

STATE BOARD OF PSYCHOLOGY OF OHIO

JUNE 22, 2007

APPROVED MEETING MINUTES
RIFFE CENTER, ROOM 31 WEST B&C
COLUMBUS

CURRENT BOARD MEMBERS:

President*: Kevin D. Arnold, Ph.D., ABPP – Licensee Member 2008¹
Secretary: Kathryn R. Shroder, Ph.D.—Licensee Member 2008
Pamela Mattson – Consumer Advocate Organization Representative Member 2007
Michael Distelhorst – Consumer Advocate Member 2008
Julie Harmon, Ph.D. – Licensee Member 2009
Ann Kathleen Burlew, Ph.D. – Licensee Member 2010
Jane Z. Woodrow, Ph.D. – Licensee Member 2010
Gayle Lanctot— Consumer Advocate Member 2011
Willie Williams, Ph.D.—Licensee Member 2011

STAFF PRESENT: Ronald R. Ross, Ph.D., Executive Director; Carolyn Knauss, Investigator

LEGAL COUNSEL PRESENT: Roger F. Carroll, Principal Assistant Attorney General

VISITORS: Marty Traver, Ph.D., Liaison to the Board from the Ohio Psychological Association (OPA); Michael Ranney, Executive Director, OPA; Glenn Karr, Attorney at Law.

10:40 AM MEETING CALLED TO ORDER by Dr. Arnold. Dr. Shroder called roll:

Dr. Burlew	Present
Dr. Shroder	Present
Ms. Lanctot	Present
Ms. Mattson	Present
Dr. Arnold	Present
Dr. Woodrow	Present
Dr. Williams	Present
Dr. Harmon	Present
Mr. Distelhorst	Present

Dr. Arnold opened the meeting by announcing that there is a need for a special meeting of the Board to address a pending legal issue that could not be prepared for today's meeting. He recommended holding a brief meeting on July 19, 2007, in the Riffe Center. Members agreeing to participate, in order to constitute a quorum were: Dr. Arnold; Dr. Woodrow; Mr. Distelhorst; Ms. Lanctot; and Dr. Burlew. As supervising member, Dr. Harmon is prohibited from deliberating on the matter. The meeting was scheduled to begin at 3:30 PM.

APPROVAL OF MARCH 12, 2007 MINUTES:

Dr. Arnold invited discussion about the draft minutes as distributed. Dr. Harmon called attention to a typographical error, of which Dr. Ross took note. Dr. Shroder offered a motion to approve the minutes as corrected; Dr. Williams second.

A vote was taken*

¹ Year Board Member term ends

* President votes only to break a tie

Aye: Dr. Woodrow; Ms. Mattson; Dr. Burlew; Dr. Shroder; Ms. Lanctot; Mr. Distelhorst; Dr. Harmon; Dr. Williams.

Nay: None

Abstain: None

The motion carried.

CONSENT AGENDA:

Dr. Arnold invited a motion to approve the Consent Agenda, including the Entrance Examiner's Report, the Executive Director's Budget Report, the quarterly Enforcement Report, and a summary of the ASPPB Annual Meeting written by Dr. Ross. Dr. Woodrow reported additional information based on her attendance at the ASPPB meeting. Specifically, she recounted discussion on efforts to make sure that psychologist supervisors are competent to provide supervision of psychologists-in-training. This area of "competence to conduct supervision" will be an ongoing agenda item at meetings of ASPPB.

Relative to the Entrance Examiner's Report, Dr. Burlew announced that she would like the record to reflect her abstention from approving the licensure of Dr. Bridgett Ann Besinger. Dr. Woodrow similarly recused herself from voting on the matter of licensing Dr. Heather K. Alvarez. Dr. Harmon recused herself from approving the licensure of Drs. Rose Mary Shaw and Kimberly K. Schaub. The Entrance Examiner's Report appeared as follows, representing each action for the period March 2, 2007 and June 13, 2007:

PSYCHOLOGISTS

4732.12:

Tara Hogan Scarborough, Psy.D.	#6315	Issued: 4/5/2007
Michele T. Evans, Ph.D.	#6316	Issued: 4/5/2007
Heather K. Alvarez, Ph.D.	#6317	Issued: 4/5/2007
Linda A. DeShetler, Ph.D.	#6318	Issued: 4/5/2007
Catherine Lawrence Scharlau, Ph.D.	#6320	Issued: 4/9/2007
Joni Lee Krzycki, Ph.D.	#6321	Issued: 4/9/2007
Catherine Lutz Zois, Ph.D.	#6322	Issued: 4/9/2007
Rose Mary Shaw, Psy.D.	#6323	Issued: 4/9/2007
Kimberley K. Schaub, Ph.D.	#6324	Issued: 4/9/2007
Jessica Smerz Chapin, Ph.D.	#6325	Issued: 4/9/2007
Suzanne Kristy Castro, Psy.D.	#6326	Issued: 4/12/2007
Bridgett Ann Besinger, Ph.D.	#6329	Issued: 4/12/2007
Kathleen Quintus, Ph.D.	#6330	Issued: 4/12/2007
Robert L. Closs, Ph.D.	#6331	Issued: 4/12/2007
Michelle Lynn Drerup, Psy.D.	#6332	Issued: 5/16/2007
Jennifer S. Wassif Kennedy, Ph.D.	#6333	Issued: 5/16/2007
Emily M. Mohr, Ph.D.	#6334	Issued: 5/16/2007
Cassie L. Hornbeck, Psy.D.	#6335	Issued: 5/16/2007
Aarti Pyati, Ph.D.	#6336	Issued: 5/16/2007
Leah Sharon Levenson, Psy.D.	#6337	Issued: 5/16/2007
Eric M. Butter, Ph.D.	#6338	Issued: 5/17/2007
Jeremy Dyad Kaufman, Psy.D.	#6339	Issued: 5/17/2007
Brett L. Seamons, Ph.D.	#6341	Issued: 5/17/2007
Heather K. Guthrie, Ph.D.	#6342	Issued: 5/17/2007
John A. Neher, Psy.D.	#6343	Issued: 5/17/2007
Leslie C. Bautista, Psy.D.	#6344	Issued: 5/17/2007
JoAnne Carey, Psy.D.	#6345	Issued: 5/17/2007
Douglas D. Moll, Psy.D.	#6347	Issued: 5/17/2007
Keri J. Brown Kirschman, Ph.D.	#6349	Issued: 5/22/2007

