procedures, which will replace the current Enforcement Handbook.

REVISITING COMMITTEE WORK AND FOSTERING EFFICIENCIES

Dr. Randolph opened discussion on a new issue by describing concerns about unintended consequences of delegating work to committees, including delays in full Board action on important topics. She reported that committee work has led to "kicking the can down the road" on several issues, an increase in travel reimbursement costs for committee meeting attendance, and a loss of the perspective of the full Board during critical discussions about policy and procedures. She recommended that in most instances, excepting rule-writing committees, "as-needed" taskforces, and telecommunication committee work to be completed, committee work will be halted. There was general agreement that adding approximately ninety minutes to each business meeting would allow for the full Board to participate in discussion that could otherwise get caught up in committees due to scheduling and unintended delays.

The concept of having a "point person" from the Board was discussed so that there would be a member in place to shepherd a given issue and to work with Dr. Ross to prepare a given agenda item for full Board discussion and action. This concept was approved by consensus.

Mr. Hoffman raised the possibility of having small groups discuss issues during Board business meetings and then reconvene as a full Board for discussion and review of perspectives of the small groups. Dr. McCarley suggested a consideration of increasing the frequency of Board business meetings to handle all of the issues that have been delegated to

committees and workgroups. There was consensus reached that Board action would likely be faster and more inclusive of each member's perspective if the use of committees was generally discontinued. By consensus, the Education Committee was dissolved, and it was agreed that the Communications and Technology Committee would complete the groundwork on policy and procedures specific to electronic records retention including emails. Dr. Ross emphasized that each committee meeting required public notice because of the Ohio Open Meetings Act. These issues will be revisited in October, 2015.

Dr. McCarley requested that business meeting agendas include clear denotation of the "action items" that will be put to a vote of the Board.

Consensus was reached to cancel the October 8-9 business meeting and oral examinations (due to a scheduling conflict with the ASPPB Annual Meeting) and to hold a Board business meeting on Thursday October 15 and oral examinations in Columbus on Friday October 16, 2015.

Mr. Keller made a motion that the Board enter **EXECUTIVE SESSION** to discuss the Board's oral examination questions, which are trade secrets and matters that federal law, rules, or state statutes require that the Board keep confidential; Dr. Drude second.

MR. KELLER CONDUCTED A ROLL CALL VOTE:

Dr. Randolph	Yes
Dr. McCarley	Yes
Dr. Drude	Yes
Mrs. Hess	Yes
Mr. Hoffman	Yes
Dr. Cole	Yes
Dr. Rabold	Yes
Mr. Keller	Yes
Dr. Covey	Yes

EXECUTIVE SESSION BEGAN AT 12:55PM.

At 1:55PM, Dr. Randolph gaveled the Board back into public session.

PUBLIC SESSION RESUMED AT 1:55PM AS MR. KELLER CALLED ROLL:

Dr. Randolph	Present
Dr. McCarley	Absent (Re-joined meeting at 2:45PM)
Dr. Drude	Present
Mrs. Hess	Present
Mr. Hoffman	Present
Dr. Cole	Present
Dr. Rabold	Present
Mr. Keller	Present

Draft changes to the oral examination reviewed in EXECUTIVE SESSION were agreed to by consensus. The examination is undergoing broad revision and will be adopted at a future meeting of the Board.

ORAL JURISPRUDENCE EXAMINATION ALTERNATIVES

Dr. Randolph led a discussion about alternatives to the current oral examination procedure for psychologist and school psychologist licensure. There has been discussion at numerous meetings of the Board over the past several years specific to whether or not the current

process of measuring candidates' command of the laws and rules is the best procedure. Alternatives such as a workshop with an examination, a written examination process, and changing the current oral examination have been discussed. The concepts of fairness and ensuring that license candidates demonstrate sufficient knowledge of the laws and rules were the focus throughout the discussion. Dr. Ross reminded the Board that there is a 94% first-time pass rate and a 100% second-time pass rate over the past two years.

Dr. Drude and others asserted that the Board must ensure that each candidate has sufficient knowledge of the laws and rules as a way of protecting the public. The best way to accomplish this became the focus. Limitations of a workshop were discussed, including the prospective loss of the benefits of ensuring that candidates put sufficient time into reading the laws and rules (ORC 4732, OAC 4732, and state statutes relevant to professional practice). Discussion was heard on various alternatives to the oral examination, resulting in consensus to retain the current examination format. Given the large number of questions drawn from the rules of professional conduct (OAC 4732-17-01), there was rapid consensus reached to require two questions in that area, and to allow an alternate question in two areas, instead of in only one area as is the current procedure. Therefore, candidates will be required to answer five questions correctly, but may have a maximum of one alternate question in two areas. Dr. Ross reminded the Board that he will be filing proposed rule changes around March 16, 2015, and that the earliest the rule changes will become effective is June 1, 2015. The earliest that a new oral examination will be prepared for administration, based on an updated study guide inclusive of law and rules changes, is likely January 2, 2016.

