

STATE BOARD OF PSYCHOLOGY OF OHIO

MAY 17-18 2006

APPROVED MEETING MINUTES

RIFFE CENTER, ROOM 1960

COLUMBUS

CURRENT BOARD MEMBERS:

President: Gayle Lanctot—Consumer Advocate Member 2006¹

Secretary: Kathryn R. Shroder, Ph.D.—Licensee Member 2008

Willie Williams, Ph.D.—Licensee Member 2006

Pamela Mattson – Consumer Advocate Organization Representative Member 2007

Kevin Arnold, Ph.D., ABPP – Licensee Member 2008

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

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

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

10:50 AM MEETING CALLED TO ORDER by President Lanctot; 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	Absent

Board President, Ms. Lanctot, began the meeting by congratulating Dr. Arnold on the recent birth of his wife's second child.

APPROVAL OF FEBRUARY 23, 2006 MINUTES:

Ms. Lanctot invited discussion about the draft minutes as distributed. Drs. Shroder and Woodrow called attention to a typographical error and a grammatical error on page 5. Dr. Woodrow asked that a comment she made and recalled by the Executive Director be given attention in the minutes. Dr. Woodrow had stated that she had raised a question relative to whether the Board would be able to assess the number of persons accessing the on-line documents (Consent Agreements and Orders) during discussion summarized on page 2. Dr. Ross agreed to make these corrections in the approved version. President Lanctot asked for a motion to approve minutes as distributed and as corrected. Dr. Williams offered a motion to approve the minutes; Dr. Harmon second.

A vote was taken*

¹ Year Board Member term ends

* President votes only to break a tie

Aye: Dr. Burlew; Dr. Shroder; Ms. Mattson; Dr. Arnold; Dr. Woodrow; Dr. Harmon; Dr. Williams

Nay: None

Abstain: None

The motion carried.

Consent Agenda

Ms Lanctot invited discussion of items on the Consent Agenda:

- 1) Quarterly Enforcement Report
- 2) Entrance Examiner Report
 - Individuals licensed by Board President & Secretary and date of licensure
 - Individuals reinstated by Board President & Secretary and date of licensure
 - Individuals approved for 30-day practice
- 3) Board Budget Status Report
- 4) Informational Updates

There were no motions heard relative to removing any item for placement on the meeting agenda. Dr. Shroder made a motion that the Consent Agenda be approved; Dr. Woodrow second.

A vote was taken*

Aye: Dr. Burlew; Dr. Shroder; Ms. Mattson; Dr. Arnold; Dr. Woodrow; Dr. Harmon; Dr. Williams

Nay: None

Abstain: None

The motion carried.

HB418 Workgroup Report and Discussion

Ms. Lanctot offered her thanks to Drs. Arnold and Ross for their leadership on the Workgroup that was established to review HB418 and related issues. Dr. Arnold expressed his appreciation to Dr. Ross for his work in putting the group together and on the May 8, 2006 meeting summary.

Dr. Arnold led a discussion about the general outcome of the Workgroup's meeting and highlighted a number of themes:

- The prevailing opinion from the Workgroup was that HB418 reflects an ill-timed concept.

- Strong consensus reflected the fact that there is a substantially uneven quality within practicum experiences among graduate programs and within specific practicum sites within the same graduate programs, even among programs accredited by the APA Committee on Accreditation (CoA).
- Representatives from the Ohio Psychological Association (OPA) did a good job of articulating the burden on “early career psychologists” (i.e., persons who are required to complete a minimum of 1800 hours of satisfactory supervised experience subsequent to the granting of the doctoral degree). Participants argued that an assumption made relative to this burden is not acceptable—namely, that eliminating the post-doctoral requirement would provide for faster access to reimbursement streams. Participants also argued that various reimbursement streams for the services provided by post-doctoral trainees currently exist.
- There was consensus that the field appears to be moving toward competency-based assessment of “readiness to practice independently” and licensure and there was support for the preliminary idea that the Board and stakeholders might wish to consider adopting some type of competency-based training and licensing requirements.
- There is no “magic” to the timing of a year of training being placed after receipt of the doctoral degree, but there is a critical need to drive the training and licensing process by assuring competency, and using practicum hours to that end is not acceptable.

