

THE BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES

December 6, 2004

A regular meeting of the Board of Examiners of Psychology was held at the Division of Occupations, 911 Leawood Drive, Frankfort, Kentucky on December 6, 2004.

MEMBERS PRESENT

Henry S. Davis, Ph.D., Vice Chair
Diane Sobel, Ph.D.
Richard Applegate, M.A.
Barbara Kay Jefferson, Ph.D.
Andrew B. Jones, Jr., Ph.D.
S. Abby Shapiro, Ph.D.
John C. Runyon, M.A.

MEMBERS ABSENT

Andrew A. Meyer, Ph.D.
Ruth Bauman

OCCUPATIONS & PROFESSIONS STAFF

John Parrish, Director
Wendy Satterly, Board Administrator

OTHERS PRESENT

Mark Brengelman, Assistant Attorney General
Courtney N. Spear, M.A.

CALL TO ORDER

Henry S. Davis, Ph.D., Vice Chair called the meeting to order at 10:10 a.m.

ELECTION OF OFFICERS

The Board held its annual election of officers. Dr. Davis asked for further nominations as Chair and Vice Chair of the Board. A motion was made by Dr. Jefferson for nominations to cease. Motion, seconded by Mr. Runyon, carried. Ballots were distributed to members that included the nomination of Chair as Henry S. Davis, Ph.D. and Vice Chair as Abby Shapiro, Ph.D. and Richard Applegate, M.A. After the confidential vote by Board members, ballots were collected and votes were tabulated as follows: Chair, Henry S. Davis, Ph.D. - eight votes; and Vice Chair, Abby Shapiro, Ph.D. - six votes and Richard Applegate, M.A. - three votes. Dr. Davis shall serve as Chair, and Dr. Shapiro shall serve as Vice Chair.

PRESENTATION

Dr. Davis presented a plaque on behalf of the Board to outgoing member Courtney N. Spear, M.A. Dr. Davis thanked Ms. Spear for her outstanding service and dedication to the Board over her years of service as member of the Board.

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The minutes of the November 5, 2004 meeting were called to the attention of the members. A motion was made by Dr. Shapiro to approve the minutes, as amended. Motion, seconded by Dr. Jefferson, carried.

FINANCIAL STATEMENT

The Board reviewed the financial statements indicating a balance of \$165,430.79 as of November 30, 2004. A motion was made by Mr. Runyon to accept the financial statements. Motion, seconded by Dr. Sobel, carried.

DIRECTOR'S REPORT

Mr. Parrish informed the Board that Secretary Rudolph, Finance and Administration Cabinet has approved the Board request to issue a solicitation for a personal service contract for investigative services in the amount of \$10,000.

COMPLAINTS

Case 04-13 - The Board reviewed an investigative report in the matter upon summary by the Complaints Screening Committee with the assistance of counsel. A motion was made by Mr. Runyon to dismiss the

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complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Shapiro, carried. Dr. Davis and Mr. Applegate recused from voting on the motion.

Case 04-24 - The Board reviewed an initiating complaint and a response from a psychologist upon summary by the Complaints Screening Committee with the assistance of counsel. A motion was made by Dr. Shapiro to issue a private admonishment in the matter. Motion, seconded by Dr. Jefferson, carried. Dr. Davis and Mr. Applegate recused from voting on the motion.

COMMITTEE REPORTS

CONTINUING EDUCATION COMMITTEE

No report.

EXAMINATION COMMITTEE

The Board discussed revising the current oral examination. The Board determined that this should be a topic for discussion at the annual Board retreat to be held in July, 2005. The next oral examinations are scheduled for Friday, December 10, 2004.

SUPERVISION COMMITTEE

Dr. Shapiro discussed with the Board, correspondence from Christi Bruening, Psy.D. requesting the Board's guidance as to whether Psychological Associates employed and supervised by her in practice should be 1099 employees or W2 employees according to the Internal Revenue Service. The Board asked that Dr. Shapiro inform Dr. Bruening that the Psychological Associates employed and supervised by her should be considered W2 employees and not having a 1099 status, which designates an independent contractor. Dr. Shapiro agreed to prepare a letter response on behalf of the Board.