4732.15:

Alissa Cavanaugh, Psy.D.	#6313-Illinois	Issued: 3/9/2007
Wallace Douglas O'Shell, Ph.D.	#6314-Pennsylvania	Issued: 3/9/2007
Lori L. Mendenhall, Psy.D.	#6319-Illinois	Issued: 4/9/2007
Loran C. Vocaturro, Ed.D., ABPP	#6327-New Jersey	Issued: 4/12/2007
Amy E. Shaver, Ph.D.	#6328-Illinois	Issued: 4/12/2007
Marjorie A. Bagwell Kukor, Ph.D.	#6340-Missouri	Issued: 5/17/2007
Kara Michelle Schlegel, Psy.D.	#6346-Missouri	Issued: 5/17/2007
Stephen M. Rao, Ph.D., ABPP	#6348-Wisconsin	Issued: 5/22/2007

SCHOOL PSYCHOLOGISTS

Michelle Hathorn, M.S.Ed	#SP569	Issued: 3/16/2007
Jennifer L. Miller, M.S.Ed	#SP570	Issued: 3/16/2007
Nicole M. Molnar, Ed.S.	#SP571	Issued: 3/16/2007
Jill K. Payne, M.A.	#SP572	Issued: 3/16/2007
Robin L. Wisniewski, Ph.D.	#SP573	Issued: 5/25/2007
Kershini Naidu, M.A.	#SP574	Issued: 5/25/2007
Stacey Lee Ambrose, Ed.S.	#SP575	Issued: 5/25/2007
Stefanie Currington, Ed.S.	#SP576	Issued: 5/25/2007

REINSTATEMENTS:

Arvin Ira Lubetkin, Ph.D.	#756	Issued: 3/23/2007
Michael H. Cox, Ph.D.	#1110	Issued: 4/4/2007
Faye Dorothy Schwelitz, Psy.D.	#4323	Issued: 5/25/2007

THIRTY-DAY PRACTICE [4732.22(B)]

Darlene Floden, Ph.D.	Ontario	Issued: 3/9/2007
Stephen Ross, Psy.D. ABPP	Indiana	Issued: 3/29/2007
Virginia Hunt Enrico, Ph.D.	California	Issued: 4/30/2007

Ms. Lanctot made a motion to approve the Consent Agenda as presented with the abstentions noted relative to the Entrance Examiner's Report. Dr. Harmon second.

A vote was taken:

Aye: Dr. Woodrow; Ms. Mattson; Dr. Burlew; Dr. Shroder; Ms. Lanctot; Mr. Distelhorst; Dr. Harmon; Dr. Williams.

Nay: None

Abstain: As noted above relative to the Entrance Examiner's report

The motion carried.

PRESIDENT'S REPORT:

Dr. Arnold asked the Board to review schedules in an effort to set a business meeting of the Board. By consensus a meeting will be held at 10:30 AM Friday November 30, 2007.

Dr. Arnold appointed Dr. Williams to serve as the Board's delegate to the ASPPB Annual meeting in October 2007. Dr. Ross reminded the Board that his costs are being reimbursed by ASPPB due to his role as an elected committee chair, and funding is in the budget for another attendee.

EXECUTIVE DIRECTOR'S REPORT

Dr. Ross began by advising the Board that he recently learned that Dr. Arnold has been nominated by a psychologist at the University of Kansas for a position on a taskforce of the American Psychological Association (APA) concerned with the training of chairs of state

psychological association ethics committees and members of state boards of psychology. Dr. Ross described the process for nomination and Dr. Arnold clarified the role of the taskforce as he understands it. Dr. Shroder offered congratulations to Dr. Arnold for the honor and proposed that the Board formally support his nomination.

Dr. Burlew made a motion to direct the Executive Director to write a letter of nomination, in support of Dr. Arnold, to the appropriate parties with the APA structure. Dr. Williams second.

Dr. Shroder called for a vote:

Aye: Dr. Woodrow; Ms. Mattson; Dr. Burlew; Dr. Shroder; Ms. Lanctot; Mr. Distelhorst; Dr. Harmon; Dr. Williams.

Nay: None

The motion passed.

Dr. Arnold expressed his gratitude for the Board's support.

Competence and Sequence of Training Workgroup Statement. Dr. Ross offered a brief summary of the process leading to this agenda item. Dr. Harmon and others voiced appreciation for the work group's efforts.

Dr. Harmon, in voicing her support for the resequencing concept, described discomfort with the appearance that comes with the word "automatically" in the final bullet on page 3 of the Statement. She emphasized that the Board, in terms of professional development and public protection, should ensure that the non-internship "year" of psychological training not include the foundational and basic experiences during the early stages of one's graduate education. Dr. Woodrow echoed Dr. Harmon's comments that introductory clinical experiences (frequently called "early practica") cannot and should not meet any future pre-licensure requirements of the 3600 hours of supervised psychological training. Dr. Ross reported that his work with Dr. David Hayes, OPA President, has led him to understand that OPA supports prospective rules that would require a certain number of "practicum" hours prior to the 3600 hours of formal psychological training that will be required for licensure. Dr. Ross asked Dr. Traver and Mr. Ranney, the OPA representatives present, to advise if this conception is accurate and each indicated in the affirmative.

