

**STATE BOARD OF PSYCHOLOGY OF OHIO**  
APPROVED MEETING MINUTES  
JUNE 10, 2009  
RIFFE CENTER, ROOM 31 WEST B&C  
COLUMBUS

**BOARD MEMBERS**

President\*: Julie A. Harmon, Ph.D. – Licensee Member 2009<sup>1</sup>  
Secretary: Willie Williams, Ph.D.—Licensee Member 2011  
Ann Kathleen Burlew, Ph.D. – Licensee Member 2010  
Jane Z. Woodrow, Ph.D. – Licensee Member 2010  
Gayle Lanctot— Consumer Advocate Member 2011  
Pam Mattson—Consumer Advocate Organization Representative Member 2012  
Kathryn R. Shroder, Ph.D. – Licensee Member 2013  
Steven Keller – Consumer Advocate Member 2013  
Suzanne S. LeSure, Ph.D.—Licensee Member 2013

**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

**VISITORS PRESENT AT VARIOUS POINTS OF THE MEETING**

Kevin D. Arnold, Ph.D., ABPP, Former Board Member; Chair, Board’s ABA Taskforce  
Ming Fisher, Former Board Executive Director and Employee, 1972-2001  
Marty Traver, Ph.D., OPA Liaison to the Board  
Glenn Karr, Attorney at Law  
Michael Ranney, OPA Executive Director  
Tracy Intihar, Legislative Agent for the Ohio Psychiatric Physicians Association (OPPA)  
Janet Shaw, MBA, Executive Director, OPPA  
James Wasserman, MD, Chair, OPPA Government Relations Committee and President-Elect  
Alice Randolph, Ed.D., OPA Representative  
Gerald Strauss, Ph.D., OPA Representative  
Bobbie Celeste, Ph.D., OPA Director of Professional Affairs  
Ann Brennan, Ohio School Psychologists Association (OSPA)

**10:35 AM MEETING CALLED TO ORDER BY DR. HARMON**

**DR. WILLIAMS CALLED THE ROLL:**

Dr. Harmon	Present
Dr. Williams	Present
Dr. Burlew	Present
Ms. Mattson	Present
Dr. Shroder	Present
Ms. Lanctot	Present
Dr. LeSure	Absent (planned; pre-board appointment commitment)
Dr. Woodrow	Present
Mr. Keller	Present

Dr. Harmon opened the meeting by introducing Ming Fisher, a 30-year Board employee and the Board’s former Executive Director until 2001, when she retired from the Board office.

<sup>1</sup> Year Board Member term ends (terms expire October 5 or December 4 if not re-appointed or replaced)

\* President votes only to break a tie

Mrs. Fisher stood and thanked Dr. Harmon and greeted everyone. Mrs. Fisher then congratulated the Board's current Executive Director, Dr. Ron Ross, on being named to receive the Karl F. Heiser Presidential Award for Advocacy at the August 2009 APA meeting in Toronto, presented by the American Psychological Association's Division 31—Division on State, Provincial and Territorial Affairs. Dr. Ross thanked Ming for her thoughtfulness by obviously coming to the meeting today for the purpose of making that announcement.

Dr. Harmon then recognized a number of other individuals present by asking each to introduce him or herself:

Marty Traver, Ph.D., OPA Liaison to the Board; Kevin D. Arnold, Ph.D., ABPP, Former Board Member and President and Chair, Board's ABA Taskforce; Gerald Strauss, Ph.D., OPA Representative; Alice Randolph, Ed.D., OPA Representative; Michael Ranney, OPA Executive Director; James Wasserman, MD, OPPA; Janet Shaw, OPPA; Tracy Intihar, Legislative Agent, OPPA; Glenn Karr, Attorney at Law.

### **APPROVAL OF MARCH 4, 2009 BUSINESS MEETING MINUTES**

Dr. Harmon invited discussion about the March 4, 2009 draft minutes as distributed with the agenda. Dr. Ross noted that a number of typographical errors had been called to his attention by Drs. Woodrow and Shroder and corrected in the version under consideration for approval. There were no comments heard, and at Dr. Harmon's request, a motion was made to approve the minutes as distributed by Dr. Woodrow; Mrs. Lanctot second.

#### **A vote was taken:\***

Aye: Dr. Woodrow; Ms. Lanctot; Dr. Shroder; Dr. Williams; Mrs. Mattson; Mr. Keller; Dr. Burlew  
Nay: None  
Abstain: None

**The motion carried.**

### **PRESIDENT'S REPORT**

Dr. Harmon began her report by apologizing to the Board's recent appointees for the lack of a formal written orientation to the Board and its processes, and advised the Board that, because of other significant priorities, including the HB503 rule-writing process, and budget issues, that she and Dr. Ross have been unable to complete an amended New Member Orientation Handbook. She stated that it is her hope that a draft will be prepared for the September 2, 2009 meeting, but emphasized that this is an especially demanding time for both the Executive director and herself in the role of President.

Next, Dr. Harmon reminded the Board that the ASPPB Annual Meeting of Delegates will be held October 29-November 1, 2009 in Couer d'Alene, Idaho, and that given the Governor's ongoing Directive prohibiting "non-essential" travel, there cannot be any Board funds expended. She reported that the Board has the annual \$500 travel assistance voucher available from ASPPB, in addition to the waiver of one (1) \$290 registration fee (by ASPPB policy) for a Member who would travel as the Board's voting Delegate. Dr. Harmon advised the Board that Dr. LeSure has expressed interest in using the \$500 travel assistance voucher and the registration waiver, and that she would like to attend by self-funding the rest of the costs, given her strong interest in becoming familiar with ASPPB as a new member of the Board. Dr. Ross estimated that the extra self-funding might approach \$800 depending on

hotel room costs and the cost of airfare into Tacoma, Washington. In response to Dr. Harmon's request for a show of hands from the Members present indicating a similar desire to use the ASPPB funds, there was no interest expressed, and Dr. Harmon stated, therefore, that Dr. LeSure was authorized to use the ASPPB funds to attend the Annual Meeting of Delegates in October 2009.

Dr. Harmon then updated the Board and others present on the progress of the Rules Committee, which has been working on draft rules in response to AM HB 503. She referred to the process thus far as being productive and at times intense, and reported that the Committee is on course to get full consensus on a package of rules in time to present it to the Board at the September 2, 2009 scheduled business meeting. Dr. Harmon expressed her sincere gratitude to those members of the Rules Committee who are volunteering their hard work, time and energy.

Dr. Ross asked to echo Dr. Harmon's statements, and advised the Board that the progress and hard work has been outstanding, and that once a package is presented to the Board, he wants each member to understand that dozens of hours of meetings, writing, and consultations will have gone into the proposed drafts, and he, too, wanted to go on record as thanking each member of the Rules Committee, including the Committee Chair, Dr. Harmon, members Dr. Shroder and Dr. Woodrow, and the colleague-volunteers from around the state.

### **ENTRANCE EXAMINER'S REPORT**

The Board's appointed Entrance Examiner, Dr. Ross, called the Board Members' attention to his report distributed with the agenda:

### **ENTRANCE EXAMINER'S REPORT LICENSURE/REINSTATEMENT/THIRTY-DAY PRACTICE AUTHORIZATION 2/28/2009 THROUGH 6/2/2009**

**PSYCHOLOGISTS** Under the respective Ohio Revised Code sections

#### **4732.12:**

Andrea S. Burland, Ph.D.	#6531	Issued: 3/9/2009
Olivia Lee Leverich, Ph.D.	#6532	Issued: 3/9/2009
Stacy Blankenbuehler, Ph.D.	#6533	Issued: 3/9/2009
Andrea Beebe, Ph.D.	#6535	Issued: 3/9/2009
Bong Joo Hwang, Ph.D.	#6536	Issued: 3/26/2009
Debora M. Esty, Ph.D.	#6537	Issued: 3/26/2009
Jennifer L. Lemkuil, Ph.D.	#6538	Issued: 3/26/2009
Robert Brian Denton, Psy.D.	#6540	Issued: 3/26/2009
Colleen M. Lorber, Ph.D.	#6541	Issued: 4/14/2009
Farrah Jacquez, Ph.D.	#6542	Issued: 4/16/2009
Chantel Sowards, Ph.D.	#6543	Issued: 4/16/2009
Evelyn T. Rivera-Mosquera, Ph.D.	#6544	Issued: 4/16/2009
Steven J. Large, Psy.D.	#6545	Issued: 4/16/2009
Kimberly Ann Stark-Dickerson, Psy.D.	#6546	Issued: 4/27/2009
Shonali Raney, Ph.D.	#6549	Issued: 5/29/2009
Brian R. Griffiths, Psy.D.	#6550	Issued: 5/29/2009
Nancy L. Musarra, Ph.D.	#6551	Issued: 5/29/2009
Daniel J. Harvey, Ph.D.	#6552	Issued: 5/29/2009
Cami Ridley Winkelspecht, Ph.D.	#6554	Issued: 5/29/2009

**4732.15:**

Tracy Wilson Lee, Psy.D.	#6534-Illinois	Issued: 4/22/2009
Laura L. Moncrief, Psy.D.	#6538-Indiana	Issued: 3/26/2009
Laurie Bruce Little, Psy.D.	#6547-Kentucky	Issued: 4/27/2009
Kirk D Little, Psy.D.	#6548-Kentucky	Issued: 4/27/2009
Stephanie A. Bellard, Ph.D.	#6553-Tennessee	Issued: 4/27/2009
Richard B. Tyler, Ph.D.	#6555-Minnesota	Issued: 4/27/2009

**SCHOOL PSYCHOLOGISTS:**

None licensed during this period

**REINSTATEMENTS:**

Colleen Denise Character, Ph.D.	#5250	Reinstated: 4/06/2009
Luana Y. Craft, M.Ed	#2410	Reinstated: 4/21/2009
Susy Ruof, M.A.	#2595	Reinstated: 5/12/2009

**THIRTY-DAY PRACTICE [4732.22(B)]**

Ralph Edwin Landefeld, Ph.D.	Pennsylvania	Issued: 3/19/2009
Deborah O. Day, Psy.D.	Florida	Issued: 4/27/2009
John Gregory Olley, Ph.D.	North Carolina	Issued: 4/27/2009

Dr. Ross then asked for the Board to review the names, as necessary, so that Members may abstain from voting on any given licensure candidate based on past professional relationships or appearances. Dr. Burlew asked that she be on record as not voting on the licensure of Dr. Farrah Jacquez. Dr. Williams similarly stated that he would abstain from voting on the license reinstatement of Dr. Colleen Character.