Dr. Williams initiated a discussion of “competency-based” training, assessment and licensure. Discussion was heard specific to the fledgling nature of ingrained and acceptable “core competencies” among American jurisdictions and it was noted that a series of eight (8) “core competencies” was an outcome of a recent national conference.

Dr. Arnold shared a preliminary proposal intended to stimulate the Board’s thinking about competence and to emphasize that the Workgroup’s broad disagreement with the concept of HB418 did not prevent it from discussing critical related issues about training and education. His proposal included concepts that would place into rule specific core competencies for post-doctoral training with requirements that the training experience evidence an organized, sequential experience of adequate scope. Post-doctoral training programs accredited by the APA Committee of Accreditation (CoA) would be automatically acceptable by rule, while other post-doctoral experiences would need to be judged satisfactory as determined by board review of the experience, according to requirements yet-to-be-established.

Dr. Williams voiced that varying definitions of “core competencies” among the U.S. jurisdictions would potentially raise concerns. A discussion followed relative to possible outcomes of a “state-by-state” adoption of core competencies, when such a concept, while being discussed, has not found political and practical consensus.

Dr. Woodrow asked whether the Board should consider accepting post-internship training in lieu of post-doctoral training, given the Workgroup’s consensus that there is nothing “magic” about the post-doctoral year. Dr. Arnold responded by reflecting that the Workgroup, when Dr.

Woodrow's concept was raised during the May 8 meeting, roundly argued that such a concept was not acceptable, given that structures do not exist to afford training experiences under such a timeline.

Dr. Harmon then added that she was very impressed with the breadth of the panel and the clear sense that there was significant consideration given to the issue at hand. Dr. Harmon then asked Michael Ranney, Executive Director of OPA (present in the meeting) if the summary as distributed appeared to be accurate.

Mr. Ranney indicated that he has not been able to study it given its distribution in the days before the meeting and amid other demands at OPA. Mr. Ranney offered that the argument to tighten up training requirements could have a significant impact on graduate programs and internship and post-doc training sites.

Discussion turned to the constituency of OPA supportive of HB418, namely advanced graduate students and "early career psychologists." Dr. Arnold stated that he is not persuaded by the argument that post-doctoral trainees should look to the Board to make their lives easier. There were no arguments heard from Members of the Board.

Returning to the concept of competency-based training, Dr. Williams notes that once educational programs function on an accepted competency-based model, then the Board could more reasonably use established competencies to amend licensure requirements relative to the nature of acceptable supervised training.

Dr. Arnold noted that Dr. Williams' comments echoed a view that Dr. Ross has voiced and that he disagrees with it. Dr. Arnold indicated that the view he disagrees with is that the Board might wish to await maturation of "core competencies" in lieu of, on its own initiative, establishing those by administrative rule. He next noted that "trainees" are frequently gaining "experience" that is not rooted in concepts of psychological training and competence building. This relates to the consensus in the Workgroup that many trainees in Ohio and elsewhere are "clocking hours," instead of receiving organized, structured, sequential "training" in settings with programs dedicated to training professional psychologists.

Dr. Williams returned to his earlier comment and asserted that there should be communication among the states so that any Ohio rules relative to competencies would be generally accepted and endorsed. Stating that he, too, supports the concept of competency-based education and licensure, he indicated that variability in definitions around the country should be avoided through consensus and communication.

Dr. Arnold noted that looking to APA for "core competencies" is not a good idea because the February 2006 Resolution regarding eliminating the post-doc from the Model Act is at cross-purposes with the notion of "core competencies."

Dr. Burlew then asked, "What's the next step?"

Drs. Harmon and Williams each raised how the Workgroup summary affects where the Board is relative to HB418, and Dr. Williams asked Mr. Ranney (OPA) to comment.

Mr. Ranney advised the Board that HB418 remains on hold and concurred that the Workgroup meeting raises issues that impacts thinking on the bill. He added that, in hindsight, issues being raised about assessment of competence perhaps should have been raised years ago. This led

to a series of comments from members of the Board and from Dr. Ross indicating agreement with that statement.

Dr. Arnold noted that he has imminent plans to meet with representative(s) of the APA Education Directorate and that he hopes to raise the prospect of jurisdiction-defined competencies.