Dr. Drude distributed a summary of each current item with preliminary rankings as to their difficulty based on the demands on the candidate.

There was consensus that fine tuning standardized pre-examination instructions will be useful to the candidate and to the examination administrators. There was consensus reached to develop a standardized post-examination summary form that will provide an area for the administrators to write in recommendations for additional study.

BOARD-EXECUTIVE DIRECTOR COLLABORATION AND PARTNERSHIPS

A discussion was held relative to identifying new opportunities to support the excellent working relationship among members of the Board and the Executive Director. Dr. Randolph and Dr. Ross clarified some of Dr. Ross' goals for 2014-15, including the completion of the enforcement policies and procedures, the entrance examiner "cheat sheet," and completion of "desk manuals" with step-by-step instructions on mission-critical tasks completed by staff. The "desk manuals" serve as the core of Dr. Ross' Workforce Plan approved by the Department of Administrative Services as a means of facilitating continuity of operations in the event that staff members (most critically Ms. Hancock or Dr. Ross) have unanticipated lengthy absences due to illness, emergency, or attrition. The purpose is to share information and cross-train staff members on daily operations related to opening and managing applications, oral examination scheduling, licensure and ABA certification, tracking revenue and expenditures, and logging supervision registration forms and terminating supervisees.

Dr. Ross shared that hard deadlines could be of assistance to ensure that these tasks are completed without significant delay. It was agreed that a list of Ms. Hancock's critical tasks and the Entrance Examiner "cheat sheet" would be prepared for the April 23, 2015 meeting of the Board, and that a first draft of enforcement policies and procedures would be presented at the July 30, 2015 meeting.

THE ASPPB PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

Dr. Drude reported on the release of the ASPPB Compact for Interjurisdictional Practice. He

gave an overview of the processes that led to its release on February 15, 2015, and concerns about a lack of implementation strategies. A resource kit is to be disseminated, and a minimum of seven (7) states are needed to amend their licensing laws in order to implement the compact on a limited basis.

Finally, Dr. Randolph reported on an emerging "integrative behavioral health initiative" that would classify psychologists as "behavioral medicine specialists. There was brief discussion about designating certain psychologists as "health service providers" in certain jurisdictions.

Dr. Randolph summarized the significant progress made during this first day of the retreat, and she provided an overview of the agenda goals for day two.

3:40PM RECESS Dr. Randolph called a recess until Friday March 6, 2015 at 9:00AM.

THURSDAY MARCH 5, 2015

9:10AM MEETING CALLED BACK TO ORDER BY DR. RANDOLPH

MR. KELLER CALLED THE ROLL

Dr. Randolph	Present
Dr. McCarley	Present
Dr. Drude	Present
Mrs. Hess	Absent (joined meeting at 9:30AM)
Mr. Hoffman	Present
Dr. Cole	Present
Dr. Rabold	Present
Mr. Keller	Present
Dr. Covey	Present

STAFF PRESENT

Ronald Ross, Ph.D., Executive Director; Carolyn Knauss, Investigator; Amanda Danko, Investigator

Dr. Randolph provided a summary of the work accomplished on Thursday and gave an overview of the day's agenda. She complimented the Board for its tremendous focus and professionalism. She highlighted the significant work being accomplished, and asked Dr. Ross to document her gratitude for the work that he had done to prepare the Board for the oral examination review and update on Thursday. She asked Board members to draft oral examination items, and commended Dr. Drude for his work on a summary report of examination item difficulty. For the April 23, 2015 meeting, Dr. Randolph reported that there need to be drafts of pre-examination and post-examination scripts serving to help standardize administration and to provide a forum for providing critical feedback and information to those candidates who pass and to those who fail the examination. Finally, Dr. Randolph briefly reviewed the "point person" concept to be implemented in lieu of assigning work to committees.

ASPPB PLUS SYSTEM

Dr. McCarley provided an overview of the ASPPB PLUS (Psychology Licensure Universal System), and recommended adoption of the PLUS as an option to the Board's application forms. He provided a detailed summary of the process that an applicant follows when using the PLUS. Costs incurred by the applicant were discussed, as were some concerns raised by Dr. McCarley relative to supervisors' electronic attestations of training experience forms

completed by the applicant.