Dr. Harmon then asked if there was a motion to approve the Entrance Examiner's Report with the two abstentions noted. Mr. Keller made a motion to do so; Dr. Shroder second.

**A vote was taken:**

Aye: Dr. Woodrow; Ms. Lanctot; Dr. Shroder; Dr. Williams; Mrs. Mattson; Mr. Keller; Dr. Burlew

Nay: None

Abstain: Drs. Burlew and Williams as noted

**The motion carried.**

**CONSENT AGENDA**

Dr. Ross turned the Board's attention to the Consent Agenda, which contained the Budget Report and Enforcement Report. He took a moment to recognize the efforts of Chiquana Campbell for her work compiling the Entrance Examiner's Report, and the efforts of Kelli Coleman DelGuzzo (and Carolyn Knauss in her absence) on the Enforcement Report, and Carla Daniels for her work on the Revenue Report. He highlighted a few points of interest relative to the relatively high number of applicants and resulting revenue, and the slight increase in the number of open investigations. There were no questions or concerns raised, and as there were no action items on the Consent Agenda, Dr. Ross noted that there was no need for any motions or votes.

**PRESENTATION BY DR. GERALD STRAUSS AND ALICE RANDOLPH ON BEHALF OF OPA: PSYCHOLOGIST PRESCRIPTIVE AUTHORITY IN THE U.S.**

Drs. Randolph and Strauss made a presentation to the Board centered on the history of American psychologists having limited authority to prescribe medications in the U.S., dating to the Department of Defense Demonstration Project, which began in the late 1980's-early 1990's, through the passage of legislation in Louisiana ("LA"; 2004) and New Mexico ("NM"; 2005) leading to the amendment of state laws to allow properly trained psychologists to prescribe from a limited formulary of psychotropic medications. Themes and highlights from the presentation were: there is a crisis of access to mental health services in the United States; it is critically important for psychologists to know about psychotropic medications because of the high percentage of patients who take medications, most frequently prescribed by a family physician or general practitioner; psychologists in the U.S. have led a recent movement to develop a model training program so that psychologists can acquire additional knowledge and skills and earn a Masters degree in Clinical Psychopharmacology from at least 4-5 post-doctorate masters programs in accredited academic institutions or from a non-degree professional certification program in Miami; in LA and NM such degrees are consistent with what are required in order to receive the jurisdictional psychology boards' authorization to prescribe psychotropic medications; there are civilian-trained psychologists prescribing in the U.S. Military, on Indian Reservations, in LA, NM, and Guam, with no known problems; in fact, there is some evidence that psychologists prescribe at a much lower rate than psychiatrists; the model emerging is that of a post-doctoral Masters degree in Clinical Psychopharmacology with 400 classroom hours and with supervised practice requirements set at a minimum of 100 patient contact hours; regardless of legislative actions relative to prescriptive authority, each presenter urged all psychologists, especially those in medical settings, to increase their knowledge about clinical psychopharmacology, irrespective of the issue of prescriptive authority.

In addition, Drs. Strauss and Randolph reported that a pilot project for appropriately trained psychologists (with the post-doctoral master's degree in Clinical Psychopharmacology) to prescribe in the ODRC prisons was inserted as an amendment to SB22, but was subsequently removed. Finally, Dr. Randolph reported that OPA currently has no plans to act on any legislative proposals.

Dr. Williams asked about opposition, both intra-profession and extra-profession, which led to acknowledgement that opposition exists both from psychologists and other healthcare professionals.

**UPDATE BY DR. KEVIN ARNOLD RE: PROCESSES RE: AUTISTIC SPECTRUM TREATMENT AND QUALIFICATIONS**

Dr. Arnold was welcomed back by the Board, and thanked by Dr. Harmon for his ongoing leadership in the area of Applied Behavior Analysis (ABA), and whether and how to provide for public protections since ABA is not regulated unless provided by a psychologist or a supervisee.

Dr. Arnold distributed the following outline for the Board's review:

Draft Outline for the Ohio Board of Psychology's Decisions and Work on

Applied Behavior Analysis Services, and Establishment of the Work of its  
Interagency Taskforce on Applied Behavior Analysis

Kevin D. Arnold, Ph.D., ABPP, Taskforce Chair  
6/10/2009

1. Need to have psychologists oversee service due to lack of regulatory oversight otherwise to ensure quality and protection of the public regarding the consultative, evaluative, treatment design and treatment supervision services of an ABA nature.
  - a. The problem has been represented by consumers and agency personnel, as well as those psychologists who have been active in the delivery of ABA, to be the following:
    - i. There are non-licensed providers of a service referred to as Applied Behavior Analysis who work primarily with individuals with autism.
    - ii. These non-licensed providers may or may not be under the supervision of a licensed psychologist, often depending on the funding source. Occasions have occurred in which the non-licensed provider delivers essentially the same services to different individuals or families, some under supervision and at other times not, but the only difference appears to be the payment by an agency requiring supervision versus private family payments not requiring supervision.
    - iii. A small number of the non-licensed providers have obtained a national certificate that holds itself out to have two levels: non-independent practice and independent practice.
    - iv. There are reports of psychologists providing supervision when there may be some or no formal training or experience in ABA on the part of the psychologist, and perhaps a competing motivation at work in the forms of the reimbursements from agencies being "split" with the psychologist.
    - v. There is an organization, national in scope, that has been established to represent the interests of "professionals" in ABA (Behavior Analyst Certification Board, or "BACB"). They have created a model licensing act for ABA services. Their efforts could be seen as contrary to the existing statute for psychology (4732) and its language. In order to assert the state's existing authority under the statute, it may be necessary to articulate regulatory oversight rather than have the state face a further expense in the establishment of another board (for ABA) and possibly threaten the public's safety by detracting from the existing good work of the board's oversight of the practice of psychology and psychological procedures.
  - b. The board may decide to set as policy that ABA services will be formally considered as a possible psychological procedure and uniquely within the practice of psychology.
2. The intent of any regulatory effort is to apply to independent practice of ABA services as psychological services (e.g., home-based service or other settings in which other governmental oversight is not directly provided).
  - a. The intent of the taskforce's effort was limited to services provided outside the employment settings of schools, of other educational entities under the auspices of the Ohio Department of Education, of the county boards of MRDD, of hospitals, or of institutions of higher education. The intent is to target only the independent practice of ABA.
  - b. The board may decide to create limiting language in a regulation that would exempt educational services provided within the scope of an Ohio Department of Education regulated program.
  - c. The board may decide to exempt services that are direct educational consulting services, and limit its oversight to services that make diagnoses, design programs in ABA, provide

clinical management of ABA services, or provide psychological prescriptions that are of an ABA nature.

3. Verify statutory authority, and if necessary seek additional authorizing language
  - a. The board may direct its AAG to verify that sections 4732.01 (B) and 4732.01 (C) provide statutory authority to promulgate rules to regulate the practice of ABA services.
    - i. (B) "The practice of psychology" means rendering or offering to render to individuals, groups, organizations, or the public any service involving **the application of psychological procedures to assessment, diagnosis, prevention, treatment, or amelioration of psychological problems** or emotional or mental disorders of individuals or groups; 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. Practice of psychology includes the practice of school psychology. For purposes of this chapter, teaching or research shall not be regarded as the practice of psychology, even when dealing with psychological subject matter, **provided it does not otherwise involve the professional practice of psychology in which patient or client welfare is directly affected.**
    - ii. (C) "Psychological procedures" include but are not restricted to application of principles, methods, or procedures of understanding, predicting, or influencing behavior, such as the principles pertaining to learning, **conditioning**, perception, motivation, thinking, emotions, or interpersonal relationships; the methods or procedures of verbal interaction, interviewing, counseling, **behavior modification, environmental manipulation**, group process, psychological psychotherapy, or hypnosis; and the methods or procedures of administering or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, or motivation (emphasis added).
  - b. Applied Behavior Analysis can be defined from the website of the Behavior Analyst Certifying Board as:
    - i. Briefly, professionals in applied behavior analysis engage in the specific and comprehensive use of principles of learning, including operant and respondent learning, in order to address behavioral needs of widely varying individuals in diverse settings. Examples of these applications include: building the skills and achievements of children in school settings; enhancing the development, abilities, and choices of children and adults with different kinds of disabilities; and augmenting the performance and satisfaction of employees in organizations and businesses.
    - ii. Because of its prominent applications on behalf of people at-risk and historical concerns for the humane treatment of consumers, applied behavior analysis has been the focus of many state regulations. In the course of defining the practice of behavior analysis and establishing certification for practitioners, some succinct regulatory definitions of the discipline have been developed. For example:

**Behavior Analysis:** The **design, implementation, and evaluation of systematic environmental modifications** for the purpose of producing socially significant improvements in and understanding of human behavior based on the principles of behavior identified through the experimental analysis of behavior. It includes the identification of functional relationships between behavior and environments. It uses direct observation and measurement of behavior and environment. Contextual factors, establishing operations, antecedent stimuli, positive reinforcers, and other consequences are used, based on identified functional relationships with the environment, in order to produce practical behavior change. (Florida Department of Children and Families)

***Behavior Analysis:*** Means **the design, implementation, and evaluation** of instructional and **environmental modifications to produce socially significant improvements in human behavior through skill acquisition and the reduction of problematic behavior**. A behavior analysis program shall be based on empirical research, include the **direct observation and measurement of behavior, and utilize antecedent stimuli, positive reinforcement, and other consequences to produce behavior change**. (California Department of Developmental Services).