Mr. Ranney indicated that ASPPB will likely be involved with the APA Task Force to Revise the Model Licensure Act.

Dr. Ross raised that he imagines that the APA Taskforce might in its processes define some of the competency and training issues that have been addressed and returned to Dr. Burlew's question about the next step.

Specific to HB418:

Dr. Harmon stated that it is the clear impression that HB418 is premature, especially when considering the Workgroup's position on the status of graduate-level training.

Dr. Arnold stated that it is clear that practica hours cannot count toward the 3600 licensure hours and that functionally, HB418 seems to be based on the potential use of practica experiences toward licensure. He added that, with practicum experiences "off the table," then a second year of acceptable training would essentially have to be a second year of internship (pre-or post "traditional" internship).

Dr. Ross stated to Mr. Ranney that perhaps there is reason to consider a substitute bill that would allow for admission to the EPPP upon graduation, clarify the Board's "local" (oral) examination, and update the law regarding the use of the computer-based EPPP, as examples.

11:55 AM The Board agreed to take a break for 15 minutes.

12:13 PM Ms. Lanctot called the meeting back to order and 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	Absent

Returning to discussion, Dr. Arnold stated that the issues under consideration warrant more activity and suggested that holding at least another meeting of the Workgroup is a good idea.

Following discussion of this idea, consensus was reached to reconvene the Workgroup for additional discussion of issues present, under Dr. Arnold's leadership.

Appreciative comments were heard from the Board relative to the Workgroup's thoughtfulness and time commitment.

EXECUTIVE DIRECTOR'S REPORT

Dr. Ross

Rule Filing: OAC 4732-9-01 and 4732-11-01

Dr. Ross reported that, relative to OAC 4732-11-01, in November 2004 the rule was placed on a short review schedule because of the possibility that the board might consider legislation to more clearly place and define the local "oral" examination in law, rather than retaining it only in rule. All other rules are up for 5-year review in 2009. This rule must be filed before August 26, 2006.

He added that, relative to context, the oral examination for the psychologist license has consistently been administered dating to the 1970's, but was first referenced in rule in the year 2000. The statute refers to "admission to examination" without overtly referring to written and/or oral examinations for the psychology license.

As such, this rule was put on a short review schedule in fairness to advise the public that there was a concern around its being in rule without obvious use of the word "oral" in statute. Given that the statute has not been changed and the oral examination process continues for the psychology license, there is no reason to amend this rule at this time.

Recommendation: File this rule with no changes and set its next review date to coincide with all other rules: July 26, 2009.

Dr. Williams made a motion to direct Dr. Ross to file 4732-11-01 with "no change" in accord with established requirements; Dr. Burlew second.

A vote was taken:

Aye: Dr. Burlew; Dr. Shroder; Ms. Mattson; Dr. Arnold; Dr. Woodrow; Dr. Harmon; Dr. Williams

Nay: None

Abstain: None

The motion carried.

Equivalence degree rule amendments: OAC 4732-9-01

Relative to OAC 4732-9-01, Dr. Ross reported to the Board that he has drafted proposed amendments in line with authority granted from the February 23, 2006 meeting. He advised that he spoke to representatives from JCARR and LSC and has determined that he needs additional time to review the options between amending the current rule or writing a new rule that will accomplish the 3-year "phase out" of individual applications seeking review for degrees deemed "equivalent." He advised the Board that he would decide how to best accomplish this and would provide more details and a recommendation for the September 2006 meeting.

Dr. Ross also added that it has been recommended that the Board consider amending

the statute to accomplish the amendment of the 'equivalent degree' concept, in lieu of amending rules. This led to a brief discussion of the possibility of addressing this via legislation, and possibly requiring that all degrees be earned from programs accredited by the APA Committee on Accreditation (CoA).