Dr. Williams asked about the specific competencies that one would be expected to display relative to the developmental stage of a practicum student. Dr. Arnold responded by recalling that work in this area is fledgling but ever more active. Dr. Woodrow asked for more information about the possible role of CoA in the area of practicum training. Dr. Arnold reviewed his understanding of the general process for site visits in academic programs, without professing to speak for the CoA's plans relative to oversight of practicum training experiences.

Consensus was rapidly reached that the following change would clarify that future rules, should a resequenced training structure be legislated, would allow and disallow certain experiences, including those introductory experiences occurring in accredited and designated doctoral programs:

- Applicants shall evidence a second year of acceptable supervised training, which may occur before or after the required internship and which must comply with rules to be established by the Board. Said rules shall ~~automatically~~ recognize such experiences occurring in APPIC-member

and CoA-accredited training sites, whether postdoctoral or predoctoral. Training sites not recognized by such approval mechanisms shall be required to demonstrate satisfactory compliance with training supervision rules to be established by the Board.

Dr. Williams offered a motion (Dr. Burlew second) to approve as the Board's position, the Statement of the Competencies and Sequence of Training Workgroup (including the change noted above) as follows:

POSITION STATEMENT OF THE BOARD BASED ON THE RECOMMENDATION OF THE COMPETENCE AND SEQUENCE OF TRAINING WORK GROUP

Many years of debate about the training of professional psychologists culminated in an American Psychological Association (APA) policy change in February 2006 and the formation of the APA Taskforce to Amend the Model Licensing Act. The previous APA model calling for a post-doctoral year of supervised experience as a pre-licensure requirement is being amended in favor of a model that will pair the required one-year pre-doctoral internship with a second year of training that can occur either before or after completion of the internship. State psychological associations and boards of psychology are approaching this policy change from various perspectives relative to the purposes and outcomes of the post-doctoral year. Dialogue and partnerships are emerging between those generally viewing the post-doctoral year as a mandatory developmental stage on the road to getting the psychologist license and those concerned that a mandatory "post-doc" is a hold-over from an outdated training model and is not serving the function for which it was long ago intended. In its current form dating back 30 years, the "post doc" in Ohio can be satisfied with a minimally regulated year of work experience that can serve as a barrier to the financial and professional progress of early career psychologists.

Dating to the inception of ORC 4732.10, following a grand parenting provision ending in 1977, applicants for the Ohio license have been required to complete a minimum of 1800 clock hours of supervised experience subsequent to the award of the doctoral degree. In early 2006 the Ohio Psychological Association (OPA) caused the introduction of a bill, which would have retained the requisite 2 years (3600 hours) of supervised experience while allowing their completion before or after the award of a qualifying doctoral degree. The State Board of Psychology (Board) requested additional time, prior to hearings, and delegated work to the "HB 418 Workgroup," which met in May 2006. The HB418 Workgroup issued a summary report raising concerns about a rapid change in the post-doctoral requirement and highlighting inherent questions about the basis on which the Board currently—by statute—issues psychology licenses. By agreement between OPA and the Board, HB 418 did not have hearings and the Board delegated additional study and dialogue to a smaller variant of the HB 418 Workgroup—The Competence and Sequence of Training Work Group.

Responsible discussions about professional and regulatory approaches to "competence" and "sequence of training" in Ohio cannot ignore 35 year-old statutory realities relative to academic and experience requirements attached to becoming a psychologist. For example, current statute dating to 1972 requires the Board to admit to license eligibility persons with doctoral degrees in psychology, school psychology, and even related fields, from degree-granting institutions with "regional accreditation." There is no Board authority to require the degree-granting program to demonstrate professional accreditation or other indices of peer review. The pervasive "regional accreditation" under the auspices of the American Educational Association has been granted to non-traditional institutions ("universities without walls"), some of which use controversial post-1970s technologies (i.e., Internet-based coursework) toward the Ph.D. degree in psychology. Developments in the education of psychologists since 1972, including mature accreditation mechanisms available to graduate psychology programs has, perhaps many years ago, relegated "regional accreditation" to an unacceptably low standard.

In addition, statute dating to 1972 establishes that at least one year of a required minimum of 2 years of supervised psychological practice must be post-doctoral, without affording the Board authority: to require a pre-doctoral internship as part of the doctoral degree; to require training supervisors to be licensed for a minimum length of time or to demonstrate any training or experience in psychological supervision; or, to require training sites to demonstrate professional accreditation or to demonstrate that training and mentoring was delivered in an organized, structured manner leading to the establishment of an identifiable set of competencies. By rule, no fewer than 375 of those 1800 hours must be from direct client contact, and face-to-face supervision must represent no less than 5% of client contact time. As such, the Ohio post-doc can be accomplished with 18 hours and 45 minutes (375 X .05) of face-to-face supervision time under any psychologist regardless of seasoning or training in the supervisory process.

For the Board's first thirty-five years, therefore, the content and quality of the educational curriculum and supervised training experiences have taken a back seat to the requirement that 1800 clock hours of supervised experience must occur subsequent to the award of the doctoral degree. Without a statute that sets requirements relative to the

degree-granting program, the qualifications of supervising psychologists, or the structure and purpose of the training setting, the result is a system whereby mature, existing mechanisms for judging educational and training quality cannot be leveraged by the Board [e.g., APA Committee on Accreditation (CoA); the Association of Psychology Postdoctoral and Internship Centers (APPIC)]. In fact, by Ohio law the available and recognized markers of educational and training “quality” are ignored.