- c. The board may decide to propose regulations to establish the authority of the board to regulate the delivery of independent ABA services either by a psychologist or under the supervision of a psychologist if it is determined that the scope of practice in the statute allows for making such rules.
4. Finalize task force with specific agenda (see below) and white paper to guide and limit its work.
    - a. Goal is to seek input.
      - i. The taskforce will be given the opportunity to provide feedback and to identify any missing issues or information. However, the role will be limited so as to keep the task force from seeing itself as a decision making body.
    - b. Goal is to inform and allow for reaction.
      - i. The taskforce will be asked to provide the board with likely reactions and pitfalls to create an opportunity for the board to gauge support or opposition to any future regulations.
  5. Establish guidelines for competencies of psychologists to provide Psychological Work Supervision over ABA services.
    - a. The board may decide to endorse a self-declared method of indicating competencies in ABA for psychologists to supervise non-licensed providers of ABA.
    - b. To establish guidelines for these competencies, the board may or may not decide to articulate specific educational or training criteria, or may elect to establish specific competencies to which the psychologist attests as having attained.
  6. Establish guidelines for competencies of Psychological Work Supervisees providing ABA services.
    - a. Rely on BACB as one mechanism.
      - i. The board may decide to rely on the "independent" level of certification from the BACB as a standard that would permit a supervisee to be designated as competent to deliver the ABA services under supervision.
    - b. Utilize BACB information to inform policy that supports this aspect of rule
      - i. The board may decide to allow individuals to be supervisees delivering ABA who either a) attest to having met criteria that would be equivalent or similar to the BACB criteria for examination for the "independent" certification, or b) provide documentation of having met these or some similar criteria.
    - c. The board may elect to establish a different set of criteria rather than those from the BACB, or to use no particular criteria for supervisees other than those that already establish the need for competencies for supervisees.

7. Establish mechanism for psychologists and supervisees to document they meet competency guidelines.
  - a. The board may elect to have psychologists declare themselves competent, and only review the evidence of those competencies when complaints or problems come up.
  - b. The board may decide to recognize certain board certifications if held by psychologists, such as the ABPP Cognitive and Behavioral Psychology certification or the BACB certification as sufficient to evidence ABA competencies for supervision.
  - c. The board may elect to have psychologists complete certain training at the graduate or MCE level that would provide evidence of the competency to supervise ABA services.
8. Create mechanism for psychologists to develop competencies to ensure adequate service coverage and availability.
  - a. There have been arguments made that there will be a shortage of providers and diminished services if the ABA area is regulated. In order to meet the demand of individuals with autism spectrum disorders and other developmental disabilities, the board may decide to work cooperatively with professional associations to create a training effort to ensure adequate service coverage. The program could issue its own certificate that would be recognized either formally or informally by the board.
9. Create specific supervisee titles for supervisees who provide ABA.
  - a. In order to identify those providing ABA services under Psychological Work Supervision, it could be necessary to establish specific titles. These might include: Aide—Applied Behavior Analysis (for those with a bachelor's degree outside of psychology); Psychology Aide—Applied Behavior Analysis (for those with a bachelor's in psychology); Psychology Assistant—Applied Behavior Analysis (for those with a master's or doctoral degree in psychology), and Assistant—Applied Behavior Analysis (for those with a master's degree not in psychology).
  - b. The board may decide to adopt these titles or create others, or not to expand the existing supervisee titles beyond those already in rule.
10. Create and promulgate rules
  - a. The board may decide that it can promulgate rules after several of the above detailed steps are furthered and the taskforce has provided reactions and feedback. The rules would likely include conduct rules unique to ABA, as well as rules under existing supervision rules.
11. Establish implementation timelines
  - a. If rules are promulgated, there would probably be a need to establish timelines for implementation of the rules so that valuable services that are provided to individuals with autism spectrum disorder or other developmental disabilities are not disrupted.
  - b. The board may decide to establish the timelines within any rules it promulgates.
12. Fiscal Impact
  - a. The board may decide to evaluate the fiscal impact of any of the possible changes or rules to determine a prioritization plan should financial constraints limit the scope of the work proposed here.

Upon the conclusion of Dr. Arnold's review of his outline, Mr. Keller asked his opinion about

what the Board should do, and Dr. Arnold replied that the Board has an obligation to regulate ABA secondary to the authority granted in statute by promulgating rules to do so. Dr. Arnold stated that there is a tremendous risk to the public secondary to the lack of any mechanism to regulate and stop substandard practice, such as the use of punishment, various holding and restrain techniques, and more simple matters such as the competent construction and implementation of appropriate treatment plans. Dr. Ross asked about exemptions, and Dr. Arnold explained that those services as they are currently regulated by the Ohio Department of Education might well be exempt, but stated that services taking place when a family pays a provider with funds received from the Autism Scholarship Program should be regulated, too. He also emphasized the importance of having solid timelines, perhaps spanning a number of years, given that there will be a need to ensure that there are sufficiently trained and expert psychologists to provide the needed supervision of services.

With that, discussion was heard, culminating in Dr. Ross' suggestion that, the first step would seem to be to request a Formal Opinion from the Office of Attorney General Richard Cordray, so the board knows up-front if the Board does or does not, in the opinion of the Attorney General, have the statutory authority to regulate ABA by promulgating rules.

Mrs. Mattson made a motion to direct Dr. Ross, with the assistance of Dr. Arnold and Dr. Harmon, to write a letter seeking the Formal Opinion of the Attorney General in re: whether ORC 4732 does, in fact, grant the Board authority to write rules by which ABA would be regulated by the Board. Dr. Williams second.

**A vote was taken:**

Aye: Dr. Woodrow; Ms. Lanctot; Dr. Shroder; Dr. Williams; Mrs. Mattson; Mr. Keller; Dr. Burlew  
Nay: None  
Abstain: None

**The motion carried.**

At the suggestion of Dr. Ross, the Board agreed by consensus to move Executive Session to the lunch period, so that the Board could eat their lunch during Executive Session and keep working without a lunch break. A 5-minute restroom break was taken, and the board returned to public session. Dr. Shroder made a motion that the Board enter Executive Session both for the purpose of discussing pending legal matters and personnel issues; Mr. Keller second.

**12:30PM A ROLL CALL VOTE WAS TAKEN BY DR. WILLIAMS:**

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

**Executive Session ended at 1:15PM**, and the investigators and Board counsel, Mr. Carroll, were invited back into the room. There were no visitors present for the duration of the meeting.

Dr. Williams called roll:

Dr. Harmon	Present
Dr. Williams	Present
Dr. Burlew	Present
Ms. Mattson	Present
Dr. Shroder	Present
Ms. Lanctot	Present
Dr. LeSure	Absent (planned; pre-board appointment commitment)
Dr. Woodrow	Present
Mr. Keller	Present

Public Session resumed, and at Dr. Harmon's request, there was a motion made by Dr. Shroder to accept the Consent Agreement presented in Executive Session; Dr. Williams second. Mr. Keller expressed his concern that based on the facts the action proposed might be too lenient.

Drs. Woodrow and Harmon clarified that the action was an indefinite license suspension, it was in line with historical actions with similar fact patterns, and the burden is on the licensee to demonstrate to the Board that circumstances warrant the restoration of the license if the licensee seeks restoration after the one-year minimum. They also emphasized that the mandatory multidisciplinary evaluation would be of service to both the licensee and the Board, and that the Agreement shall be addressed as a whole in an "up or down" vote. Mr. Keller offered his thanks for the clarification and indicated his satisfaction with his new understanding.

**A vote was taken:**

Aye: Ms. Lanctot; Dr. Shroder; Dr. Williams; Mrs. Mattson; Mr. Keller; Dr. Burlew  
Nay: None  
Abstain: Dr. Woodrow

**The motion carried.**

At Dr. Harmon's request, Ms. Knauss announced that the subject of the Consent Agreement just approved is Judith Lalli, PhD, of Mayfield Heights, license #4912. The agreed action is an indefinite license suspension and a mandatory evaluation by Levine, Risen, and Associates, with a report to the Board.