School Psychology Examination Process

Dr. Ross opened this topic by asking that the record reflect that the Board has been provided with a proposal to amend the examination process for the School Psychology license and offered a summary of that proposal:

Pursuant to a summary report written by the Executive Director relative to the need to align Ohio's licensing process for School Psychologists with the majority of other U.S. States that grant such limited licenses for the practice of SP, the Board was asked to consider and adopt a proposal that included:

- 1) The Ohio School Psychology Essay Examination shall be discontinued.
- 2) The Board would require that applicants shall demonstrate, for admission to the oral examination for the School Psychologist license, a score reported by the Educational Testing Service (ETS) of at least 660 on the Praxis Series School Psychology Specialty Area (SPSA) Examination, consistent with the level set for "certification" by the National Association of School Psychologists (NASP). Ohio's timeline for acceptance of the score shall be aligned with NASP, which declares that scores more than five (5) years old are not valid. For oral examinations administered after June 1, 2007, the candidate shall be required to earn a passing score on the oral examination on a date no more than five (5) years from the date of the administration of the qualifying (660 or higher) SPSA examination.
- 3) The Board would retain the requirement incurred by School Psychology license candidates to pass an oral examination administered and scored by members of the School Psychology Licensing Committee and voiced its intention on May 17, 2006 to review current administrative rules for amendment to eliminate references to the essay examination.
- 4) To afford reasonable access to the examination during a transition period, persons with a 650 or higher on the Praxis-SPSA shall be admitted to the oral examination if an application is made leading to a passing score on the oral examination on or before June 1, 2007. Persons seeking licensure based on a SPSA score of 650 shall be required to pass the oral examination: Within 8 years of the administration of the qualifying SPSA; and, on or before June 1, 2007.
- 5) As such, the historical Praxis score requirement of 650 would remain in place for candidates who pass the oral on or before June 1, 2007, after which time applicants shall be required to evidence a score of 660 or higher for admission to the oral examination.
- 6) For candidates anticipating admission to the essay examination on July 14, 2006, the essay requirement is waived immediately and direct admission to the oral examination is granted, assuming compliance with all other statutory and regulatory requirements.

Dr. Burlew asked for discussion of the rationale for the proposal.

Dr. Ross reminded the Board that the Ohio SP essay exam is the only known essay used by any of the 63 ASPPB jurisdictions for any purpose, and that it was wise to

eliminate it based on a need to conform with prevailing protocols and to avoid the expense of getting additional psychometric data on the examination and the scoring process. He added that the Praxis School Psychology Specialty Area exam is the benchmark for school psychology certification around the U.S. and should be relied upon as the Board relies upon the EPPP for its psychology licensure processes.

Brief discussion of these issues followed, and Dr. Woodrow offered a motion to approve the proposal to raise the Praxis score minimum from 650 to 660; discontinue the use of the essay examination; to require SP candidates to pass the same oral examination administered to Psychology license candidates; begin a grand parenting period as proposed; and, to direct the School Psychology Examination Committee to review the oral examination for consideration of retention of all items or deletion of specific items; Dr. Woodrow clarified that the Committee was being asked to nominate items for removal, as opposed to writing new items.

Dr. Harmon seconded this motion.

A vote was taken:

Aye: Dr. Burlew; Dr. Shroder; Ms. Mattson; Dr. Arnold; Dr. Woodrow; Dr. Harmon; Dr. Williams

Nay: None

Abstain: None

The motion carried.

Dr. Ross thanked the Board for its preparation on this issue and advised that he would have staff begin the process of contacting all SP applicants and amending forms and publications.

Relative to the scheduled examination for July 14, 2006, there was consensus to allow candidates to sit for the oral on that date or wait. This led to discussion about fostering more flexibility in the oral examination scheduling, as is done with the Psychology oral examination. This process will be handled between the Committee and the Board staff.

Dr. Ross advised the Board that rule amendments will need to be promulgated to update the Ohio Administrative Code relative to this his policy change.

License renewal process, newsletter, and renewal forms

Dr. Ross turned the Board's attention to the materials sent with the agenda specific to the pending license registration mailing.

Discussion focused on the content of blocks #8 and #6.

The Board reached agreement relative to block #8 that the term "minor traffic offenses" was preferable to "minor misdemeanors." Mr. Glenn Karr, attorney, was present for the discussion and he voiced that he supports the change from the vantage point of an attorney who advises and represents psychologists.

Dr. Harmon then asked to discuss the history of block # 6 (Competence Areas) and its apparent blending of techniques with specialty areas. Dr. Ross gave a brief history of this item and commented that, ironically, the current proposed version was established in 2004 as a vast improvement of a more unwieldy and disorganized version used during prior renewal periods.