Post-doctoral experiences leading to license eligibility in Ohio vary considerably in organization, structure, setting, availability of didactic and interdisciplinary interactions, rigor, and expectations of trainers and trainees. A psychologist entering independent practice in Ohio might have a doctoral degree from a program accredited by the CoA, a 2000-hour CoA-accredited internship, and 2000-hour CoA-accredited post-doctoral fellowship. Another new psychologist might satisfy statutory requirements by virtue of an “online” degree, a non-accredited internship, and 1800 non-accredited post-doc hours in agreement with one (1) psychologist with no training or experience in the supervision of psychologists-in-training. By Ohio statute, it is the institutional “regional accreditation” and the “clock hour” that equates these arguably incomparable experiences.

Concerns that granting a psychologist license in the absence of 1800 post-doctoral clock hours would “water down” regulations governing the training of psychologists are legitimate within a model assuming that a certain number of post-doctoral *hours* (and the passage of time rather than demonstrated quality throughout the education and training) is a foundational principle. Such concerns about codifying a restructured non-internship year are less legitimate within a model assuming that the Board should demand “front end” academic and training quality rather than tallying “back end” clock hours on the heels of a degree from an institution holding the low-level “regional accreditation.”

Efforts to define and assess psychological competencies among trainees and across the professional lifespan are active and are gaining momentum in APA and in the Association of State and Provincial Psychology Boards (ASBBP). While the profession matures and competence assessment finds a foothold in professional training, the Board should take immediate advantage of existing and mature academic program accreditation procedures [i.e., APA’s Committee on Accreditation (CoA) or ASPPB/NR Joint Designation) to ensure that Ohio’s psychologists are graduating from accredited, peer-sanctioned programs that exist for the purpose of training professional psychologists. Similarly, training supervision should occur in professional settings that exist, in part, to contribute to the profession and to society by training psychologists.

The Board’s efforts to foster competence in the public interest might best proceed as follows:

- Qualifying doctoral degrees shall, after a period of transition, only be those earned from doctoral programs: accredited by the CoA; or, listed as meeting Joint Designation Project criteria of the National Register and the ASPPB; or, accredited by the Accreditation Panel of the Canadian Psychological Association.
- Applicants shall evidence completion of a pre-doctoral internship: in a program accredited by CoA; or, in a program holding membership in APPIC; or, in a setting approved by the doctoral program faculty and which can demonstrate satisfactory compliance with training supervision rules to be established by the Board.
- Applicants shall evidence a second year of acceptable supervised training, which may occur before or after the required internship and which must comply with rules to be established by the Board. Said rules shall recognize such experiences occurring in APPIC-member and CoA-accredited training sites, whether post-doctoral or pre-doctoral. Training sites not accredited by the CoA shall be required to demonstrate satisfactory compliance with training supervision rules to be established by the Board.

Psychologists involved in the training and evaluation of graduate psychology students must redouble efforts to embed realistic and honest feedback into supervisory relationships from the earliest days of a student’s education and training. Accurate and honest feedback to students and prospective training sites cannot falter in the face of political and professional pressures to place students and graduates in desirable positions. Pre-doctoral internship programs must strive to provide useful feedback to graduate training programs during students’ pre-doctoral internship training.

The profession must not foster attitudes that learning ceases upon receipt of the license. “Lifelong learning” must be embedded into the training and development of all psychologists.

Each psychologist—from the recently licensed to the seasoned—bears personal responsibility for engaging in consultation and self-oversight in order to restrict one’s professional practice to those areas in which competence has been established. Having intimate knowledge of, and building on, ones’ professional competencies through lifelong learning and self-assessment are critical so that consumers of psychological services are not harmed and rights are not violated.

A vote was taken:

Aye: Dr. Woodrow; Ms. Mattson; Dr. Burlew; Ms. Lanctot; Mr. Distelhorst; Dr. Harmon; Dr. Williams.

Nay: None

Abstain: Dr. Shroder

The motion passed.

Dr. Arnold and the members of the Board were heard again expressing gratitude to the members of the Work Group who joined Drs. Arnold and Ross in this important endeavor: Dr. Maureen Cash; Dr. Catherine Grus; Dr. David Hayes; Dr. Jackie Jolly; Dr. Catherine Stein; Dr. Karl Stukenberg; and Dr. Karen Taylor.

The Board, by consensus, agreed to support Dr. Ross' plan to work with OPA and LSC to ensure that the Board's position, as embodied in the Statement, is given due regard throughout the bill drafting process.

Dual Relationship Rule Recommendation. Dr. Ross briefly summarized the history of the Board's need to draft a new rule governing dual relationships. The rule draft had been sent to the Board in advance of the meeting and made available to OPA and the public for comment. There was discussion heard relative to the need for a definition of "evaluee" and "professional psychological role." Dr. Ross called the Board's attention to a document distributed with the agenda and which announced that the Council of Representatives of OPA has asked that the Board consider a change to the draft by re-inserting a sentence that had been removed from an earlier draft. That sentence, taken from the APA Code of Ethics (2003), would have been inserted as "(2)" in the draft: (2) Multiple relationships that are neither exploitative of others, nor reasonably expected to impair judgment, competence, or objectivity in the practice of psychology are not expressly prohibited.

Dr. Ross clarified that Dr. David Hayes, as current President of OPA, had brought this to his attention many weeks in advance of this meeting, and that Counsel, Roger Carroll, has indicated during the rules committee meetings that such language was very similar to the language cited by the judges who determined that the previous rule was impermissibly vague. As this was discussed during the meeting, Mr. Carroll confirmed such concerns. There were no motions heard to amend the language as presented in the draft rule submitted with the agenda upon consensus of the rules Committee.

