

THE BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES

February 7, 2005

A regular meeting of the Board of Examiners of Psychology was held at the Division of Occupations, 911 Leawood Drive, Frankfort, Kentucky on February 7, 2005.

MEMBERS PRESENT

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

MEMBERS ABSENT

None

OCCUPATIONS & PROFESSIONS STAFF

Wendy Satterly, Board Administrator

OTHERS PRESENT

Mark Brengelman, Assistant Attorney General

CALL TO ORDER

Henry S. Davis, Ph.D., Chair called the meeting to order at 10:20 a.m.

MINUTES

The minutes of the January 10, 2005, meeting were called to the attention of the members. A motion was made by Mr. Applegate to approve the minutes, as presented. Motion, seconded by Dr. Meyer, carried.

FINANCIAL STATEMENT

The Board reviewed the financial statements indicating a balance of \$177,114.79 as of January 31, 2005. A motion was made by Mr. Runyon to accept the financial statement. Motion, seconded by Dr. Jefferson, carried.

DIRECTOR'S REPORT

In the absence of Mr. Parrish, Ms. Satterly informed the Board that the State Budget Office recently notified the Division that monies are projected to be taken from the Psychology Board account for fiscal year 2005. She stated Mr. Parrish did not know the exact amount and was currently working with the Budget Office regarding this matter and would keep the Board timely informed of any decisions.

COMPLAINTS

The Board reviewed correspondence dated February 7, 2005, from Elmer Maggard, Ph.D. requesting a response to various issues regarding the expiration of the one (1) year suspension of his license to practice psychology pursuant to a Final Order of the Board. A motion was made by Mr. Runyon to recognize and reaffirm that Dr. Maggard completed his suspension one (1) year from the date of the Board's letter deeming Dr. Maggard not to be in compliance with the Final Order, November 7, 2003, to accept the payment plan submitted by Dr. Maggard for fines and costs assessed against him with full payment to be completed within five (5) years, with the details to be set forth in a letter from the Board to be reviewed by Dr. Davis, and to table now and address the other items and respond appropriately after review and discussion at the next Board meeting to be held on Monday, March 7, 2005. Motion, seconded by Dr. Jefferson, carried.

The Board reviewed information regarding an individual who may be practicing psychology without the

proper credential from this Board. A motion was made by Mr. Runyon to file a Board initiated complaint in this matter and ask the individual for a response. Motion, seconded by Dr. Jones, carried.

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Case 04-22 - A motion was made by Dr. Jefferson to accept the signed Cease and Desist and Assurance of Voluntary Compliance Affidavit in this matter, with a letter from the Office of the Attorney General being sent to affected parties involved in the Jefferson Circuit Court with a copy of the Affidavit. Motion, seconded by Mr. Runyon, carried. The Board determined that no further action was necessary and considered the matter closed. Drs. Shapiro, Sobel, Davis and Mr. Applegate recused from voting on the motion.

Case 04-23 - The Board reviewed an investigative report in this matter upon summary by the Complaints Screening Committee with the assistance of counsel. A motion was made by Dr. Meyer to dismiss the complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Jefferson, carried. Drs. Shapiro, Sobel, Davis and Mr. Applegate recused from voting on the motion.

Case 04-27, 04-27-01, 04-27-02, 04-27-03, 04-27-04, 04-27-05 - The Board reviewed an initiating complaint and the responses from the psychologists upon summary by the Complaints Screening Committee with the assistance of counsel. A motion was made by Mr. Runyon to dismiss the complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Jefferson, carried. Dr. Meyer recused from voting on the motion and left the meeting for this part of the meeting. Drs. Shapiro, Sobel, and Mr. Applegate recused from voting on the motion.

Case 05-03 - 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. Jefferson to dismiss the complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Meyer, carried. Drs. Shapiro, Sobel and Mr. Applegate recused from voting on the motion. A motion was made by Mr. Runyon to send a letter to the respondent and the respondent's supervisor in this matter regarding compliance with KRS 319.064(5) pertaining to employment of a licensed psychological associate. Motion, seconded by Dr. Jefferson, carried. Drs. Shapiro, Sobel and Mr. Applegate recused from voting on the motion.

Case 05-04 - 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 Mr. Runyon to dismiss the complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Meyer, carried. Drs. Shapiro, Sobel and Mr. Applegate recused from voting on the motion.

COMMITTEE REPORTS

CONTINUING EDUCATION COMMITTEE

No report.

EXAMINATION COMMITTEE

The next oral examinations are scheduled for Friday, February 25, 2005. Dr Davis stated that revising the oral examination would be a topic for discussion at the Annual Board Retreat to be held in July and until that time, he asked that Board members draft and submit to him vignettes for the upcoming scheduled oral examinations.

SUPERVISION COMMITTEE

Dr. Jefferson informed the Board that a review of an annual supervisory report from a psychological associated indicated that this individual may be engaged in the independent practice of psychology. The Board asked that Dr. Jefferson draft correspondence to person asking to respond in writing to this matter prior to the next Board meeting to be held on Monday, March 7, 2005.

CREDENTIALS REVIEW COMMITTEE

No Report

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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. Jefferson, carried.

OLD BUSINESS

Dr. Davis informed the Board that he and Mr. Parrish would be attending the Administrative Regulation and Review Subcommittee regarding the proposed regulations to be held today at 12:00 noon. In the absence of Dr. Davis, Dr. Shapiro, Vice Chair would chair the remainder of the meeting.

Dr. Shapiro informed the Board that she and Ms. Satterly would be meeting with Jennifer Nesmith and representatives of the University of Kentucky Office of Health Research and Development Grant following the meeting at 1:00 p.m. to discuss the sharing of data.

The Board reviewed the draft Code of Ethics statement prepared by Dr. Meyer. A motion was made by Dr. Shapiro to accept the revised Code of Ethics statement as presented. Motion, seconded by Dr. Sobel, carried.

The Board reviewed the revised draft of the Opinion and Declaratory Ruling regarding Raw Test Data prepared that is now consistent with the 2002 APA Ethics guidelines. A motion was made by Mr. Runyon to approve the draft and replace the Opinion on the Board's web site in addition to placing it in the upcoming Board newsletter. Motion, seconded by Dr. Shapiro, carried.

NEW BUSINESS

Dr. Shapiro informed the Board that she was currently working on the next edition of the Board newsletter and would hopefully provide a draft for review at the next Board meeting.

E-mail was reviewed from Anita Scott with ASPPB asking each of the member Boards to submit a one-page informational update on actions, new initiatives or emerging issues that would be helpful to other and that this information be submitted to ASPPB by February 15, 2005. Dr. Davis asked that Board members e-mail him suggestions by Friday, February 11, 2005, in order for him to prepare a response to Ms. Scott.

Correspondence was reviewed from Mary Geraldine Cambron, sister of Denis Cambron, Ph.D., licensed psychologist, who passed away on June 23, 2004, requesting that the Board issue a refund of the renewal fee that Dr. Cambron paid just prior to his death. Dr. Shapiro agreed to prepare correspondence for the Board in this matter stating that Kentucky law does not provide for the prorating of licensure fees, even for good cause or extenuating circumstances.

A motion was made by Ms. Bauman 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, March 7, 2005 at 10:00 a.m. at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky.

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The meeting adjourned at 12:30 p.m.

JSDani, PhD

Approved