Dr. Harmon asked that block #6 at least be reorganized to separate techniques from specialty areas. Discussion then followed about the historical basis for the wording choice of "Culture-Centered Services," which was added for the 2004 renewal form.

Dr. Ross reminded the Board that he recommended several years ago that the rule requiring this block be struck and commented on the limited utility of such a list in the day-to-day operation of the Board—both in licensing and in enforcement.

Dr. Arnold suggested that perhaps the Board should use the accepted specialties in the field of psychology or use the list of hazardous practices in OAC 4732-5-01.

Discussion was heard and there was consensus that the form would benefit from reorganization in block #6, but that the other issues raised, while important, would need to await more thought and discussion at a future meeting.

There was consensus that these issues would be placed on a future agenda: what does it mean when a licensee places a "checkmark" in a given box? What should the specific "competence areas" be? Should the rule requiring that the Board collect such "checkmarks" be revised or eliminated?

The Board directed Dr. Ross, by consensus, to work with Dr. Harmon to reorganize block #6 and to proceed with the renewal mailing. There were no other changes noted to any of the materials distributed for the Board's review.

Policy re: Complaints Against or Related to Sitting Member

Dr. Ross next introduced the draft policy distributed to the Board for consideration, and asked that the record reflect that the draft was placed into the minutes as follows:

POLICY

The purpose of this policy is to set forth guidelines for the handling of investigations of:

- *Complaints against sitting members of the State Board of Psychology (Board);*
- *Complaints against persons closely associated with sitting members of the Board;*
and,
- *Complaints against persons subject to complaints filed by sitting members.*

It is the policy of the Board to conduct all investigations of alleged misconduct in a manner that affords maximum objectivity and the avoidance of an appearance of impropriety. The Board is responsible for being accountable for every complaint filed, regardless of the identity of the subject of a given complaint. By standard procedure, each formal complaint is assigned to a member of the Board for supervisory oversight and guidance, the "Supervising Member," who under typical circumstances works with an assigned Board investigator, the Executive Director, and Board counsel (Assistant Attorney General, "AAG") in the process of an investigation.

All efforts shall be made by the Board and its staff to avoid any reasonably anticipated loss of objectivity and/or the appearance of impropriety when a sitting Member is related to an investigation, whether as a subject of a complaint, as a close associate of a person subject to a complaint, or as the complainant. The Board hereby establishes the following procedures governing the conduct of investigations in these circumstances:

I. Procedures Regarding Complaints Against a Sitting Member

- A. *When a complaint is received against a sitting member of the Board, the Board investigator processing the complaint shall notify the Executive Director, who shall cause the complaint to be assigned, per standard procedures, to a Supervising Member for oversight. The Supervising Member shall be a current Board member who is not otherwise connected, Board membership aside, to the sitting member named in the complaint. Membership on the Board is not a sufficient relationship that would be expected to lead a prospective Supervising Member to decline to supervise a case against another sitting member.*
- B. *The Supervising Member, upon agreeing to supervise a given case, shall review the complaint consistent with current procedures, but without input from any employee of the Board. The Executive Director and Board investigators shall be prohibited from participating in any investigation of a sitting member.*
- C. *If it is determined by the Supervising Member that a complaint does not allege violations of the laws and rules governing psychologists (and therefore does not provide a basis to proceed to a formal investigation), the Supervising Member shall so notify a Board investigator or the Executive Director and the case will be processed according to established procedures for closures, including review of the allegations by the Board's AAG or designee.*
- D. *Upon a determination by the Supervising Member that the complaint provides a basis to proceed to a formal investigation, the Supervising Member will so notify Board staff and the Executive Director will subsequently enter in to an agreement with a comparable regulatory board or state agency in order to delegate the investigation to a professional investigator or designee employed by that entity.*
 - a. *The agreement will authorize the selected person to perform the investigation, shall set forth the Board's procedures for investigations, shall identify the Supervising Member and the Board's counsel (AAG), and shall include a "letter of representation" for the investigator's identification as an agent authorized to conduct the investigation on behalf of the Supervising Member.*
 - b. *The designated outside investigator may only confer with the Executive Director or Board investigator for guidance surrounding procedural issues and shall not confer with any Board employee relative to decision-making.*
 - c. *The investigation shall proceed according to established procedures under the direction of the Supervising Member, consistent with the processing of all investigations as outlined in the Board's enforcement handbook and related policies.*
 - d. *If a decision is made to proceed with formal action against a sitting member, the sitting member subject of the complaint/investigation will be advised in accordance with standard procedures. The sitting member will be responsible for taking any appropriate action regarding his or her relationship with the Board.*
- E. *The Supervising Member, working in conjunction with the assigned external investigator, shall follow all related Board policies and procedures relative to the initiation of formal proceedings, or the authorization to close a case without formal action upon second member review.*