Dr. Harmon moved (Dr. Williams second) to adopt the rule language as proposed and to direct the Executive Director to file the rule consistent with administrative and legal requirements:

STATE BOARD OF PSYCHOLOGY RULES COMMITTEE RECOMMENDATION TO THE FULL BOARD, JUNE 22, 2007: MULTIPLE RELATIONSHIPS AND RELATED RULE UPDATES

OAC 4732-17-01 (E)

(E) Multiple relationships. A multiple relationship exists when a psychologist or school psychologist is in a professional psychological role pursuant to paragraph (Q) of rule 4732-3-01 and is in another relationship with the same person or entity or with an individual closely associated with the person or entity. Depending on the timing and nature of one's interactions before or after the establishment of a professional psychological role, multiple relationships can result in exploitation of others, impaired judgment by clients, supervisees and evaluatees, and/or impaired judgment, competence and objectivity of the psychologist or school psychologist. Psychologists and school psychologists actively identify and manage interpersonal boundaries to ensure that there is no exploitation of others and that professional judgment, competence, and objectivity within one's professional psychological roles are not compromised.

(1) In some communities and situations, unavoidable interpersonal contacts can occur due to cultural, linguistic, or geographical considerations. For purposes of this rule, incidental contacts in the personal life of a psychologist or school psychologist with persons with whom there is or was a professional psychological role are not relationships. Nothing in this rule shall be construed to mean that a psychologist or school psychologist is prohibited from undertaking a professional psychological role in an emergency situation, including effecting an appropriate referral when necessary to foster the welfare of others.

(2) Prohibited multiple relationships. The board prescribes that certain multiple relationships are expressly prohibited due to inherent risks of exploitation, impaired judgment by clients, supervisees and evaluatees, and/or impaired judgment, competence or objectivity of the psychologist or school psychologist.

(a) A psychologist or school psychologist shall not:

- (i) Undertake a professional psychological role with persons with whom he/she has engaged in sexual intercourse or other sexual intimacies; or
- (ii) Undertake a professional psychological role with persons with whom he/she has had a familial, personal, social, supervisory, employment, or other relationship, and the professional psychological role results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a psychologist or school psychologist.

(b) A psychologist or school psychologist shall not:

- (i) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any current client, supervisee, evaluatee, or with any person closely associated with a current client, supervisee, or evaluatee; or
- (ii) Establish any personal, financial, employment, or other relationship with any current client, supervisee, or evaluatee, or with any individual closely associated with a current client, supervisee, or evaluatee and the non-professional role results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a psychologist or school psychologist.

(c) A psychologist or school psychologist shall not:

- (i) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any person with whom there has been a professional psychological role at any time within the previous twenty-four months; or
- (ii) Enter into any personal, financial, employment or other relationship (other than reestablishing a professional psychological role) with any person with whom there has been a professional psychological role at any time within the previous twenty-four months and the non-professional role results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a psychologist or school psychologist.

(d) A psychologist or school psychologist shall not terminate or interrupt a professional role with any person for the purpose, expressed or implied, of entering into a sexual, personal, or financial relationship with that person or any individual closely associated with that person.

(e) The prohibitions established in paragraphs 2 (b) and (c) of this rule extend indefinitely beyond twenty-four months after termination of the professional role if the person, secondary to emotional, mental, or cognitive impairment, remains vulnerable to exploitative influence.

OAC 4732-17-01 (C) Welfare of the client

(4) Dependency. Due to inherently influential position, a psychologist or school psychologist shall not exploit the trust or dependency of any client, supervisee, evaluatee, or other person with whom there is a professional psychological role, as that term is defined in rule 4732-3-01.

(7) Stereotypes. A psychologist or school psychologist shall not impose on a client any stereotypes of behavior, values, or roles related to age, gender, religion, race, disability, nationality, or sexual orientation preference that would interfere with the objective provision of psychological services to the client.

(12) Practicing while impaired. A psychologist or school psychologist shall not undertake or continue a professional psychological role when the judgment, competence, and/or objectivity of the psychologist or school psychologist is impaired due to mental, emotional, physiological, pharmacological, or substance abuse conditions. If impaired judgment, competence, and/or objectivity develops after a professional psychological role has been initiated, the psychologist or school psychologist shall terminate the professional role in an appropriate manner, shall notify the client or other relevant parties of the termination in writing, and shall assist the client, supervisee, or evaluatee in obtaining services from another appropriate professional.

(13) Unforeseen multiple relationships. If a psychologist or school psychologist determines that, due to unforeseen factors, a prohibited multiple relationship has developed, he or she shall take reasonable steps to resolve it with due regard for preserving the welfare of the person(s) with whom there is or was a professional psychological role.

OAC 4732-3-01 Definitions [No changes until (L) and addition of (P) and (Q)]

(L) "Client," as used in agency-level 4732 of the Administrative Code, means a patient or that person's legal guardian or any other receiver of psychological services, including individuals, groups, and organizations.

(P) "Evaluatee," as used in agency-level 4732 of the Administrative Code, means a person evaluated by a psychologist or school psychologist pursuant to a third party referral from a court, other adjudicative body, or other agency or organization when the referring party might serve as the client for the purpose of receiving a report of services specific to the person(s) evaluated.

(Q) A "professional psychological role," as used in agency-level 4732 of the Administrative Code, exists when a psychologist renders directly or through supervision to an individual, group, organization, or the public any service involving the application of psychological procedures to the assessment, diagnosis, prevention, treatment, or amelioration of psychological problems or emotional or mental disorders; or to the assessment or improvement of psychological adjustment or functioning of individuals or groups, whether or not there is a diagnosable pre-existing psychological problem. A professional psychological role exists when school psychological services are rendered and when psychological supervision or mental health worker supervision is provided. For the purposes of this rule, professional psychological roles do not include teaching or research even when dealing with psychological subject matter, provided that it does not otherwise involve rendering or offering to render professional services in which patient or client welfare is directly affected.

4732-13-04 Requirements pertaining to supervision.

(B) Supervisor responsibilities pertaining to professional work supervision and professional training supervision.