**1:20PM      EXECUTIVE DIRECTOR'S REPORT**

**1) Corrected List of Rules for "no change" filing and JCARR Extension Request**

Dr. Ross began his report by explaining that, subsequent to the March 4, 2009 Board meeting, and following three meetings of the Rules Committee and identification of a few errors on the list presented at the March 4 meeting, he clarified that the following rules need to be filed "no change" with the July 26, 2009 deadline approaching:

4732-1	-01; -02; -03; -04; -05; -06; -07; -08
4732-2	-01; -02
4732-5	-01;
4732-7	-01
4732-9	-01.1; -01.2; -02; -04

4732-11 -01;-03;-04;-05  
4732-13 -01;-02;-03  
4732-15 -01  
4732-17 -01;-02;-03  
4732-19 -01  
4732-20 -01

Similarly, he reported that the following is a corrected list of the rules being amended in response to AM HB503, and these five rules must be subject to a written request to JCARR (Director Bill Hills) seeking a filing extension of no more than 180 days:

4732-3-01 Definitions;  
4732-9-01 Requirements for admission to the examination for a psychologist license;  
4732-9-03 Computation and attainment of experience;  
4732-13-02 Purposes of Supervision;  
4732-13-03 Supervision Definitions;  
4732-13-04 Requirements pertaining to supervision.

Mr. Keller made a motion directing Dr. Ross to file as "no change rules" all rules of the Board except for 4732-3-01, 4732-9-01, 4732-9-03, 4732-13-02, 4732-13-03, and 4732-13-04; and to file a formal request with the Director of JCARR seeking an extension of up to 180 days to file these five rules, given that these rules will be filed with amendments after the July 26, 2009 filing deadline; Dr. Williams second.

**A vote was taken:**

Aye: Dr. Woodrow; Ms. Lanctot; Dr. Shroder; Dr. Williams; Mrs. Mattson; Mr. Keller; Dr. Burlew  
Nay: None  
Abstain: None

The motion carried.

**2) Policy re: Accessing Confidential Personal Information** in Preparation for Rule Promulgation in Response to: Governor Strickland's Management Directive dated November 20, 2008 and Revised Management Directive dated April 4, 2009; ORC 1347.15 (amended law pursuant to HB648); and, training by the State's Chief Information Officer and members of the Interagency Working Group held and attended by the Psychology Board's Executive Director on May 6, 2009.

The policy and Implementation Plan presented with the agenda and reviewed at the meeting follow here:

**ACCESSING SENSITIVE PERSONAL INFORMATION MAINTAINED BY THE STATE BOARD OF PSYCHOLOGY OF OHIO**

References and Authority:

Governor's Directive November 20, 2008  
Revised Management Directive dated April 6, 2009  
ORC 1347.01 (definition in existence prior to the amendments in HB648)  
ORC 1347.15 (amended law pursuant to HB648)  
Training by the State's Chief Information Officer and members of the Interagency Working Group held and attended by the Psychology Board's Executive Director on May 6, 2009

**PURPOSE:**

This policy is intended to provide all employees of the State Board of Psychology (Board) with the knowledge needed for properly accessing and handling Confidential Personal Information (CPI) in the course of employment and discharge of job duties. This policy applies to all employees of the Board.

#### **DEFINITIONS:**

**“Personal Information” (PI)** as defined in ORC 1347.01 means characteristics, attributes or actions about a person combined with the name or personal identifier of the person and it is retrievable from a “system.” PI describes anything about a person that indicates actions done by or to a person; that indicates a person possesses certain personal characteristics; that contains and can be retrieved from a system by name or ID number assigned to a person; and/or carries a higher risk to the subjects of the information if such information is misused or placed in the wrong hands.

**“Confidential Personal Information” (CPI)** as defined in ORC 1347.15 (A)(1) means “personal information” that is not a public record for the purposes of ORC section 149.43. Examples of CPI maintained by the Board include:

- a. Data related to an individual’s educational, financial, health/medical, or criminal/social history.
- b. Social security numbers
- c. Federal Tax ID umbers
- d. Financial Account numbers
- e. Financial information, including credit card numbers
- f. Information in a system related to allegations of violations of the laws and rules governing psychologists before and unless a formal public action is taken in the form of a Notice of Opportunity for Hearing or a negotiated settlement by, for example, Consent Agreement. At that point, some information specific to the allegations that was previously CPI is no longer CPI, although other information might remain CPI such as those in (a) through (d) above.

The Board maintains the following systems which might contain CPI:

- 1) The Ohio eLicensing Database;
- 2) The Board’s Enforcement Database, a password protected electronic system in Microsoft Access;
- 3) Paper, electronic (scanned), and microfilm copies of license applicant files, including files of those persons issued a license and current applicants not yet licensed;
- 4) Biennial license renewal forms maintained in paper files and on a server as electronic files (scanned) by renewal year and organized by license number
- 5) The Healthcare Integrity and Protection Database (HIPDB) and print-outs in Executive Director’s office
- 6) Association of State and Provincial Psychology Boards (ASBBP) Disciplinary Data System (DDS) print-outs of discipline actions entered into the DDS
- 7) The SRS desktop licensing system (pre-cursor to Ohio e-Licensing up to 2002)
- 8) Complaint file cards (pre-Enforcement database)
- 9) Enforcement case summary binders
- 10) General license application materials “to be filed”
- 11) BCII & FBI Criminal Background Reports

A **“System”** is a collection of records that an agency maintains, either paper or electronic.

**“Maintains”** means that the agency has ownership, control over, responsibility for, or accountability for systems and includes, but is not limited to, depositing information with a data processing system for storage (e.g., the Ohio eLicensing Database) for storage, processing, or dissemination. An agency “maintains” all systems of records that are required by law to be kept by the agency.

#### **POLICY:**

It is the policy of the State Board of Psychology to comply with the Governor's Directives referenced above and with the directives and recommendations of the Interagency working Group, and hereby publishes these policies and procedures to support and inform the Psychology Board's Implementation Plan. Said Plan is required as a precursor to promulgating administrative rules in OAC 4732, as required by ORC 1347.15 (HB648), rules which ultimately will govern access to Psychology Board systems containing Confidential Personal Information (CPI) in the Board office. Pursuant to the Governor's Management Directives and associated guidance from the State Chief Information Officer, the Executive Director of the Board has undertaken processes to evaluate the relevant systems for personal information and has on file a Privacy Impact Assessment for each system containing, what at the time they were completed was called "sensitive personal information."

It is the policy of the Board to restrict access to non-public personal information acquired while employed by the Board to only those employees who require access to perform a specific, legitimate governmental objective on behalf of the State Board of Psychology. Legitimate governmental objectives include those functions set forth in one's Position Description and other duties as assigned in order to enforce ORC 47832 and OAC 4732, including but not limited to: investigation of complaints; adjudication of disciplinary actions; monitoring supervised practice; and processing applications and fees and Mandatory Continuing Education data, both for the initial license and for biennial renewal.

This policy sets forth procedures relative to employees' access to CPI. Pursuant to directives from the Chief Information Officer, requirements for "logging" an employee's access to a system shall be limited to electronic systems, with an exception being in place for "paper" systems. This is based on current legal opinions from the Interagency Working Group (personal communication with Daren Arnold during training on May 6, 2009).

The Board hereby sets forth these policies and procedures in accord with the Governor's Directives, and the recommendations and directives of the State of Ohio Chief Information Officer, on behalf of the Interagency Working Group:

#### **PROCEDURES:**

- 1) Employees of the Board must maintain confidentiality of CPI while employed and after employment ends, as required under Ohio Ethics Law and Board policy, including but not necessarily limited to that information included above in the definition of CPI—specifically the list of the CPI in the Board's systems.
- 2) The Executive Director of the Board shall serve as the agency's Data Privacy Point of Contact (DPPOC), and has authority to assign employees' access to systems containing CPI.
- 3) The DPPOC shall determine the level of access for each position at the Board.
- 4) Access to CPI shall be granted at the lowest level necessary that allows for an employee to perform assigned duties in an effort to keep information private and to minimize potential misuse of CPI.
- 5) Access to electronically stored data shall be granted using assigned passwords that expire not less than 180 days. Employees are responsible for maintaining the security and use of their usernames and passwords for all electronic data systems to which they are granted access.
- 6) The systems containing CPI are hereby described and identified:

##### a) The Ohio eLicensing Database

- i. This database contains each license applicant's and each licensee's date of birth and Social Security Number. Access to this database is password protected, and password updates are accomplished by an auto-reminder system that is programmed into the database. Currently, and unless and until the Psychology Board amends its use of the database, the database does not contain financial information (including but not limited to credit card data).
- ii. Each employee of the Board must have access to the Ohio eLicensing system part and parcel of each employee's position description. For successful job performance and to comply with supervisory directives, the database is generally running on each employee's desktop during

business hours. With a staff of six (6) FTE, and with significant cross-training, each employee must access this system in order to perform assigned job duties. Examples include, but are not limited to: the AA1 updating the application fields as information is received pertaining to an applicant demonstrating that he/she should be admitted to examination for a license; an investigator reviewing information for the identification of mailing addresses and registered supervisees, which are linked by scanned pdf files to the system; the Executive Director and each staff member accessing a licensee's screen to add a "History" note memorializing a telephone conversation or email exchange with a licensee or applicant who made contact with the Board office for reference to rules or general information.

- iii. All Board employees shall only access the Ohio eLicensing Database in the course of his or her employment with a defined goal consistent with the discharge of job responsibilities. Under no circumstances shall any employee use CPI or other private, sensitive information for reasons other than the fulfillment of legitimate Board business.

