

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS**

**MINUTES OF MEETING
September 20-21, 2007**

By the authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Psychologist and Psychological Associate Examiners was held September 20-21, 2007, at the Atwood Bldg, Suite 240, Anchorage, AK.

Thursday – September 20, 2007

Call to Order/Roll Call

The meeting was called to order at 8:13 a.m. by Dr. Bradbury.

Those present, constituting a quorum of the Board:

Lorin L. Bradbury, Psychologist, Chairman
John DeRuyter, Psychologist
Cam Carlson, Public Member
Lisa Turner, Psychological Associate

Excused:

Destiny Sargeant, Psychologist

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing, were:

Jan Mays, Licensing Examiner
Susan Winton, Investigator

Agenda Item 1 – Review Agenda

Board decided to make Review Tasks as agenda item #2 and have Review Agenda as item #1.

Upon a motion by Ms. Turner, seconded by Dr. DeRuyter and approved unanimously, it was:

MOVED to have Review Tasks as agenda item #2 and Review Agenda as item #1.

Board added meeting with Jenna Conley, Assistant Attorney General (AAG), Department of Law via teleconference to the agenda as item 14. Under item 8 add email correspondence from Jason Hlasny. Item 10, Application Review the following applications were added for the Board to review.

- Valerie Heise – Psychologist by Examination
- Dana Hall – Psychological Associate
- Rebecca Burch – Psychologist by Credentials

Upon a motion by Dr. DeRuyter, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to approve the agenda as amended.

Agenda Item 2 – Review Task List

The Board reviewed the task list. All Board tasks were completed, pending Dr. DeRuyter's revised exam question 28.

Agenda Item 3 – Ethics Disclosure/Ethics Video

The Board watched the ethics video. No ethics issues to disclose.

Agenda Item 4 – Investigative Report

Susan Winton, Investigator presented the investigative report to the Board.

Since the June meeting, there has been one new investigation opened, inquiries completed, and five complaints closed. The Board currently has three open investigations and no complaints. One licensee is on probation and is in compliance with the conditions of the Memorandum of Agreement.

Complaints:

2902-07-001	Violating Professional Ethics	Closed and investigation opened
2902-07-002	License Application Problem	Closed as no action – no violation
2950-07-001	License Application Problem	Closed as no action – no violation
2900-07-001	Violating Professional Ethics	Closed with a letter of advisement
2900-07-002	Action in Another State	Closed with an alert to Investigations if Licensee applies for reinstatement

Investigations:

2900-04-003	Violating Professional Ethics	Investigation and review complete; pending expert review
2900-06-001	Violating Professional Ethics	Pending expert review
2902-07-001	Violating Professional Ethics	Investigation on-going

Probation:

2902-06-001 Substance Abuse

In compliance; see supplemental report

The Board will discuss with Ms. Winton on September 21, 2007 what qualifies as an exemption from State licensure requirements; federal employee versus native health corporation employees.

Ms. Winton brought to the Board's attention that on the agenda is correspondence from Dr. Mary DuHoux. Ms. Winton stated that she has been in discussion with the Attorney General's Office and that the only thing that the Board can consider is the first sentence of the August 23, 2007 letter, regarding the "Biological Bases of Behavior" course.

Ms. Winton recommended that the Board speak with Jenna Conley, Attorney, Department of Law, and have Ms. Conley advise the Board regarding how to handle the Dr. DuHoux's correspondence.

Break at 9:30 a.m.; back on record at 9:56 a.m.

Agenda Item 5 – Review/Approve Minutes

April 12-13, 2007

Board approved these minutes at the June 21-22, 2007 meeting. Dr. Bradbury signed the meeting minutes.

May 10, 2007 Teleconference

Board approved these minutes at the June 21-22, 2007 meeting. Dr. Bradbury signed the meeting minutes.

June 21-22, 2007

- Page 2 – Item 4, add "The" at the beginning of the first sentence.
- Page 4 – Item 9, delete the last two sentences of the first paragraph.
- Page 4 – Item 9, add "The request was received and did meet the criteria" right after the second sentence of the first paragraph.
- Page 5 – Item 9, delete the entire first paragraph.
- Page 5 – Item 9, Lawrence Norton motion, delete "as a psychologist".
- Page 6 – Item 9, first sentence, change "Dr. DuHoux" to read "Dr. DuHoux's".
- Page 6 – Item 9, first paragraph, delete last sent sentence.
- Page 6 – Item 9, first paragraph. The Board wants Mrs. Mays clarify Dr. DuHoux's motion.

