

STATE BOARD OF PSYCHOLOGY OF OHIO
NOVEMBER 30, 2007
APPROVED MEETING MINUTES
RIFFE CENTER, ROOM 31 EAST B
COLUMBUS

CURRENT BOARD MEMBERS:

President*: Kathryn R. Shroder, Ph.D. – Licensee Member 2008¹
Secretary: Julie Harmon, Ph.D. – Licensee Member 2009
Kevin D. Arnold, Ph.D., ABPP – Licensee Member 2008
Pamela Mattson – Consumer Advocate Organization Representative Member 2007
Michael Distelhorst – Consumer Advocate Member 2008
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; Kelli Coleman DelGuzzo, Investigator; 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; Ann Brennan, Ohio School Psychologists Association (OSPA); Glenn Karr, Attorney at Law.

10:40 AM MEETING CALLED TO ORDER by Dr. Shroder; Dr. Harmon 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. Shroder opened the meeting by welcoming the visitors present.

APPROVAL OF SEPTEMBER 19, 2007 MINUTES

Dr. Shroder invited discussion about the September 19, 2007 draft minutes as distributed with the agenda. Mr. Distelhorst offered a motion to approve the minutes as distributed; Dr. Woodrow second.

A vote was taken*

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

Nay: None

Abstain: None

¹ Year Board Member term ends

* President votes only to break a tie

The motion carried.

CONSENT AGENDA

Dr. Shroder invited the Board to review and comment on the consent agenda distributed with the agenda. She asked for specific consideration of the Entrance Examiner's report. Dr. Harmon asked that the record reflect that she would abstain from voting on the licensure of Dr. Lawal-Solarin. There were no other comments heard relative to the report:

STATE BOARD OF PSYCHOLOGY OF OHIO ENTRANCE EXAMINER'S REPORT LICENSURE/REINSTATEMENT/THIRTY-DAY PRACTICE AUTHORIZATION 9/8/2007 THROUGH 11/14/2007

PSYCHOLOGISTS: Under the respective Ohio Revised Code sections:

4732.12:

Kelly Kristen Napier, Psy.D.	#6383	Issued: 9/14/2007
Andrea L. Johnson, Psy.D.	#6384	Issued: 9/14/2007
Joseph Christopher Bedosky, Ph.D.	#6385	Issued: 9/17/2007
Rebecca J. Alperin, Ph.D.	#6386	Issued: 9/17/2007
Charles R. Paugh, Ph.D.	#6387	Issued: 9/17/2007
Nancy Gayle Gustin, Psy.D.	#6388	Issued: 9/17/2007
Alice Linnea Claggett, Psy.D.	#6389	Issued: 9/20/2007
Cara Halloran Inglis, Psy.D.	#6390	Issued: 9/20/2007
Sarah Ann Spar, Psy.D.	#6391	Issued: 9/20/2007
Stacey Ann Morrison, Psy.D.	#6392	Issued: 9/20/2007
Jennie Rachel Stroom, Psy.D.	#6393	Issued: 10/31/2007
Foluso Mojisola Williams Lawal-Solarin, Ph.D.	#6394	Issued: 10/31/2007
Kevin James Willmarth, Psy.D.	#6396	Issued: 10/31/2007
Kristin Kuntz, Ph.D.	#6400	Issued: 10/23/2007
Kristine Diane McKenna, Ph.D.	#6403	Issued: 10/23/2007
Martha Jay Rogers, Ph.D.	#6404	Issued: 10/23/2007
Bradley Kyle Fox, Ph.D.	#6405	Issued: 10/23/2007
Andrea Marie VanEstenberg, Ph.D.	#6406	Issued: 10/23/2007
Christine Charyton, Ph.D.	#6407	Issued: 10/23/2007
Kristine Michelle Quallich, Ph.D.	#6408	Issued: 10/23/2007
Linds Stuart Adams, Ph.D.	#6409	Issued: 10/23/2007
Michelle Pride, Ph.D.	#6410	Issued: 10/23/2007

4732.15:

Mifrando S. Obach, Ph.D.	#6395-Rhode Island	Issued: 10/31/2007
Erin R. Frick, Psy.D.	#6401-Indiana	Issued: 10/23/2007
Richard Gilman, Ph.D.	#6402-Kentucky	Issued: 10/23/2007