CREDENTIALS REVIEW COMMITTEE

Dr. Sobel asked the Board if the sixty (60) day grace period while applying for temporary licensure as a licensed psychologist could count toward the year of required postdoctoral experience. The Board requested that the Committee review the draft of the regulations currently filed with the Legislative Research Commission regarding post-doctoral experience requirement.

DISCIPLINED PSYCHOLOGISTS REPORT

No Report

EXPIRED LICENSURE/CERTIFICATE REPORT

The Board reviewed a list of licensed psychologists/certified psychologists whose license/certificates had expired and had not been renewed within the ninety (90) day grace period. A motion was made by Mr. Applegate to send a "certified letter" to each individual notifying them that their license/certificate was being cancelled and that in order to be reinstated they would need to submit the appropriate renewal fee plus a penalty fee of \$100. Motion, seconded by Dr. Sobel, carried.

OLD BUSINESS

The Board discussed the recommendations with regard to the proposed regulation changes from Dave Nicholas, with the Administrative Regulation and Review Sub-Committee, Legislative Research Commission.

A motion was made by Dr. Shapiro to defer the regulations for one month and hold a working session after the January 10, 2005, in order to discuss the recommendations from Mr. Nicholas.

The Board again reviewed the draft of the model Code of Ethics from the Executive Branch Ethics Commission. The Board, by consensus, approved the Code of Ethics with corrections to be made by staff. Each Board member also signed the Code of Ethics Statement of Agreement that will be kept on file in the

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Board office.

Correspondence was reviewed from Michael E. Samuels, Ph.D. with the University of Kentucky Office of Health Research and Development, notifying the Board that their grant had been received from the Foundation for a Healthy Kentucky and that a representative from the Board was invited to attend the Kentucky Health Data Seminar to be held on December 14, 2004, in Frankfort. Dr. Davis asked the Board if anyone was interested in representing the Board on this Council. Dr. Jones agreed to represent the Board at this meeting and Dr. Shapiro agreed to represent the Board in future meetings with the appropriate per diem and expenses paid by the Board.

Correspondence was reviewed from ASPPB regarding the Invitation to Comment Survey regarding the possible development of an on-line application tool for the EPPP program. The Board requested that staff complete the ASPPB Invitation to Comment Survey.

The Board discussed Committee assignments for the upcoming calendar year. After discussion, Dr. Davis agreed to make the assignments and distribute by e-mail. The Board asked staff to also provide a copy at the next Board meeting to be held on January 10, 2005.

The Board reviewed and approved the 2005 Board Calendar as amended. The Board asked staff to provide a revised copy of the Calendar at the next Board meeting to be held on January 10, 2005.

The Board reviewed a draft of the Opinion and Declaratory Ruling regarding Raw Test Data prepared by Mr. Runyon that is now consistent with the 2002 APA Ethics guidelines. A motion was made by Mr. Runyon to approve the language in the Opinion. Motion, seconded by Dr. Jones, carried. The Board requested that Mr. Runyon submit the revised Opinion to the Board in order to update the Board's web site after review by Board counsel and additional material regarding HIPAA.

NEW BUSINESS

The Board reviewed an invoice from William J. Meegan, Ph.D. for services provided to the Board at the KPA Convention held on November 3, 2004. A motion was made by Dr. Shapiro to approve payment to Dr. Meegan. Motion, seconded by Dr. Sobel, carried.

Correspondence was reviewed from Kim R. Jonason, Ph.D., President of ASPPB notifying the Board of the resignation of Randolph Reeves as Executive Officer of ASPPB and the announcement of Robert Van Hook as the Interim Executive Officer for the Association.

The Board reviewed and noted the draft minutes of the ASPPB Board of Directors meeting held on June 5 and 6, 2004, at Jackson Hole, Wyoming.

The Board reviewed an advertisement from *The Real Yellow Pages*, Paducah, Kentucky, indicating the possible independent practice of psychology by a person who is credentialed by the Board as a Licensed Psychological Associate. A motion was made by Mr. Runyon to file a Board initiated complaint against the psychologist and ask for a response. Motion, seconded by Dr. Sobel, carried.

A motion was made by Dr. Jefferson to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. Motion, seconded by Dr. Sobel carried.

The next scheduled Board meeting is to be held on Monday, January 10, 2005 at 10:00 a.m. at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky.

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The meeting adjourned at 12:00 noon.

HSDani, PhD

Approved