#### b) The Board's Enforcement Database

- i. The Enforcement Database is a Microsoft Access database developed for the purpose of documenting complaints of misconduct against licensees and applicants for licensure. It contains complaint allegations, investigative work products including complaint summaries and investigation case notes, and content that has attorney-client privilege (i.e., between the Board and its legal counsel for the Ohio Office of the Attorney General). All of the information in this database is confidential. Information in this database is exempt from the Ohio Public Records Act under the "uncharged suspect" provision. If a given case results in a formal action of the Board, all public records relative to the case are identified from the paper records on hand and the "public record" is formed, while the database would not contain any information deemed "public" unless deemed such via legal advice or legal action.
- ii. Board investigators and the Executive Director shall have access to this password protected database, with the password being intricate and updated at minimum every 30 days based on a tickler system controlled by one of the investigators. This database is held on an internal server and is not accessible to persons outside of the office or to employees without access to the password.
- iii. This database contains highly confidential information related to investigations of alleged violations of the laws and rules governing psychologists, and employees other than the investigators and the Executive Director do not have a compelling reason to access it.
- iv. In order to limit access to CPI, the Board investigators and Executive Director are authorized to have daily access the Enforcement Database in the course of his or her employment with a defined goal consistent with the discharge of job responsibilities. Under no circumstances shall any employee use CPI for reasons other than the fulfillment of legitimate Board business.

#### c) Paper and microfilm copies of license applicant files, including files of those persons issued a license and current applicants not yet licensed, and including incoming correspondence and materials intended for placement in an open application file

- I. Current and future applicants for licensure submit or cause to have submitted (e.g., reference letter, academic transcripts) paper forms to the Board office in line with directions and requirements of the Board. Among the information contained in these files are: social security number; date of birth; and, academic transcripts. The files of psychologist license applicants may also contain credit card numbers for a limited time, and the Board staff is in the process of purging and destroying said information as soon as it is no longer needed, as the credit card data is needed to facilitate admission to the Examination for Professional Practice in Psychology (EPPP). In addition, during the 1980's, the Board staff completed a project whereby they made microfilm cards out of the paper application files in the interest of saving storage space. Said cards are still in the board office, and contain sensitive information including social security numbers, date of birth, and academic transcripts. The cards are occasionally accessed on the Board's in-office Microfilm reader to get information related to, but

- not necessarily limited to: conducting license verifications for other jurisdictions and third parties (public information); and, educational training and education, for the purpose of investigations.
- II. All Board employees shall have access to these files in the normal course of carrying out their job responsibilities.
  - III. Due to cross-training, although the AA1 over licensing has primary responsibility and activity relative to working with these files, all employees are trained in the access of information in the files and on the microfilm cards.
  - IV. All Board employees shall only access paper license application files and microfilm cards containing previous paper files in the course of his or her employment with a defined goal consistent with the discharge of job responsibilities. Under no circumstances shall any employee use CPI for reasons other than the fulfillment of legitimate Board business.

d) Biennial license renewal forms maintained in paper files by renewal year

- i. Pursuant to Board statute, biannually, generally between early July and October of even-number calendar years (odd-number FY), each licensee is required to register the license with the Board on a form prescribed by the Board. These forms contain the licensee's social security number, although the remainder of the form contains public information, a fact highlighted in the instructions that licensees are given to completing the biennial renewal form. The forms also contain the licensee's responses to questions about self-assessed areas of psychological competence, and the person who is supposed to be knowledgeable about the licensee's plan for their professional records in the event of emergency or death.
- ii. All Board employees shall have access to these files in the normal course of carrying out their job responsibilities.
- iii. Due to cross-training, although the AA1 over licensing has primary responsibility and activity relative to these files, all employees are trained in the access of information on the biennial renewal forms.
- iv. All Board employees shall only access biennial renewal forms in the course of his or her employment with a defined goal consistent with the discharge of job responsibilities. Under no circumstances shall any employee use Sensitive Personal Information for reasons other than the fulfillment of legitimate Board business.

e) Biennial license renewal forms maintained in electronic format on shared system by license number and renewal year

- i. Pursuant to Board statute, biannually, generally between early July and October of even-number calendar years (odd-number FY), each licensee is required to register the license with the Board on a form prescribed by the Board. These forms contain the licensee's social security number, although the remainder of the form contains public information, a fact highlighted in the instructions that licensees are given to completing the biennial renewal form. The forms also contain the licensee's responses to questions about self-assessed areas of psychological competence, and the person who is supposed to be knowledgeable about the licensee's plan for their professional records in the event of emergency or death.
- ii. All Board employees shall have access to these files in the normal course of carrying out their job responsibilities.
- iii. Due to cross-training, although the AA1 over licensing has primary responsibility and activity relative to these files, all employees are trained in the access of information on the biennial renewal forms.
- iv. All Board employees shall only access biennial renewal forms in the course of his or her employment with a defined goal consistent with the discharge of job responsibilities. Under no circumstances shall any employee use Sensitive Personal Information for reasons other than the fulfillment of legitimate Board business.

f) Board confidential closed case investigative records

- i. The closed confidential paper files containing investigatory work products and other data that are not subject to compilation as "public records" after a formal action of the Board is taken contain CPI. Information in this database is exempt from the Ohio Public Records Act under the "uncharged suspect" provision and under provisions protecting the release of medical records.
- ii. In order to limit access to CPI, only the Board investigators and the Executive Director shall have access to this file system, which is kept locked behind two (2) locked doors in the Board offices, and shall only access this system with a defined goal consistent with the discharge of job responsibilities.
- iii. This file system contains highly confidential information related to investigations of alleged violations of the laws and rules governing psychologists, and employees other than the investigators and the Executive Director do not have a compelling reason to access it.

g) SRS Licensee Database (pre-eLicensing desktop system).

- i. This database contains each license applicant's and each licensee's date of birth and Social Security Number. Access to this database is password protected, and password updates are accomplished by an auto-reminder system that is programmed into the database. Currently, and unless and until the Psychology Board amends its use of the database, the database does not contain financial information (including but not limited to credit card data).
- ii. Each employee of the Board must have access to the SRS Licensee Database as part and parcel of each employee's position description. With a staff of six (6) FTE, and with significant cross-training, each employee may need access to this system in order to perform assigned job duties when information is not contained in the E-License database. One example is an investigator reviewing information for the identification of mailing addresses.
- iii. All Board employees shall only access the SRS Licensee Database in the course of his or her employment with a defined goal consistent with the discharge of job responsibilities. Under no circumstances shall any employee use CPI or other private, sensitive information for reasons other than the fulfillment of legitimate Board business.

h) General license file materials awaiting filing in license applications.

- i. This file system contains each license applicant's and each licensee's date of birth and Social Security Number and academic transcripts. Access to this file system is behind two locked doors. Currently, and unless and until the Psychology Board amends its use of the file system, the file system does not contain financial information (including but not limited to credit card data).
- ii. Each employee of the Board must have access to the General License file system as part and parcel of each employee's position description. With a staff of six (6) FTE, and with significant cross-training, each employee may need access to this system in order to perform assigned job duties when information is not contained in the E-License database. Examples include, but are not limited to;
- iii. All Board employees shall only access the General License file system in the course of his or her employment with a defined goal consistent with the discharge of job responsibilities. Under no circumstances shall any employee use CPI or other private, sensitive information for reasons other than the fulfillment of legitimate Board business.

i) Enforcement case summary binders

- i. This binder system contains information about complaints filed, including the names of licensees and issues being raised. Access to this binder system is behind two locked doors.
- ii. The Executive Director and Investigators must have access to the Enforcement Case binder system as part and parcel of each employee's position description.

- iii. Identified employees shall only access the Enforcement Case Binder system in the course of his or her employment with a defined goal consistent with the discharge of job responsibilities. Under no circumstances shall any employee use CPI or other private, sensitive information for reasons other than the fulfillment of legitimate Board business.

j) Complaint file cards (pre-Enforcement database).