...(18) A supervisor shall not engage in sexual intercourse or other sexual intimacies with any supervisee; or, engage in sexual harassment or any verbal or nonverbal conduct that is sexual in nature with any supervisee. ~~sexually harass or have sexual contact with a non-spousal supervisee or use his/her supervisory position to exploit the supervisee.~~

A vote was taken:

Aye: Dr. Woodrow; Ms. Mattson; Dr. Burlew; Dr. Shroder; Ms. Lanctot; Mr. Distelhorst; Dr. Harmon; Dr. Williams.

Nay: None

The motion passed.

The Board took a break from 12:10 PM until 12:20 PM.

Strategic Planning. Dr. Ross asked the Board to turn its attention to the draft Strategic Plan that he authored and distributed for the Board's review in advance of the meeting.

Comments were heard from Ms. Lanctot and Ms. Mattson relative to the interesting nature of the historical review of the Board's administrative structure. Dr. Burlew suggested that the word "uneven" (on page 4) might be better represented by the word "lenient." She also suggested

that the Board retain the second mailing process as required under ORC 4732.14. Discussion ensued about the pros and cons of the second mailing process required of the Board staff during the biennial license renewal project. Dr. Burlew also asked about ORC 4732.28 and why counselors and social workers were not already included in that section. Dr. Ross, and then visitor (and attorney) Glenn Karr, explained that it seemed to be an oversight when the law was drafted. Discussion followed as Mr. Karr and Mr. Carroll explained that the allowable partnerships are also referenced in ORC 1701. Therefore, although the Board will entertain such a change, housekeeping revisions to ORC 4732 would not change all statutory references.

Dr. Woodrow asked Dr. Ross about his proposal to eliminate the position of "Entrance Examiner." Dr. Ross explained that the review of licensure applications becomes easier with experience, although one's experience as a professional psychologist does not really seem to make the process easier or make judgments any more accurate than judgments of a person who has never been a psychologist.

Dr. Harmon stated that she strongly supports the proposal to place the administrative position of "Executive director" in statute.

Dr. Shroder referenced ORC 4732.05 and Dr. Ross' suggestion that the School Psychology Examination Committee's role and existence be reviewed. Dr. Shroder suggested that the committee still serves an important function, even with the elimination of the essay examination, in the administration of the oral examination to prospective Licensed School Psychologists. Dr. Shroder therefore suggested that the committee be retained, but that a statute housekeeping process be used to make the committee's role more accurate.

Dr. Williams asked if there was a role for the Board to play in ensuring that licensees represent diverse populations and/or that licensees possess adequate tools to provide services with an appreciation of variables related to culture. Dr. Burlew added her interest in ensuring that the Board review its role with respect to ensuring that licensees are able to serve diverse populations. Dr. Ross called the Board's attention to the last page of Appendix A of the plan, which references his suggestion to consider adding additional continuing education requirements related to "culture" and/or "supervision."

Dr. Ross pointed out that because of multiple important concerns about Appendix A—his first draft of concepts and preliminary language for updating the Board's law—the Board may wish to consider action on the Strategic Plan without approving the concepts or specific language in Appendix A. He assured the Board that the plan contains goals and its adoption would not include approval of any recommendations in the Appendix.

Dr. Harmon moved that the Board adopt the Strategic Plan with a directive to Dr. Ross to establish a committee to review his "housekeeping" recommendations with a report to the Board at the September 2007 meeting; Dr. Williams second.

A vote was taken:

Aye: Dr. Woodrow; Ms. Mattson; Dr. Burlew; Dr. Shroder; Ms. Lanctot; Mr. Distelhorst; Dr. Harmon; Dr. Williams.

Nay: None

The motion passed.

Mr. Distelhorst made a motion to enter **EXECUTIVE SESSION** for the purpose of discussing pending legal issues; Dr. Williams second. Dr. Shroder asked for a roll call vote:

Dr. Burlew	Absent
Dr. Shroder	Yes
Ms. Lanctot	Yes
Ms. Mattson	Yes
Dr. Williams	Yes
Dr. Harmon	Yes
Mr. Distelhorst	Yes
Dr. Woodrow	Yes
Dr. Arnold	Absent

Dr. Burlew left the meeting at 1:00 PM in order to attend to other professional business and could not return for the remainder of the meeting. Dr. Arnold left the room immediately prior to this vote and was not present for this Executive Session.

1:05 PM EXECUTIVE SESSION began

1:25 PM Public session resumed

Dr. Shroder called roll:

Dr. Burlew	Absent
Dr. Shroder	Present
Ms. Lanctot	Present
Ms. Mattson	Present
Dr. Arnold	Absent
Dr. Woodrow	Present
Dr. Williams	Present
Dr. Harmon	Present
Mr. Distelhorst	Present

Dr. Arnold re-joined the meeting after roll call. Dr. Harmon moved that the Board enter Executive Session to discuss other pending legal issues; Dr. Williams second.

Dr. Shroder asked for a roll call vote:

Dr. Burlew	Absent
Dr. Shroder	Yes
Ms. Lanctot	Yes
Ms. Mattson	Yes
Dr. Williams	Yes
Dr. Harmon	Yes
Mr. Distelhorst	Yes
Dr. Woodrow	Yes
Dr. Arnold	Yes

1:30 PM Executive Session began

1:45 PM Public session resumed; Dr. Shroder called roll:

Dr. Burlew	Absent
Dr. Shroder	Present
Ms. Lanctot	Present
Ms. Mattson	Present
Dr. Arnold	Present
Dr. Woodrow	Present
Dr. Williams	Present
Dr. Harmon	Present
Mr. Distelhorst	Present

Dr. Arnold invited motions relative to the Consent Agreements presented for consideration in Executive Session. He placed on the record, for clarification, that he was not present for the first Executive Session during which the Board considered a pending legal issue in his absence due to his need to abstain from participation in the matter being deliberated.

Dr. Shroder offered a motion to approve the document labeled Consent Agreement #1 in the first Executive Session; Ms. Lanctot second.