II. Complaints initiated or filed by a sitting member

All Board licensees, including members of the Board, must adhere to an administrative rule [OAC 4732-17-01 (J) (4)] that requires filing professional reports with the Board relative to others' suspected serious violations of the laws and rules governing psychologists. When a sitting member files a report/complaint with the Board pursuant to his or her duty to report violations, or causes such a report to be made, the reporting member shall be recused from participation in any decision-making relative to that case.

III. Complaints against persons closely associated with a sitting member

When a complaint against a person closely associated with a member—including relationship that are social, familial, personal, or professional—is received in the Board office, to the extent that nexus is known, special steps might be taken to ensure that objectivity and appearances are not compromised.

- A. Members who determine that the subject of any given matter is an associate to such an extent that participation might involve impaired objectivity or the appearance of impropriety shall recuse themselves from participation.*
- B. In circumstances in which a member must recuse self from a matter because of a pre-existing relationship, Board staff may or may not incur similar responsibilities. Decision-making in this regard shall occur on a case-by-case basis and shall depend on factors including, but not necessarily limited to the nature of the staff's relationship with members at issue. To the extent that the objectivity of the Executive Director or Board investigators is reasonably likely to be impaired in the conduct of any investigation of a person closely associated with a sitting member, or the appearance of impropriety might reasonably be raised, the matter shall be referred to an outside investigator consistent with procedures outline above in Section I. This would generally include, but would not be limited to, circumstances in which the objectivity of Executive Director or investigator is reasonably likely to be impaired because the subject of a complaint is:*
 - An employee or employer of a sitting member; or,*
 - A family member or close personal associate of a sitting member; or,*
 - A person otherwise closely associated with a sitting member and that relationship is known to the Executive Director or Board investigators and the relationship is reasonably likely to impair the staff's ability to conduct an investigation.*

IV. TRANSPARENCY IN CORRESPONDENCE WITH COMPLAINANT

By standard procedure, all complainants are advised in writing when a case is closed, whether by formal action or without formal action. Complaints investigated by an external investigator and not resulting in formal action shall be closed in a manner consistent with existing policy and procedure. For the purpose of completing correspondence in these circumstances, a designated Board investigator may provide necessary clerical assistance to cause such correspondence to be sent to the complainant. Said "closure" letter shall contain a general description of the Board procedure leading an external investigator to conduct the investigation, and the name of the external investigator.

V. CONSULTATION WITH RELEVANT PARTIES

The Executive Director shall conduct all necessary consultations to inform decision-making relative to the assignment and processing of any investigation involving a sitting member of the Board should circumstances arise not addressed herein. Said consultations would be anticipated to include the Office of the Attorney General, the Ohio Ethics Commission, and/or the Office of the

Inspector General. The Executive Director or designee shall document said contacts in the Board's database consistent with standard documentation procedures.

Dr. Ross reported that Board counsel, Roger Carroll, reviewed the draft and did not note any obvious concerns. Brief discussion followed and Dr. Woodrow made a motion to approve the policy draft as presented; Dr. Williams second.

A vote was taken:

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

Nay: None

Abstain: Dr. Arnold

The motion carried. Policy adopted.

Office reconfiguration, IT needs, and expenditure recommendations

Dr. Ross advised the Board that a plan to replace all desktop computers this fiscal year has been delayed after receiving advice from Boards and Commissions Technical Support (Bruce Sinmaz) that our systems have plenty of life left. Dr. Ross reported that there will be a surplus in the Board's operating budget because we have not yet posted the vacancy for an Admin Asst 1.