SCHOOL PSYCHOLOGISTS:

Dennis A. Kavran, Psy.S	#SP577	Issued: 10/23/2007
Aaron Muttillio, Psy.S.	#SP578	Issued: 10/23/2007

REINSTATEMENTS:

Teresa Ann Klass, Ph.D.	#4356	Issued: 10/1/2007
Lynne G. Lewis, Psy.D.	#5223	Issued: 10/2/2007
Hanna Swallow, Ph.D.	#5297	Issued: 10/4/2007

THIRTY-DAY PRACTICE PERMISSION GRANTED [4732.22(B)]

Paul C. Larson, Ph.D.	Illinois	Issued: 9/10/2007
Peter J. Ganshirt, Psy.D.	Kentucky	Issued: 9/14/2007
Ray Kamoo, Ph.D.	Michigan	Issued: 11/14/2007
David Henry Gordon, Ph.D.	Georgia	Issued: 11/14/2007

Dr. Shroder asked for a motion to approve the Entrance Examiner Report. Dr. Williams offered a motion and Mrs. Lanctot provided a second;

A vote was taken:

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

Nay: None

Abstain: Dr. Harmon, as noted re: Dr. Lawal-Solarin only.

The motion carried.

CONSENT AGENDA (continued)

Dr. Ross reviewed each item on the consent agenda and invited comments. None were heard. Dr. Ross then advised the Board that he had recently been re-elected to serve as the Chair of the Board Administrators and Registrars Committee of the Association of State and Provincial Psychology Boards. He proposed that the Board consider amending board policy to allow for flexibility in the reimbursement process for attendance at the Annual and Mid-year meetings of ASPPB, given that his travel is being reimbursed by ASPPB, as a committee chair, through 2010. He proposed that allowing two (2) members to be reimbursed—or, one (1) member and the Executive Director to be reimbursed (as embodied in current policy)—would not incur additional expenses and will help the Board maintain or broaden its presence in the association.

After discussion, Dr. Woodrow offered a motion to amend policy such that the Board would continue to use available funds to reimburse two (2) travelers to each of the ASPPB meetings annually, allowing for two (2) members to attend while the Executive Director is having travel reimbursed by ASPPB or otherwise to allow reimbursement for one (1) member and the Executive Director. Dr. Harmon second.

A vote was taken:

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

Nay: None

Abstain: None

The motion carried.

Dr. Arnold then offered a motion to acknowledge receipt of and review of the consent agenda items exclusive of the Entrance Examiner Report; Mr. Distelhorst second.

A vote was taken:

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

Nay: None

Abstain: None

The motion carried.

PRESIDENT'S REPORT

Dr. Shroder recommended that the Board keep its current meeting schedule and to agree on additional meetings during the meeting scheduled in March 2008. The current schedule calls for regular meetings of the Board on March 7, 2008 and June 25, 2008.

Dr. Shroder then reminded those members who have not yet attended a session of the Ohio Ethics commission and Governor's Office ethics training to attend in either Cincinnati or Akron as scheduled. Dr. Ross agreed to determine that the Governor's Office has confirmation of attendance for those members who have already attended meetings in Columbus.

Dr. Shroder then asked Dr. Arnold to update the Board on the proposed taskforce in re: Applied Behavior analysis. Dr. Arnold reported that he and Dr. Ross attended a meeting on November 19 with Robin Harris (Executive Assistant for Health and Human Services Policy for Governor Strickland) and John Martin, Director of the Ohio Department of MR/DD. At that meeting, Director Martin reported that he was in the process of hiring a person to be responsible for policy relative to Autism in Ohio. Dr. Arnold reported that the meeting resulted in agreement that the Board's concept of convening a taskforce would be included in the broader policy direction under the leadership of Director Martin and the to-be-named autism policy director in MR/DD. It was agreed at that meeting that the Board's taskforce could be convened after the holidays once the policy position is filled or the issues underlying the taskforce concept would be handled in another manner—most notable by having Drs. Arnold and Ross placed in the policy-making process.