A vote was taken:

Aye: Aye: Dr. Shroder; Ms. Lanctot; Mr. Distelhorst; Ms. Mattson; Dr. Harmon; Dr. Williams.
Nay: None
Abstain: Drs. Arnold and Woodrow

The motion carried.

Investigator Knauss announced that the psychologist subject to the action in Consent Agreement #1 was Kent Hamdorf, Ph.D. of Columbus.

Dr. Harmon offered a motion to approve the document labeled as Consent Agreement #2; Dr. Williams second.

A vote was taken:

Aye: Aye: Ms. Lanctot; Mr. Distelhorst; Ms. Mattson; Dr. Harmon; Dr. Williams; Dr. Woodrow.
Nay: None
Abstain: Dr. Shroder

The motion carried.

Ms. Knauss announced that the individual subject to this action is Diane Frey, Ph.D. of Dayton.

Ms. Lanctot offered a motion to approve the document labeled as Consent Agreement #3; Dr. Harmon second.

A vote was taken:

Aye: Ms. Lanctot; Mr. Distelhorst; Ms. Mattson; Dr. Harmon; Dr. Williams; Dr. Woodrow.
Nay: None
Abstain: Dr. Shroder; Dr. Arnold

The motion carried.

Ms. Knauss announced that the individual subject to this action is James Kaplar, Ph.D., of Solon.

EXECUTIVE DIRECTOR'S REPORT, Continued

NR for Health Service Providers in Psychology Credential Recognition. Dr. Ross asked the Board to review the document distributed relative to the National Register, which read as follows:

It is recommended that the Board adopt a proposal to amend Board policy and administrative rule in order to recognize the National Register credential as a mechanism for licensure mobility akin to the ASPPB CPQ, as follows:

4732-1-02 Application for licensure.

(A) All applicants for licensure as a psychologist or school psychologist shall file with the secretary of the board a written application, under oath and duly notarized, on a form prescribed by the board and accompanied by the appropriate fee.

~~(B) When the application is for admission to examination as provided for in section [4732.10](#) of the Revised Code, the applicant for a pre-scheduled examination will not be assured of a decision being made by the board examiner prior to the next pre-scheduled examination unless all documents required to be filed by the applicant are filed no later than three months prior to the first day of the examination month. Documents from other sources are to complete the application file at least ten days prior to the examination. Files for applicants under other circumstances must be complete prior to the board's approval of an examination date.~~

(B) ~~(C)~~ All applications for a license to practice psychology or school psychology shall include verification from the "Association of State and Provincial Psychology Boards (ASPPB)" that the applicant holds a current, valid certificate of professional qualification in psychology (CPQ) or a verification letter from the National Register of Health Service Providers in Psychology; or

(1) The grade transcript, bearing official seal, sent directly to the board office by each graduate university or college attended by the applicant; and

(2) Notarized statements from those persons who have supervised the applicant's professional work experience in psychology or school psychology. Said statements shall set forth the supervisor's own qualifications, familiarity with the applicant, the extent of the supervision over such applicant, the inclusive dates and number of hours of work supervised, the number of individual and group supervision hours weekly, and an evaluation of the applicant.

(a) In the case of a certificated school psychologist who is working toward admission to the examination for a school psychologist license under division (C) of section [4732.10](#) of the Revised Code and who is employed by a board of education or by a private school meeting standards prescribed by the state board of education under division (D) of section [3301.07](#) of the Revised Code, verification of the term of employment of said certificated school psychologist shall be in the form of a notarized statement from the superintendent or other similar official.

(b) In the case of an applicant who is licensed or certified as a psychologist or as a school psychologist by the licensing department of another state, a territory, or the District of Columbia or who holds a diploma issued by the "American Board of Professional Psychology," such notarized statement may be waived if the licensing requirement

of the other jurisdiction or the psychology work history of the applicant indicates completion of two years of appropriately supervised experience, including at least one year of postdoctoral experience, prior to original licensure.

(C) ~~(D)~~ The application for licensure shall be deemed to lapse if the applicant has not successfully completed all requirements for licensure within five years after initial filing. Thereafter, a new application shall be necessary for a candidate to pursue licensure.

4732-7-01 Licensure for applicants licensed or certified by another jurisdiction.

In accord with section [4732.15](#) of the Revised Code, the board may issue a license as a psychologist or as a school psychologist to any applicant licensed or certified as such by the licensing department of another state, territory, or the District of Columbia or to any person holding a diploma issued by the "American Board of Professional Psychology" (ABPP). Such applicant for license shall:

(A) Conform with the applicable requirements of section [4732.10](#) of the Revised Code and rule 4732-9-01 or 4732-9-02 of the Administrative Code, as evidenced by verification from the "Association of State and Provincial Psychology Boards" that the applicant holds a current, valid certificate of professional qualification in psychology (CPQ) or as evidenced by verification from ABPP that the applicant holds an active Board certification from ABPP **or as evidenced by a verification letter stating that the applicant is currently credentialed by the National Register of Health Service Providers in Psychology (NR)**; and, conform with requirements under rule 4732-11-01 (E) by passing an oral examination administered under the direction of the board.

(B) If the application is for a psychologist license, and the applicant does not hold an active Board certification from ABPP and does not hold the CPQ **or NR Credential** described in paragraph (A) of this rule, he/she shall:

(1) Provide evidence of having passed the examination required of Ohio psychology examination candidates, with a score at least as high as the minimum passing score required of current Ohio candidates (information about such examination and score is available by writing or calling the board office); and

(2) Pass an oral examination administered under the direction of the board, as described in paragraph (E) of rule 4732-11-01 of the Administrative Code; or

(C) If the application is for a school psychologist license, the applicant shall:

(1) Provide evidence of having passed an examination acceptable to the board as being equivalent to the examination required of Ohio school psychology examination candidates, with a score at least as high as the minimum passing score required of Ohio candidates (information about such examination and score is available by writing or calling the board office); and

(2) Pass an oral examination administered under the direction of the board, as described in paragraph (E) of rule 4732-11-01 of the Administrative Code.