Mrs. Hess joined the meeting.

Discussion followed about making use of the PLUS mandatory, and there were concerns voiced by many regarding increasing the costs of licensure for applicants by requiring the PLUS. There was consensus to encourage use of the PLUS system because it involves "banking" one's educational and training experiences on a one-time basis, serving as an "insurance" policy against loss or degradation of critical information. Dr. Ross and Ms. Hancock reported that accepting the PLUS would be welcome in the office and would make the application process easier and less time consuming.

Following discussion, Dr. Drude made a motion that the Board accept the PLUS from Ohio psychologist license applicants as an alternative, but to not require it; Mr. Hoffman second.

A vote was taken:

Aye: Dr. Drude, Dr. McCarley, Mrs. Hess, Dr. Cole, Dr. Rabold, Mr. Hoffman, Mr. Keller, Dr. Covey.

Nay: None

Abstain: None

The motion passed.

Dr. Ross was directed to research the need for any statutory or rule changes required relative to accepting the PLUS application from ASPPB. Discussion followed about whether policy changes would be sufficient. Dr. Ross noted that law and rules indicate that an application shall be on a "form prescribed by the Board."

Dr. Drude made a motion to direct Dr. Ross, in his role as Entrance Examiner, to accept the PLUS and to draft amended policy to allow the PLUS to constitute a "form prescribed by the Board"; Dr. Cole second.

A vote was taken:

Aye: Dr. Drude, Dr. McCarley, Mrs. Hess, Dr. Cole, Dr. Rabold, Mr. Hoffman, Mr. Keller, Dr. Covey.

Nay: None

Abstain: None

The motion passed.

Discussion returned to the nuts and bolts of implementing the PLUS as an alternative for applicants. Dr. Ross was asked to consult with Board Counsel Mr. Roger Carroll relative to any law and rule changes required. Dr. Ross indicated that he would notify ASPPB of the Board's decision and set up a meeting for the purpose of implementing the new processes for office staff and applicants. Discussion turned to the major benefits to the applicant using the PLUS system: license mobility and "banking" credentials; insurance against a loss of information by capturing it while it is fresh; and, special benefits to military members, veterans, and their spouses via expedited license application processes as required in Board rules. It was agreed that the Executive Director and Board President would be the identified contacts for ASPPB regarding the PLUS.

INVESTIGATION PROCESSES

A discussion was held among the members of the Board and Board staff, including the Board's investigators, on investigation procedures and opportunities to improve efficiencies.

Ms. Knauss provided an overview of office procedures relative to complaint intakes and formal complaint processing. A discussion ensued regarding the assignment of investigations to Supervising Members in order to maximize objectivity and attempt to keep Supervising Member caseloads relatively equal.

Discussion veered into records retention schedules and a need for clear guidelines for both staff members and Board members. Dr. Drude agreed that he, Mr. Hoffman, Dr. Ross, and Ms. Knauss would finish up some committee work and that he would make a presentation at the April 23, 2015 meeting.

Dr. Randolph and members of the Board praised Ms. Knauss and Ms. Danko for their investigative work and dedication. Discussion was then heard on possible methods of using investigation fact patterns as an educational tool for license holders. Dr. Ross noted that several years ago he wrote an "Enforcement Action Digest" that presented, for the purpose of educating license holders, redacted fact patterns from specific consent agreements approved by the Board. Dr. Randolph offered to write educational vignettes for the website that could serve the same purpose. There was general consensus that disciplinary actions provide excellent materials from which to take educational material for the Board's license holders and applicants.

TRAVEL REIMBURSEMENT PROCEDURES AND STATE TRAVEL POLICY

There was brief discussion about state travel rules, getting exemptions from paying hotel tax, and adding travel rules for reimbursement and office procedures to the Orientation Manual. Dr. Ross agreed to investigate Dr. McCarley's suggestion that members of the Board can be exempted from paying lodging tax, thereby saving board funds. In addition, Dr. Ross agreed to draft an update to the Orientation Manual to reflect state travel rules and Board office procedures, given that Ms. Hancock serves as "proxy" for each member relative to getting pre-approval for travel and completing members' expense reports. Dr. Covey accepted responsibility for providing feedback on the Orientation Manual and will work with Dr. Ross to get an updated draft and general feedback to the Board in April.

ROLE OF BOARD AND LEADERSHIP SUCCESSION

A discussion was held regarding the Board's role in the state government and the field of psychology, with a focus on a being more proactive with educational initiatives aimed at the licensees and the public. By consensus the Board directed Dr. Ross to research the concept of a "consumer bill of rights" for recipients of psychological services and possibly ABA. Dr. Cole agreed to be the point person for this initiative.