Finally, Dr. Ross recommended that the Board office space undergo reconfiguration secondary to repeated issues with his office being poorly located (reports are that visitors and staff can overhear speaker phone conversations). The Office of the State Architect has submitted a plan to relocate Dr. Ross' office to the West side of the office and move Carla and another workstation in to the area current occupied by Dr. Ross. Cost projections were shared: \$1195.00 to move workstations and \$2350.00 to construct the new office for Dr. Ross.

Ms. Mattson offered a motion to direct Dr. Ross to expend up to \$4,000 to complete the restructuring with Presidential approval required for expenditures over this amount; Dr. Burlew second.

A vote was taken:

Aye: Dr. Burlew; Dr. Shroder; Ms. Mattson; Dr. Arnold; Dr. Woodrow; Dr. Harmon; Dr. Williams

Nay: None

Abstain: None

The motion carried.

2:55 PM Ms. Lanctot asked for a motion to enter Executive Session.

Ms. Mattson moved that the Board enter Executive Session for the purpose of discussing pending legal issues; Dr. Burlew second. Dr. Shroder conducted a roll call vote:

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

EXECUTIVE SESSION

3:20 PM PUBLIC SESSION resumed by Ms. Lanctot; 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	Absent

Consent Agreement

Dr. Woodrow moved that the Board approve the Consent Agreement as presented in Executive Session; Dr. Burlew second.

A vote was taken:

Aye: Dr. Burlew; Ms. Mattson; Dr. Woodrow; Dr. Arnold; Dr. Williams; Dr. Shroder

Nay: None

Abstain: Dr. Harmon

The motion carried. Having been approved and made public, the subject of the Consent Agreement was noted to be Richard Boone, Ph.D.

Modification to Consent Agreement

Dr. Harmon moved that the Board approve the proposed Modification to Consent Agreement in re: Dawn Lord, PhD; Dr. Williams second.

A vote was taken:

Aye: Ms. Mattson; Dr. Woodrow; Dr. Arnold; Dr. Williams; Dr. Harmon

Nay: None

Abstain: Dr. Shroder and Dr. Burlew

The motion carried. The Consent Agreement between the Board and Dr. Lord was therefore modified.

Frequent Flyer Miles Policy and Ethics

Dr. Ross reported on the need to adopt a formal policy to put into action the Board's attention to the importance of avoiding the personal use of frequent flyer miles and other benefits accrued when the travel is paid by the Board. He recalled with the Board previous discussions surrounding the importance of not using frequent flyer miles accrued from Board-paid air travel. This led to a discussion about the feasibility of attending to the proposed policy's requirement for record keeping (the draft policy requires that members and employees partition all travel benefits between personal and Board-paid travel).

Dr. Arnold stated that the spirit of the policy is of the utmost importance and that frequent flyer travel might be separated from other benefits that could come from the accidental accrual based on use of a credit card for, as examples, Board-reimbursed meals, "cash back" benefits from a gas card on board-reimbursed travel (mileage) and other benefits. Dr. Ross recalled a situation during which a Member reported that, by virtue of using a credit card, that a hotel stay was automatically credited to the Member's benefit account. There was discussion relative the fact that those were unintended travel benefits not reasonably accounted for under a policy specific to frequent flyer miles.

There was consensus for adopting a policy that complied with the DAS Directive shared by Dr. Ross, who alerted the Board that he would write said policy after confirming that the Directive and the underlying Ohio Ethics commission Advisory Opinion were reasonably restricted to frequent flyer miles and did not require such onerous record keeping as Dr. Ross originally recommended.

By consensus the Board advised Dr. Ross to amend the draft and supply the Board with the policy at the next meeting.

**3:45 PM MEETING RECESS CALLED BY MS. LANCTOT UNTIL 9:00 AM MAY
18, 2006**

**MAY 18, 2006
UNAPPROVED MEETING MINUTES
RIFFE CENTER, ROOM 1960
COLUMBUS**

9:05 AM PUBLIC SESSION OF THE BOARD RECONVENED by Ms. Lanctot

Dr. Shroder called the roll:

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

Ms. Lanctot welcomed psychologist Mr. Dale Wenke, attorney Ms. Dianna Anelli, and Principal AAG Roger Carroll. She advised them that the Board would hear from each party for ten (10) minutes. She reminded each party that their statements were not evidence and that the Board would not be asking questions. She noted that there was no court reporter present and that minutes would be prepared by staff.