Mrs. Mattson reported that the issues underlying the desire to form a taskforce are ever-present—namely, concerns about service cost and risk exploitation; and, risks of applied Behavior Analysis providers practicing outside of their appropriate scope. She suggested that the Board ensure that a member with content area expertise be designated as a steady presence within the broader State policy process. She stated that Dr. Arnold's current presence is fortunate, and it was agreed that he would remain in that role for the duration of his tenure, with that role being re-assigned as needed after October 2008.

EXECUTIVE DIRECTOR'S REPORT

Dr. Ross began by advising the Board that the recent rule filing resulted in the presence of a conflict between OAC 4732-13-04 (B) (3) and (B) (18). An amended supervision rule, effective November 30, 2007, reads:

4732-13-04 (B) (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.

He noted that the Board inadvertently failed to amend a rule that reads:

OAC 4732-13-04 (B) (3) There shall be no direct family relationship between a licensed psychologist or licensed school psychologist supervisor and a supervisee if the supervisee's experience is to be accepted toward fulfillment of the experience requirements for licensure in psychology or school psychology.

Dr. Ross presented two options on how to handle the conflict:

1) Strike the entire rule because the prohibition is already addressed in our new dual relationship rule. OR

2) Amend the rule but leave the prohibition for emphasis:

OAC 4732-13-04 (B) (3) There shall be no direct family relationship between a licensed psychologist or licensed school psychologist supervisor and a supervisee. ~~if the supervisee's experience is to be accepted toward fulfillment of the experience requirements for licensure in psychology or school psychology.~~

Discussion followed, including feedback from Dr. Traver of the OPA, relative to the absence of a definition for the word "family." Dr. Ross suggested that the Board consider the following in an effort to link the prohibition to the new dual relationships rule:

OAC 4732-13-04 (B) (3) Pursuant to division (E) of rule 4732-17-01, there shall be no direct family relationship between a licensed psychologist or licensed school psychologist supervisor and a supervisee.

Dr. Burlew suggested that the Board provide education to licensees and the public relative to the changes in rules, including the prospective change and the 24-month post-termination prohibition against sexual and specific non-sexual relationships. Dr. Ross reminded all present that the biannual newsletter will include a summary of the recent rule changes. Dr. Harmon concurred that such a focus in the newsletter would be appropriate.

Dr. Harmon then made a motion to direct the Executive Director to file an amendment to OAC 4732-13 as follows:

OAC 4732-13-04 (B) (3) Pursuant to division (E) of rule 4732-17-01, ~~There shall be no direct family relationship between a licensed psychologist or licensed school psychologist supervisor and a supervisee. if the supervisee's experience is to be accepted toward fulfillment of the experience requirements for licensure in psychology or school psychology.~~

Dr. Woodrow second.

A vote was taken:

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

Nay: None

Abstain: None

The motion carried.

Dr. Ross agreed to file the rule for amendment and advised the Board that there will be a public hearing scheduled for the next scheduled regular meeting of the Board on March 7, 2008.

Dr. Ross then turned the Board's attention to a handout distributed with the agenda relative to enforcement records retention schedules.

To afford ease of storage and accessibility, Dr. Ross proposed that the Board amend its enforcement record retention schedules as follows:

Type of Record	Current Retention Schedule and Media	Proposed Retention Schedule and Media
1) Full Public Records: CA or Board Order plus all public information relative to a given formal Board action	Paper copy; retain file on paper for 50 years post-action then destroy	Entire file scanned to digital file on Board server and back-up device; paper file destroyed after staff determines digital file's integrity; retain digital file in perpetuity
1a) Primary document—CA or Order	Available by hyperlink on Board's website	Available by hyperlink on Board's website
2) Records exempt from public records law contained in investigation files underlying a formal Board action (i.e., medical records and investigative work product known as "working file")	Paper copy; 50 years from date of action, then destroyed	Entire file scanned to digital file on Board server and back-up device; paper file destroyed after staff determines digital file's integrity; retain digital file until death of licensee
3) Records of investigations closed without formal action of the Board (investigation conducted but closed "no fault" or "no basis to proceed")	Paper; retain for 5 years then destroy	Paper; retain for 10 years then destroy; destroy upon death of licensee if earlier than 10 years post-closure (Cost prohibitive to scan)
4) Complaint Intakes: allegations by telephone, in person, or in writing but not followed by formal complaint forms and releases	Paper print-out of information from telephone call; if not followed by formal complaint, retain for 10 years then destroy; if formal complaint received, retain under #1 or #3 or #5	This information is now documented electronically in enforcement database; retain in perpetuity
5) Cease and desist letters and related public records (e.g., advertising; misrepresentation; misuse of titles)	Paper copy; retain for 5 years then destroy	Letter and designated public records scanned to digital file on Board server and back-up device; paper file destroyed after staff determines digital file's integrity; retain digital file in perpetuity