- i. This card system contains information about complaints filed, including the names of licensees and issues being raised. Access to this card system is behind two locked doors.
- ii. The Executive Director and Investigators must have access to the Complaint file card system as part and parcel of each employee's position description.
- iii. Identified employees shall only access the Complaint File card system in the course of his or her employment with a defined goal consistent with the discharge of job responsibilities. Under no circumstances shall any employee use CPI or other private, sensitive information for reasons other than the fulfillment of legitimate Board business.

k) HIPDB system input and output papers and mailed update reports received in office

- i. This system contains the Board's entry of specific disciplinary actions taken against licensees and applicants, and is the sole responsibility of the Executive Director of the Board.
- ii. The Executive Director and Investigators must have access to the output of HIPDB reports. The Executive Director is the only employee authorized to submit reports into the HIPDB, except under circumstances during which the Executive Director is suddenly absent from the workplace without notice, under which circumstances one of the Board investigators, in conjunction with the Executive Director and/or HIPDB Customer Service (1-800-767-6732) shall submit a report of each Ohio Board action within 30 days of the effective date of the action.

l) Personnel files

- i. Employee and Board Member personnel files contain CPI. Employees and board Members have a right to access their own files, and the direct supervisor over each employee has the right to access their supervisees' files.
- ii. Personnel files contain public records, and when a request is received, and CPI is redacted by the Executive Director or designee, in conjunction with consultation with Board counsel, may be released in response to public records requests.

m) Job applications

- i. Job applications contain CPI and are held in the office under locked file. Supervisory staff members have access to these files, which are destroyed pursuant to record destruction schedules on file with DAS.
- ii. Employees shall have access to their own job application files.

n) Association of State and Provincial Psychology Boards Disciplinary Data System

- i. Disciplinary Data Reports are entered into the ASPPB DDS by the Executive Director, or will be done so by a designee investigator, in the Director's absence. Assistance with submitting Board actions into the ASPPB DDS can be received from Janel Pippin, Director of Member Services, at (332) 832-4580 and at [jpippin@asppn.org](mailto:jpippin@asppn.org). All employees and Members of the Board shall have access to quarterly [publications containing synopses of all DDS reports from ASPPB member jurisdictions.
- 7) For the purposes of ORC section 1347.15 (A), **logging requirements will not begin until administrative rules are promulgated**. At that point, the logging requirements of that section relating to computer system and "specific access by employees" will not apply: when CPI is

- accessed as a result of a request by an individual to access information about *that* individual; or, when a system containing CPI is accessed within an employee's normal course of performing assigned job duties; or, when the CPI is in a non-electronic (paper) system; or, when an employee is performing research for official agency purposes; or, when access to a system results in incidental contact with the information.
- 8) Relative to the rule-writing and promulgation process, employees, under said rules, shall sign a "monthly attestation" asserting their ongoing compliance with this policy and documenting access to each system accessed. See draft log included below.
  - 9) In addition, when rules are promulgated, said rules will require employees to complete a Specific Access Log (attached) each time an electronic system is "specifically accessed." This log must be completed every time CPI is accessed from an electronic system and the access: (i) was not the result of a request by an individual asking for his or her own information; and (ii) the access is not within the employee's scope of employment or not within the employee's assigned job duties. Employees will, by the close of business on the second business day following the end of the month being documented, submit to the DPPOC (Executive Director) by email or by paper, the mandatory monthly attestation and any "specific access" forms completed during the month. See draft log included below.
  - 10) Prohibitions against using or accessing the Ohio eLicensing Database for impermissible purposes. Employees who access Sensitive Personal Information for reasons other than those required to meet the objectives of one's job duties or as specified in paragraph 9, after investigation and any due process hearings or considerations, shall be subject to disciplinary action as specified in the Employee Manual's Disciplinary Grid, which includes prohibitions against violation of, for example, but not necessarily limited to: 2) Insubordination; 5) Misuse of unauthorized use of State property; and 16) Violation of Computer policy.
  - 11) Pursuant to Board Rule OAC 4732-1-08 (A)(5), there are procedures in place, first effective in 1981, specific to allowing persons (supposedly licensees and applicants) to have access to said personal information, pursuant to the original version of the recently amended statute, ORC section 1347.08.
  - 12) This policy serves as an addition to the requirements set forth in board rule OAC 4732-1-08.
  - 13) It is the policy of the State Board of Psychology to ensure that future computers purchased or upgrades to any electronic systems include functionality to allow for the system to automatically record that the system has been accessed by an employee of the Board (or other person accessing the system without authorization). The Board's Executive Director will work with the Board's IT specialists and the DAS OIT service delivery personnel in an effort to ensure compliance with this policy insofar as it is feasible, and will consult with the administrators of other board and commissions for benchmarking data in this regard.
  - 14) The Board shall set forth procedures for notifying individuals whose CPI has been improperly accessed. This procedure shall be developed and implemented as early as feasible following the September 2, 2009 business meeting of the State Board of Psychology, after the Board's Executive Director has had the opportunity to review and analyze the efforts of other boards and commissions, in an effort to promulgate a policy that fosters consistency across the boards and commissions.
  - 15) This policy shall be reviewed annually.

For the purpose of readability and pagination, the forms are presented next on single pages.

**PENDING DRAFT LOG FOR USE WHEN RULES PROMULGATED**

**STATE BOARD OF PSYCHOLOGY MONTHLY ATTESTATION OF ACCESSING SYTEMS  
 CONTAINING CONFIDENTIAL PERSONAL INFORMATION**

**Please indicate by checkmark the systems accessed during the month and return to the Executive Director by the 3<sup>rd</sup> business day following the month in question.**

EMPLOYEE (PRINT): \_\_\_\_\_ MONTH/YEAR: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

***Return to Executive Director upon completion.***

<b>INFORMATION SYSTEM</b>	<b>ACCESSED</b>
Ohio e-Licensing Database	
Paper license renewal forms	
Microfilm license application cards	
Enforcement Database	
Enforcement confidential files	
SRS Licensee Database (pre-Elicensing database)	
General license application materials to-be-filed	
Enforcement case summary binders	
Complaint file index cards (pre- Enforcement Database	
HIPDB System input and output and mailed reports received in office	
Personnel files	
Job applications	
ASBBP DDS	

**PENDING DRAFT LOG FOR USE WHEN RULES PROMULGATED**  
**STATE BOARD OF PSYCHOLOGY SPECIFIC ACCESS LOG (DOCUMENTING ACCESS OF  
 SYSTEM CONTAINING CPI OUTSIDE OF REGULAR JOB DUTIES)**

EMPLOYEE NAME (PRINT): \_\_\_\_\_ DATE: \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_

On today's date I accessed CPI in the system indicated below, for the reason stated below and for the individual named below. This access was either not within the scope of my employment or was not part of my normally assigned job duties.

<b>INFORMATION SYSTEM</b>	<b>REASON ACCESSED</b>	<b>INDIVIDUAL'S INFORMATION ACCESSED</b>
Ohio e-Licensing Database		
Paper license renewal forms		
Microfilm license application cards		
Enforcement Database		
Enforcement confidential files		
SRS Licensee Database (pre-Elicensing database)		
General license application materials to-be-filed		
Enforcement case summary binders		
Complaint file index cards (pre- Enforcement Database		
HIPDB System input and output and mailed reports received in office		
Personnel files		
Job applications		
ASBBP DDS		

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

## ORC 1347.15 Implementation Plan

<b>1.0</b>	Agency:	STATE BOARD OF PSYCHOLOGY
	Division (if applicable)	
	Data Privacy Point of Contact Name and Title:	RONALD R. ROSS, PH.D., CPM; EXECUTIVE DIRECTOR
	Phone:	614-466-1085
	Email Address:	ronald.ross@exchange.state.oh.us
	Date of Evaluation:	May 8, 2009
	Director's Acknowledgement:	
		<i>Ronald Ross</i>

<b>2.0</b>	<b>Overall Agency Evaluation of Systems with Confidential Personal Information</b>	
	2.1. Estimated % of the Agency's Systems of Records that have been evaluated for personal information:	100 %
	If less than 100%, please provide a plan for completing the evaluation:	
	2.2. Please attach a list of Personal Information Systems of Record covered by ORC 1347.15	

<b>3.0</b>	<b>1347.15 Implementation – Access Policies and Rules</b>				
State agencies must regulate access to the confidential personal information (CPI) they keep by adopting rules that include the following criteria, lists, procedures and requirements (collectively, "access policies"). Please indicate the status of compliance with:					
	3.1. Criteria for determining who has access to CPI and which supervisors authorize access;	Final Rule(s) Filed ( [ ] )	Yes ( [X ] )	Partial ( [ ] )	No ( [ ] )
	If "partial" or "no," please provide a plan for completing compliance:				
	3.2. A list of valid reasons for accessing CPI based on an agency's authority;	Final Rule(s) Filed ( [ ] )	Yes ( [X ] )	Partial ( [ ] )	No ( [ ] )
	If "partial" or "no," please provide a plan for completing compliance:				
	3.3. A list of statutes and rules requiring confidential treatment of personal information;	Final Rule(s) Filed ( [ ] )	Yes ( [ ] )	Partial ( [ X ] )	No ( [ ] )
	If "partial" or "no," please provide a plan for completing compliance: The State Board of Psychology will be partnering with other boards and commission Directors to develop this list. We have the list of our own statute's references, and will need assistance completing the list with State/Fed statutes.				
	3.4.a. A procedure that requires new or upgraded computer systems to be able to record access to CPI by state employees; and	Final Rule(s) Filed ( [ ] )	Yes ( [X ] )	Partial ( [ ] )	No ( [ ] )
	If "partial" or "no," please provide a plan for completing compliance:				