There were no comments or objections heard.

Ms. Anelli addressed the Board. Mr. Wenke read a prepared statement. Ms. Anelli offered a final series of comments.

Ms. Lanctot invited Mr. Carroll to address the Board.

Mr. Carroll addressed the Board.

At the conclusion of these statements, Ms. Lanctot thanked the parties for their comments.

Dr. Harmon made a motion to enter Executive Session for the purpose of deliberating on the matter before the Board, as that constitutes a pending legal issue; Dr. Woodrow second.

A roll call vote was taken:

Dr. Burlew	Aye/Present
Dr. Shroder	Aye/Present
Ms. Lanctot	Aye/Present
Ms. Mattson	Aye/Present
Dr. Woodrow	Aye/Present
Dr. Williams	Aye/Present
Dr. Harmon	Aye/Present

9:30 AM EXECUTIVE SESSION

12:28 PM PUBLIC SESSION RESUMED

Ms. Lanctot asked that roll be called; Dr. Shroder called the roll:

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

Dr. Williams offered a motion to accept the Report and Recommendations of the Hearing Examiner with amendments and asked Dr. Harmon to read from the Order prepared during deliberations.

Dr. Harmon read into the minutes the following, which comprises a motion before the Board in the Matter of Dale Wenke, MA:

***“The Board adopts the following Findings of Fact without change:
1-13, 15-20, 23, 24, 26, 27, 29-32.*”**

The Board makes the following amendments to the Findings of Fact:

14 – Strike this entry.

21 – Change “February 25, 2005” to “February 23, 2005”.

22 – Change “it just seemed to be overwhelming” to “I was desperate, and I needed to get something done.” Change Transcript pg 216 to Transcript pg 217

25 – Change “One was the pre-approved seminar” to “One was the pre-approved 6 credit hour seminar”

28 – Change “there was no opportunity to do so” to “there was no opportunities [sic] to do so.”

Add Finding of Fact, numbered 33:

The Board finds that Mr. Wenke has completed 10 hours of pre-approved continuing professional education in the content area of ethics and professional conduct specific to conducting psychological evaluations of families and individual litigants in domestic relations court litigation. Six hours were completed in the area of instruction on the evaluation of parenting capacity and the allocation of parental rights and responsibilities in the context of divorce or contested parenting disputes. (Pre-approved course entitled “Interfacing with Domestic Relations Court”). Four hours were completed in the area of identifying and avoiding inappropriate dual relationships in the context of domestic relations litigation. (Pre-approved course entitled Ethical Issues in Child Custody Evaluations, by Robert Woody).

The Board accepts Conclusions of Law as stated in the Report and Recommendations.

The Board finds due to mitigating circumstances in this case that no new or additional actions against this license are warranted. Based on these circumstances, the Board hereby orders:

- 1) Mr. Wenke shall complete no fewer than the two (2) remaining hours of continuing professional education in the content area of identifying and avoiding***

inappropriate dual relationships in the context of domestic relations litigation. Said credits must be earned by completing courses offered by American Psychological Association (APA) or Ohio Psychological Association (OPA) approved providers of continuing professional education.

- 2) ***These hours of continuing professional education shall be pre-approved by the Board prior to participation.***
- 3) ***Mr. Wenke shall complete these hours of continuing professional education and shall submit evidence of completion to the Board no later than November 18, 2006.***
- 4) ***If Mr. Wenke does not complete this requirement by the stated deadline, and there have been no agreed upon extensions, the Board maintains its rights to initiate a new investigation or issue a Notice of Opportunity for Hearing.”***

This ended the motion and Dr. Harmon stated that the Order as written contains additional material about appeal rights.

Dr. Williams confirmed that the statement as read reflects the motion he offered.

Dr. Woodrow seconded the motion.

A vote was taken:

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

Nay: None

Abstain: None

The motion carried.

Ms. Lanctot stated that the Order of the Board had been prepared during deliberations and directed staff to print the Order as written and to sign the names of each voting Member before mailing to Mr. Wenke and counsel.

The matter was concluded.

The meeting was adjourned by consensus at 12:45 PM.

Minutes respectfully submitted by:

Ronald R. Ross, Ph.D.
Executive Director

Gayle Lanctot
President