Discussion ensued, including perspectives from members of the public present—namely, Mr. Karr and Dr. Traver. There were no concerns voiced relative to the proposal except for the proposal's #3—Dr. Ross' proposal to increase the retention of confidential records underlying complaints closed due to a lack of a basis or due to a determination of "no fault found."

Relative to #3 in the table distributed, Mr. Karr asked for consideration to leave the schedule as it currently exists—5 years post-closure of the file. Drs. Burlew and Williams also suggested that the retention schedule should be maintained due to concerns about the risk of bias being imposed on a psychologist based on years-old allegations that did not have sufficient merit to begin with. Discussion of this issue included feedback from Investigator Coleman DelGuzzo and Dr. Harmon, who each suggested that the information available in closed files could serve to provide data that could ultimately protect the public.

Dr. Burlew subsequently made a motion to approve the proposal as presented in the table with the retention schedule in #3 to be retained at 5 years and not extended to 10 years; Dr. Williams second. Dr. Woodrow offered a friendly amendment to this motion to clarify that the proposal in #2 should read “digital storage device” instead of “server.”

With a motion on the floor, Dr. Harmon recommended extending the 5-year retention in #3 to 10 years. Dr. Arnold stated that he was concerned that licensees are authorized by rule to destroy records 5 years after the termination of a professional psychological role, and it seemed unfair that the Board would possibly retain such records for longer than 5 years under the proposed revision to a 10-year retention schedule. A number of members of the Board and visitors voiced agreement with the concept raised by Dr. Arnold—that it seemed to put a licensee at a disadvantage if the Board retained records well in advance of time period required for licensees to retain records. Dr. Woodrow offered a friendly amendment to item #2, that the proposed schedule more accurately should state, “Entire file scanned to digital file on a storage device.”

A vote was taken on Dr. Burlew’s motion:

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

The motion carried.

At 12:15 PM, a brief lunch recess was taken for the purpose of recognizing staff members and observing the holiday season. All employees of the Board were in attendance during the lunch break, and the visitors excused themselves.

12:45 The meeting was called back to order by Dr. Shroder, with no visitors present.

At Dr. Shroder’s invitation, Dr. Williams offered a motion to enter **Executive Session for the purpose of discussing pending legal issues**; Dr. Arnold second.

Dr. Harmon called for a Roll Call Vote:

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

12:55 PM EXECUTIVE SESSION began

1:50 PM Public session resumed

Dr. Harmon 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. Shroder asked for a motion to approve the Consent Agreement presented for consideration in Executive Session. Dr. Woodrow offered a motion to approve the Consent Agreement reviewed in Executive Session; Dr. Williams second.

A vote was taken:

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

The motion carried.

Investigator Knauss announced that the psychologist subject to the action in the Consent Agreement was Janet King Davis, Ph.D. of Beachwood.

NEW BUSINESS

Dr. Ross advised the Board that the mid-year meeting of ASPPB has been scheduled for April 10-13, 2008 in Vancouver, British Columbia, and recommended that two (2) members, including the President, attend the meeting in accord with updated board policy. Dr. Shroder indicated that she is able to attend as President. Among the rest of the Board, Dr. Woodrow indicated that she would consider her schedule and Dr. Williams indicated that he would be available in the event that Dr. Woodrow could not attend. Dr. Arnold emphasized the importance of having a strong presence at the ASPPB meetings, and encouraged attendees to get acquainted with the new Director of Professional Affairs, Dr. Roberta Nutt.

Dr. Shroder advised the Board that she was recently made aware that she was the subject of identity theft and encouraged all present to monitor accounts and credit reports judiciously.

Dr. Arnold made a motion to adjourn the meeting. Dr. Harmon second.

2:05 PM By consensus, the meeting was adjourned.

[Signed copy on file in Board office]

Ronald R. Ross, Ph.D.
Executive Director

Kathryn R. Shroder, Ph.D.
President