<p>3.4.b A procedure for logging each access (manually) until a new or upgraded computer system is acquired that also includes two exceptions for manual logging:                  Exception 1 – where access both (i) results from research, routine office procedures or incidental contact and (ii) is not directed at a specifically named individual whether individually or as part of a group; and                  Exception 2 – where access results from a request by the individual for information.</p>	<p>Final Rule(s)                  Filed                  ( )</p>	<p>Yes                  ( )</p>	<p>Partial                  (X )</p>	<p>No                  ( )</p>
<p>If “partial” or “no,” please provide a plan for completing compliance:                  The Executive Director is in the process of working with colleague administrators, CSA (John Cunningham), and awaiting feedback from the Interagency Working Group for specifics relative to definitions of “routine office procedures,” whether Ohio eLicensing will have redaction of part of the SSN, and the degree to which access to our password-protected Microsoft Access Enforcement Database (replete with CPI while also being used part and parcel of the two investigator’s work day), must be logged and with what frequency and detail).</p>				
<p>3.5. A procedure for allowing individuals to review the CPI about the individual;</p>	<p>Final Rule(s)                  Filed                  ( )</p>	<p>Yes                  (X)</p>	<p>Partial                  ( )</p>	<p>No                  ( )</p>
<p>If “partial” or “no,” please provide a plan for completing compliance:</p>				
<p>3.6. A procedure for notifying individuals whose CPI has been improperly accessed;</p>	<p>Final Rule(s)                  Filed                  ( )</p>	<p>Yes                  ( )</p>	<p>Partial                  ( )</p>	<p>No                  (X )</p>
<p>If “partial” or “no,” please provide a plan for completing compliance:                  This procedure is yet to be developed with a plan to complete it after consulting with other board and commission administrators who have identified language which has been successfully implemented or vetted. Here, the Board wishes to avoid “reinventing the wheel,” and will work along side our sister boards in this area. Plan to have this completed by August 1, 2009.</p>				
<p>3.7. A requirement that the agency designate a data privacy point of contact to work with the chief privacy officer to ensure privacy protections and compliance; and,</p>	<p>Final Rule(s)                  Filed                  ( )</p>	<p>Yes                  (X )</p>	<p>Partial                  ( )</p>	<p>No                  ( )</p>
<p>If “partial” or “no,” please provide a plan for completing compliance:</p>				
<p>3.8. A requirement that the agency complete a privacy impact assessment by the DPPOC; and</p>	<p>Final Rule(s)                  Filed                  ( )</p>	<p>Yes                  (X )</p>	<p>Partial                  ( )</p>	<p>No                  ( )</p>
<p>If “partial” or “no,” please provide a plan for completing compliance:</p>				

3.9. A requirement that the agency use a password or other authentication measure to protect electronic CPI.	Final Rule(s) Filed ( )	Yes (X )	Partial ( )	No ( )
If "partial" or "no," please provide a plan for completing compliance:				

<b>4.0</b>	<b>1347.15 Implementation – Training and Awareness</b>			
Paragraphs (C)(2) and (D) of ORC section 1347.15 requires state agencies to:				
4.1. Establish a training program for all employees with access to CPI;		Yes ( )	Partial (X )	No ( )
If "partial" or "no," please provide a plan for completing compliance: State Board of Psychology training will be initiated and documented after completion of all "Access Policies," although informal training has already commenced, by, for example, sharing a reviewing the training materials from the May 6, 2009 training with the State Chief Privacy Officer, Daren Arnold, and members of the Interagency Working Group attorneys Sallie Debolt and Teresa Shaffer). It is anticipated that a training program will be prepared for completion on or before August 1, 2008.				
4.2. Distribute to those employees the policies published in the rules;		Yes ( )	Partial ( )	No (X )
If "partial" or "no," please provide a plan for completing compliance: The rule promulgation process has not yet occurred, and when it does, employees will be provided with copies.				
4.3. Obtain an acknowledgement of receipt of the policies from those employees; and		Yes ( )	Partial ( )	No (X )
If "partial" or "no," please provide a plan for completing compliance: This will be accomplished upon development of formal training programs, with a goal of completing training before August 1, 2009.				
4.4. Post a poster summarizing the policies in conspicuous places and post the policies on its web site.		Yes ( )	Partial ( )	No (X )
If "partial" or "no," please provide a plan for completing compliance: Until there is additional policy development to an extent that the Access Policies result in rule promulgation, there is not yet a realistic set of accurate and complete policies on which to post in the office.				

Dr. Ross reviewed the policy draft and the ORC 1347.15 Implementation Plan, which are required steps in the implementation of the "Joe the Plummer" Law. He advised the Board that the policy (presented in draft form) is intended to be a "living" document which will be subject to amendments as new record keeping "systems" are identified or eliminated, and as the rule-writing process by each of the approximate 300 state agencies moves forward. He explained that the process of developing what is called our "Access" policy revolves around the identification of which "systems" in our office might contain Confidential Personal Information ("CPI") and requires the agency head to specify which employees shall have

access to each system. Our "implementation Plan" has been completed and submitted to the Chief Privacy Officer of the State of Ohio, who also received notice from Dr. Ross that our Access Policy (working draft) was in place, pending Board review and approval.

As a summary, Dr. Ross clarified that this policy and the rule-writing that must follow, pursuant to ORC 1347.15 ("Joe the Plummer" Law), places upon the Board employees specific responsibilities related to our interactions with what is called "Personal Information" and "Confidential Private Information." He reported that there is no deadline in ORC 1347.15 for the writing of rules, and in order to benefit from the experience of others, he plans to watch a few boards go through the process so that we can learn from their experiences and put forth sensible rules in an effort to have success and minimal problems.

Members of the Board called attention to editorial or typographical errors on pages 4 and 6, and to one sentence that was not completed on page 9 of the handout in Section "(h) (ii)," about which brief discussion followed. This paragraph of the policy relates to the General License File System, where application materials are held pending the opening of a formal application file. In the draft, there was no example provided that would need to be accessed by every staff member, and Dr. Ross, acknowledging the error with an apology, suggested completing the sentence with "Training Supervision Documentation Forms," as an example of but one type of document held in the system and that every employee needs to be able to access. The Board agreed to the addition by consensus.

Brief discussion followed this, relative to the importance of redacting the Social Security Number and Date of Birth from the licensing file documents sent to Board Members and School Psychology Licensing Committee Members for the purpose of conducting oral examinations. Dr. Ross assured the Board that he would emphasize the ongoing importance of this to the staff handling the photocopying and mailings and would make certain that this was in policy or added to existing policy.

Dr. Harmon asked if there was a motion to adopt the policy as amended on pages 4, 6, and 9 in the handout. Dr. Woodrow made a motion to approve the policy as amended; Mrs. Lanctot second.

**A vote was taken:**

Aye: Dr. Woodrow; Ms. Lanctot; Dr. Shroder; Dr. Williams; Mrs. Mattson; Mr. Keller; Dr. Burlew

Nay: None

Abstain: None

**The motion carried.**

Dr. Harmon clarified that the vote authorized Dr. Ross to stamp her signature on the policy with today's date of June 10, 2009.

**3) Sexual Battery draft bill**

Moving to the next item on his report, Dr. Ross reported to the Board that he recently attended a meeting with Rep. Dick Adams, who is drafting a bill that would delete a sentence clause from ORC 2907.03 Sexual Battery, and thereby criminalize *all* "sexual conduct" between a mental health professional and a client/patient. The clause subject to deletion requires that the sexual conduct occurs and *"the offender induces the other person to submit*

*by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.”* Michael Ranney of OPA and Jim Rough, the E.D. of the CSWMFT Board, and a lawyer from LSC, Mr. David Gold, were also present. This bill is being drafted in response to one of Rep. Adams’ constituents, whose wife alleged a sexual relationship with their licensee of the CSWMFT Board, which was unable to make a case due to a lack of evidence.

Dr. Ross stated that he and most obviously the Board would not object to criminalizing sex with a patient, although he raised discussion at the meeting about the tool we currently have available in the form of the Consent Agreement. He reported that the LSC lawyer present, David gold, suggested language that would prohibit county prosecutors from introducing regulatory board records at criminal hearings (they would need to conduct there own investigations, and could have access to our public records, but would not be able to directly introduce them). Dr. Ross indicated that it is unclear whether this will be added to the bill draft, and has urged Rep. Adams’s Legislative Aide to work with the county prosecutors (association) on this.

In addition, Dr. Ross reported that he learned that a number of other suggestions he took to the meeting re: defining “mental health professional” and “sexual conduct” are moot, as those are already defined. Especially important is that “mental health professional” is defined in the ORC in a manner that includes persons “holding self out” as a mental health professional, so his major concern there—that a sociopath posing as a counselor, psychologist, or other mental health professional could be exempt from the law—was addressed.

Dr. Ross had distributed with the agenda the following for the purpose of information and clarification of the bill:

**2907.01 Sex offenses general definitions.**

As used in sections 2907.01 to 2907.38 of the Revised Code:

(A) **“Sexual conduct”** means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(B) “Sexual contact” means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(C) “Sexual activity” means sexual conduct or sexual contact, or both.

**2305.115 Assault or battery actions against mental health professional based on sexual conduct or contact.**

...(D) As used in this section:

(1) “Mental health client or patient” and “mental health service” have the same meanings as in section 2305.51 of the Revised Code.

ORC 2305.51 states: (d) "Mental health professional" means an individual who is **licensed, certified, or registered under the Revised Code**, or otherwise authorized in this state, to provide mental health services for compensation, remuneration, or other personal gain.

Dr. Ross reported that the word "*registered*" leads him to think that psychological supervisees are also covered.

**(2) "Mental health professional" has the same meaning as in section 2305.51 of the Revised Code and also includes an individual who is not licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, but who regularly provides or purports to provide mental health services for compensation or remuneration at an established place of business.**

After additional brief discussion, and at Dr. Harmon's behest, Dr. Williams made a motion expressing the Board's support for the draft bill, and authorizing the Executive Director to continue to stay in contact with Rep. Adams' office about the bill and to continue to participate in its development; Dr. Burlew second.