Dr. Ross advised the Board that the proposed elimination of paragraph (B) in 1-02 is unrelated to the NR proposal, but is archaic language that should be stricken to promote accuracy in the rules governing the Board's testing processes.

Mr. Distelhorst moved to approve the proposal; Dr. Woodrow second.

A vote was taken:

Aye: Ms. Lanctot; Mr. Distelhorst; Ms. Mattson; Dr. Harmon; Dr. Williams; Dr. Woodrow; Dr. Shroder.

Nay: None

Abstain: None

The motion carried.

Deceased Licensees and Listing of Disciplinary Actions. Dr. Ross referenced a document that he had distributed for consideration concerning a request from the widow of a deceased licensee to have her deceased husband's disciplinary data removed from the Internet, given his recent death. There was active discussion, including concerns for the public's right to know about all actions of the Board, as it seems is mandated by ORC 4732.31, effective May 14, 2002. Consensus was reached to not amend the Board's current procedure, which is to list as "deceased" any licensee whose death is reported to and verified by a staff member; and, to maintain the links to any disciplinary actions taken by the Board against the license. Dr. Ross reported that he will do some research with other Ohio boards to determine if this issue has been raised and what responses have been tried.

OPA Draft Telepsychology Guidelines. Dr. Ross next called the Board's attention to draft guidelines for "telepsychology" from an OPA committee. He confirmed that he was not recommending action by the Board, but was hoping to encourage a review and future feedback as deemed warranted by the Board. Dr. Arnold noted that his first concern is relative to promoting accuracy in billing, and called the Board's attention to a CPT code for 90806, which is the commonly used psychotherapy code and which requires "face to face" contact. Mr. Ranney of OPA was present and confirmed that the issue was one of many that will be taken under consideration. There was brief discussion and no motions heard.

PUBLIC PROTECTION ISSUES REVISITED

Applied Behavior Analysis: Proposal

Dr. Arnold introduced this topic by describing a process whereby persons become certified by the Behavior Analysis Certification Board, a non-profit organization, as Board Certified Behavior Analysts. Such persons generally work with families of children with Autism and related disorders and with the children with those conditions. Such persons can in certain circumstances render services for a fee without holding any license in Ohio and therefore without governmental oversight. As an example, he noted that these "certified" persons are eligible for remuneration through the Ohio Department of Education's Autism Scholarship Program.

Dr. Arnold then described that, pursuant to ORC 4732.01 (B) and 4732.23 (C), the Board appears to have a "scope of practice" and not just "title protection." Therefore, he contended that Certified Behavior Analysts without an independent mental health license or without being supervised by a psychologist could be viewed as practicing psychology without a license. He asked the Board to consider whether we might have a scope of practice statute after years of laboring under the assumption that we do not. Ultimately, he raised concerns about whether such "certified" persons, irrespective of their training and skill level, might be practicing psychology without a license in the process of rendering mental health services to families and children—many of which are very vulnerable.

Ms. Mattson described her concerns about both the competence of "Certified Behavior Analysts" and also about the enormous fees that some of them charge. With that said, she added that there are certainly families who are satisfied with services from such unlicensed but "certified" persons.

Mr. Distelhorst suggested that the Board consider whether or not these persons should be licensed and regulated by one of the existing boards—for example, the Psychology Board.

Dr. Arnold posited that the Board is in a unique position to address these issues and advised the Board that he is proposing to form a task force to be comprised of representatives from but not limited to: the Board (Ms. Mattson, Ms. Lanctot and Dr. Arnold); ODMH; MRDD; ODE (Autism Scholarship Program); Ohio Center for Autism and Low Incidence (Donna Owens); State Organization of County Boards of MR/DD ; OPA; OSPA; Representative Jon Peterson; the Counselor, Social Worker and Marriage and Family Therapist Board.

There was consensus that the issue deserved attention and that a broad task force to study issues was most appropriate. Dr. Ross confirmed that he would work with Dr. Arnold to identify to most appropriate invitees and to identify a timeline.

Parental Alienation Syndrome: Update and discussion

Dr. Arnold introduced this issue by describing the periodic presence of “alienating” behaviors by parents in some high-conflict parenting disputes and the effect such behaviors can have on children. Some have come to refer to “Parental Alienation Syndrome” (PAS) when describing the affected child, although the “syndrome” has never been accepted by mainstream psychiatry or psychology and does not appear in the DSM system. Because the Board receives complaints that involve the use of the terminology “PAS,” Dr. Arnold asked if the Board should have a standard position on how to conceptualize those complaints—when a psychologist references the presence or absence of a “syndrome” that is not widely accepted.

Dr. Arnold clarified that the major issue is using the controversial term “PAS,” (with “Syndrome” inherently having a misleading quality) rather than describing a given family and alienating behaviors that are expressed by a child in often predictable ways.

Dr. Marty Traver, representative of OPA, stated that some believe that the use of such a term as a diagnosis is malpractice because “PAS” does not “exist.” She also responded to a question from a member of the Board by recalling that the APA does not support its use as a diagnosis.

After discussion of some of these points, consensus was reached to not take a specific position, but to continue to review complaints on a case-by-case basis because of the critical role of context. Some members expressed concern that a position or policy could tie the hands of the Board in a way that could keep it from doing the right thing to protect the public, depending on circumstances.

3:15 PM Following a motion by Dr. Shroder (second by Dr. Woodrow), the meeting was adjourned by consensus. **MEETING ADJOURNED.**

Ronald R. Ross, Ph.D.
Executive Director

[Signed copy on file in Board office]

Kevin D. Arnold, Ph.D., ABPP
President