Discussion followed specific to the Board's desire to participate in the biennial budget development process with Dr. Ross as a way of assisting in setting priorities and identifying budgetary needs. There was consensus that the Board should review previous year spending patterns and upcoming fiscal year allotments at each annual meeting closest to July 1, the beginning of a given fiscal year. Dr. Ross indicated that he could also include Minority Business Enterprise (MBE) program goals and performance, explaining that, by statute, 15% of eligible spending shall be spent on minority-owned business products and/or services each year.

Discussion turned to the timing of officer elections and a desire to foster continuity of ongoing programs and initiatives from year to year. Dr. Ross shared the outcome of his consultation with Board counsel, Mr. Carroll, regarding the concept of electing officers up to a year in advance of terms beginning. The Board discussed options in the context of not being able to choose a "president-elect" but not wanting to wait until the start of the October 5 offer term is imminent. There was strong consensus that officers should not be elected for reasons other than command of issues relevant to the Board and leadership qualities. There

was also consensus that officers should be elected annually during the first meeting held on or after July 1. Dr. Ross reported that this seemed to be consistent with his consultation with Mr. Carroll and with statutory intent.

Similarly, consensus was reached that attendance at the two yearly ASPPB meetings should be based on the relevance of the meeting agenda and current ASPPB initiatives as related to Board member expertise, involvement, and what is best for the Board. In addition to agenda-expertise "fit," new members' attendance at ASPPB meetings was discussed. Dr. Rabold, Dr. Cole, and Mr. Keller asserted that participating in ASPPB meetings early in one's tenure is extremely useful in order to see the Board's role in a national context. There was strong consensus that Dr. Ross' regular presence at ASPPB meetings continued to be critical to foster the Board's profile and the importance of the Board's voice on national issues affecting the professions of psychology and ABA. Dr. Cole asserted that there should be good reason to send a Board member to meetings of ASPPB. Dr. Ross indicated that the policy requiring his presence at both the annual and mid-year meetings of ASPPB should be reviewed. He added that it would be preferable if future budgets would ensure that at least one or two members of the Board could attend each ASPPB meeting. Discussion was heard, and Dr. Randolph recommended that: Dr. Ross shall attend a minimum of one meeting annually at his discretion; one new member shall attend the annual meeting for the purpose of receiving new member orientation if personal circumstances allow the member to travel; and, the Board should fund up to two total attendees at least once annually, inclusive of a member with the best "fit" as related to ASPPB initiatives and agenda topics. Dr. Ross was asked to bring an amended draft policy to the April 23 meeting.

OTHER ISSUES

Dr. Drude gave an overview of a recent decision of the United States Supreme Court in re: the North Carolina Board of Dental Examiners vs. the Federal Trade Commission (FTC). The original issue related to the NC Dental Board's issuance of cease and desist letters to non-dentists engaged in providing teeth whitening services. The FTC had found that the NC Dental Board was not immune from federal anti-trust laws because it was not a state entity, given that its membership includes dentists who practice and compete with others who offer teeth whitening services. The Court agreed with the FTC and ruled 6-3 that the NC Dental Board was a "private" entity and not a state agency and failed to show that it was "actively supervised" by the state of North Carolina as required in FTC regulations. Dr. Drude emphasized that the decision could have wide-ranging impact on all regulation in the U.S. and that additional feedback will be sought and discussed at future meetings.

Finally, Dr. Ross told of discussions with State Representative Mike Duffey and representatives of Walden University specific to ORC 4732 and the current phase-out of non-accredited doctoral degree programs. He reported that there is a coalition preparing to amend ORC 4732.10 in the budget bill, HB64, in order to retain the rights of graduates of non-accredited doctoral programs to qualify for licensure as psychologists. Walden University delivers most of its academic coursework online, as does Capella University, and assertions he has heard are rooted in concepts of fairness and access to non-traditional educational opportunities for Ohioans who are geographically bound or otherwise unable to relocate for traditional "bricks and mortar" psychology doctoral education.

A statement made by Dr. Randolph was agreed to by strong consensus of the Board: "There is a critical need in professional psychology to have doctoral students trained in face-to-face settings for the purpose of professional acculturation, mentorship, supervision of development as a psychologist, and role modeling."

Dr. Ross reviewed various requirements and pathways for admission to the examinations for psychologist licensure. The current grandfather clause holds that, to be eligible for licensure,