**A vote was taken:**

Aye: Dr. Woodrow; Ms. Lanctot; Dr. Shroder; Dr. Williams; Mrs. Mattson; Mr. Keller; Dr. Burlew

Nay: None

Abstain: None

**The motion carried.**

**4) FY10-11 Budget bill: Updates on bill and consolidation and allotment process**

Dr. Ross then described to the Board to critical situation that the state and the Board are in relative to the FY10-11 biennial budget. He described the processes he followed, based on a gubernatorial Executive Order, leading to the submission to OBM of an allotment plan for FY10, with a cap set on non-payroll expenditures such that no more than 70% of FY09 expenditures could be allotted. He reported that he completed the process, and that a day or two later the Senate released its budget numbers, cutting the Board's House-recommended budget by \$102,000 (11%) over the biennium. The Senate's version of the 2-year budget included \$525,000 for FY10 and \$525,000 for FY11. He reminded the Board that the House recommended that the Board receive what he has requested, which was \$566,000 for FY10 and \$586,000 for FY11.

Dr. Ross distributed a number of documents showing the allotment plan based on the Executive Order, a new draft allotment plan based on the Senate numbers, and the costs of Board Member travel for 3 scenarios (standard business meeting; 1-hour Summary Suspension meeting; and, an 8-hour deliberation on a Report and Recommendation following a hearing). He advised the Board that he has already made plans to discontinue use of Board funds to pay for a parking space for him, and that he'd resume paying for his own parking. In addition, he cautioned the Board that it may need to make efforts to save money by holding the statutory minimum number of annual business meetings of two (2). Discussion followed, and it was agreed that, given that the budget process will be completed by July 1, 2009, that those decisions will have to be made starting at the meetings scheduled for September 2 and

December 2, 2009, both of which are critical to hold in order to get Board approval to file a rules package for Am HB503 (9/2/2009) and then to hold the statutory-required public hearing (12/2/2009).

The Board, by consensus, urged Dr. Ross to work with Dr. Harmon to make efforts to keep the Board funded at a level that is reasonable and responsible, so that it can continue its mission to protect the public, to conduct hearings as necessary, and to continue to provide the excellent level of service that the office staff currently gives the public and licensees.

### **5) Pre-Licensure Orientation Process**

Dr. Ross reported that, given numerous other priorities, he would like to take Dr. Harmon up on a suggestion that he work with a couple of Board members to begin developing the workshop and post-test, which will replace the current oral examination process. Dr. Harmon began a discussion about the likely need for test-construction expertise, because the process will involve item writing and the likely need to use of alternate forms, as examples. She offered to assist in the process by reviewing drafts from the Executive Director, who suggested that Dr. LeSure may be another member with interest in this process. There was consensus that Drs. Harmon and Ross would determine Dr. LeSure's interest and availability to participate in this process, and to find alternate assistance should she be unable to devote the time necessary. There was also discussion about seeking volunteer assistance from persons skilled in test development (even from outside the Board, as deemed necessary) as the process unfolds.

### **6) ASPPB Inter-Jurisdictional Practice Certificate**

Dr. Ross asked that he be allowed to add one item to his report relative to another rule that should be written now rather than later: A rule formalizing acceptance of the Inter-jurisdictional Practice Certificate (IPC) being granted by ASPPB and which the Board unanimously voted to accept during the July 9, 2008 meeting. He distributed the following draft amendments to OAC 4732-5-02 for review, which were intended to provide notice in rule that primary source evidence (from ASPPB) that a person holds a the IPC would automatically result in the nonresident applicant being granted permission to practice for no more than 30 days annually in Ohio without being licensed by this Board:

4732-5-02            **Scope of psychological procedures which create a serious hazard to mental health and require professional expertise in psychology; exemptions from licensure requirements.**

(A) The scope of rules 4732-5-01 and 4732-5-02 of the Administrative Code concerns solely the implementation of the board's rule-making authority under division (C) of section 4732.23 of the Revised Code. These above-mentioned rules apply to those persons who do not hold a license granted by this board and who are not exempted from the licensure requirements of Chapter 4732. of the Revised Code and who utilize psychological procedures as indicated in rule 4732-5-01 of the Administrative Code for a compensation or other personal gain.

(B) Exemptions from licensure requirements include:

(1) A certificated or educator licensed school psychologist while practicing school psychology within the scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under

division (D) of section 3301.07 of the Revised Code, or while acting as a school psychologist within the scope of employment in a program for persons with mental retardation and/or developmental disabilities established under section 5126.06 of the Revised Code;

- (2) A nonresident temporarily employed in this state to render psychological services for not more than thirty days a year who successfully submits a board-prescribed application prior to practicing in Ohio and who, in the opinion of the board, meets the standards for admission to the psychology examination as described in rule 4732-9-01 of the Administrative Code and who holds whatever license or certificate, if any, is required for such practice in his/her home state or home country; a nonresident providing the board with evidence from the "Association of State and Provincial Psychology Boards" that he/she holds an active inter-jurisdictional practice certificate (IPC) shall be deemed to qualify for permission to practice under this paragraph; nonresidents shall have authorization to practice for not more than thirty days yearly upon written authorization granting the nonresident permission to practice;
- (3) Any unlicensed person registered with the board pursuant to paragraph (B)(24) of rule 4732-13-04 to practice psychology or school psychology under the license of a licensed psychologist or a licensed school psychologist, while carrying out specific tasks under the licensee's supervision as an extension of the licensee's legal and ethical authority;
- ~~(4) An unlicensed person holding a master's degree or a doctoral degree in psychology from a program approved by the board, while working under the supervision of a licensed psychologist;~~
- ~~(5)~~(4) A student in an accredited educational institution, while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a professional person who is qualified to perform such activities and is licensed as a psychologist or as a school psychologist or is license eligible or license exempt as described in this rule. Such student shall hold himself/herself out to the public only by clearly indicating student status and the profession in which he/she is being trained;
- ~~(6)~~(5) A duly ordained minister while functioning in his/her ministerial capacity;
- ~~(7)~~(6) A person in the employ of the federal government, including use of an official title, insofar as such activities are a part of the duties in his/her position;
- ~~(8)~~(7) A person licensed, certified, or registered under a provision of the Revised Code other than in Chapter 4732. of the Revised Code, providing he/she is practicing those arts and utilizing psychological procedures that are allowed and within the standards and ethics of the other profession or within new areas of practice that represent appropriate extensions of that profession and providing he/she does not hold himself/herself out to the public by the title "psychologist";
- ~~(9)~~(8) A person in any capacity who offers services of a psychological nature, provided he/she neither holds himself/herself out to the public by the title "psychologist" or "school psychologist" nor utilizes any psychological procedure this board judges to be a serious hazard to mental health and to require professional expertise in psychology, as listed in rule 4732-5-01 of the Administrative Code;

- ~~(10)~~(9) A person using the term "social psychologist" who has an earned doctoral degree in social psychology or in sociology with a social psychology major, from a sociology or social psychology department of an accredited educational institution, and who has filed with this board an appropriate official transcript demonstrating possession of such a degree, providing that such a person does not engage in the practice of psychology as set forth under division (B) of section 4732.01 of the Revised Code;
- ~~(11)~~(10) A person who is teaching, even when dealing with psychological subject matter, provided it does not otherwise involve the professional practice of psychology in which student or client welfare is directly affected;
- ~~(12)~~(11) A person who is conducting research in the field of psychology, provided it does not otherwise involve the professional practice of psychology in which student or client welfare is directly affected.

Dr. Ross clarified that he recommends deleting "(4)" due to redundancy with "(3)" and that the body of the IPC rule was found in "(2)." Discussion ensued relative to the awkward and potentially confusing nature of the transition in "(2)," between "...home country;" and the proposed "a nonresident...."

After discussion among the entire Board about how to clarify in the draft that the IPC is to be accepted in the Board office in lieu of the applicant needing to locate and provide additional documents and evidence of compliance with the requirements stated in the first part of "(2)", Dr. William's recommendation to simply add "however," in (2) before "a non-resident" eventually won favor.

Dr. Williams made a motion authorizing Dr. Ross to both file the rule as amended by adding "however" as described above, and to add the rule to the list of rules he will be presenting to JCARR in an effort to seek the 180-day extension so that this rule can be included in the Am HB503 rules package; Mr. Keller second.

**A vote was taken:**

Aye: Dr. Woodrow; Ms. Lanctot; Dr. Shroder; Dr. Williams; Mrs. Mattson; Mr. Keller; Dr. Burlew  
Nay: None  
Abstain: None

**The motion carried.**

**UPDATE ON APPLICATION REVISION WORKGROUP:  
LEGAL, ETHICAL, AND PROFESSIONAL HISTORY QUESTIONS**

Mr. Keller briefly updated the Board on the processes he has been engaged in with the Board's investigators and Board Counsel, Mr. Carroll, relative to amending the psychologist and school psychologist applications. He reported that the workgroup has met once and is continuing to prepare a draft of the legal/ethical/conduct questions for the consideration of the full Board at a future meeting.

**NEW BUSINESS**

There was no new business.

**ADJOURNMENT**

At Dr. Harmon's request for a motion, Mrs. Lanctot moved that the meeting be adjourned; Dr. Shroder second.

**A vote was taken:**

Aye: Dr. Woodrow; Ms. Lanctot; Dr. Shroder; Dr. Williams; Mrs. Mattson; Mr. Keller; Dr. Burlew

Nay: None

Abstain: None

**The motion carried.**

**The meeting was adjourned at 2:45PM.**

[signed copy on file at Board office]

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Ronald R. Ross, Ph.D.  
Executive Director

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Julie A. Harmon, Ph.D.  
President

Next scheduled business meetings: Wednesday September 2, 2009 @10:30AM; Wednesday December 2, 2009 @10:30AM