- Page 6 – Item 9, third paragraph, have the motion read “MOVED to approve Dr. Mailloux’s reinstatement of licensure as a psychologist, pending proof of 3 additional CEU’s in professional ethics per licensing period in accordance with 12 AAC 60.260”.
- Page 6 – Item 12, first paragraph, second sentence, delete “conference main theme” and insert “main conference theme” after “The”, and delete “based on”.
- Page 6 – Item 12, first paragraph, third sentence, change “competency” to “competencies” and change “was” to “were”.
- Page 7 – Item 12, second paragraph, move the sentence after the motion.
- Page 8 – Item 15, second paragraph, add a comma after TriCare, lower case “r” on “Regarding”, change “associate” to “associate’s”.
- Page 8 – Item 15, third paragraph, change “AK-PA” to “Ak-Pa”
- Page 9 – Item 17, change “it’s” to “it is”.
- Page 9 – Item 18, fourth paragraph, fourth sentence, add “that” between “stated” and “by”, and add “the applicant” right after “card”.
- Page 10 – Item 18, first paragraph, add “checks” after “background”.

The Board wants Mrs. Mays to clarify Dr. DuHoux motion and to include revision dates for all meeting minutes.

Upon a motion by Ms. Turner, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to approve the June 21-22, 2007 meeting minutes as amended, with the clarification of Dr. DuHoux’s motion.

Agenda Item 6 – Public Comment

There were no individuals in attendance for public comment.

Agenda Item 7 – State Law & Ethics Examination

The Board reviewed the June 4, 2007 State Law & Ethic Examination scores.

Upon a motion by Dr. DeRuyter, seconded by Ms. Turner and approved unanimously, it was:

MOVED to enter into executive session to discuss the State Law & Ethics Examination.

Enter executive session at 10:33 a.m.; back on the record at 10:38 a.m.

Break at 10:38 a.m.; back on the record at 10:52 a.m.

Upon a motion by Mrs. Carlson, seconded by Dr. DeRuyter and approved unanimously, it was:

MOVED to enter into executive session to continue discussing the State Law & Ethics Examination.

Enter executive session at 10:56 a.m.; back on the record at 12:17 p.m.

Break at 12:18 p.m.; back on the record at 12:53 p.m.

Agenda Item 8 – Correspondence

Mary DuHoux

The Board called Jenna Conley, Assistant Attorney General (AAG), Department of Law via teleconference. Ms. Conley stated that the Board could only consider the August 23, 2007 letter, regarding the course “Biological Bases of Behavior”.

The Board requested that they review Dr. DuHoux’s file before giving a definite answer. Ms. Conley will put the request to the Administrative Hearing Judge and to Dr. DuHoux.

Ms. Turner also stated that the Board does not pre-approve courses or degree programs. This has been the standard practice of how the Board has responded to course and degree questions. The Board has generated a standard letter that will be sent to applicants who are inquiring about these issues.

The Board requested that Mrs. Mays send Ms. Conley the draft standard letter for her review.

Frank Gold

Mrs. Mays stated that Dr. Gold’s psychologist license lapsed on June 30, 2003 and he would like to be informed of the requirements to reinstate his license. The Board reviewed the letter that was sent to Dr. Gold on July 31, 2007 along with the August 23, 2007 email correspondence.

The Board stated that Dr. Gold would have to complete 120 hours of continuing education in order for his license to be reinstated. The Board also stated that the 120 hours can be counted as far back to 2001.

Kansas Law Changed over tape of BTK Killer Article

The Board reviewed and had a brief discussion on the Kansas Law Changed over tape of BTK killer article.

ASPPB’s 47th Annual Meeting of Delegates

The Board had a brief discussion regarding who will attend meeting. Dr. DeRuyter will check his schedule to see if he is available on October 17-21, 2007.

Jason Hlasny

The Board reviewed the email correspondence. To address his questions regarding forensic psychology is beyond the scope of the Board.

Agenda Item 9 – Goals & Objectives

The Board reviewed the Goals and Objectives for fiscal year 2008.

1. Enforcing the Psychology Practice Act in order to protect the public.
2. Ensuring the public of continued competency of licensed psychology professionals.
3. Ensuring the public that psychological care is offered by professionally qualified persons.
4. Ensuring the public that qualified psychology practitioners are available.
5. Promoting high professional standards of psychology practice.
6. Developing written guidelines, reviewing, approving and orienting new expert witnesses as an ongoing process.

Upon a motion by Mrs. Carlson, seconded by Ms. Turner and approved unanimously, it was:

MOVED to approve the Goals & Objectives for fiscal year 2008.

Agenda Item 10 – Application Review

Psychologist by Credentials Applications

Rachel Brown-Chidsey
Vivian M. Gonzales
Ellen Lehman
Frederick Wise
Rebecca Burch

Psychologist by Examination Applications

Barrett D. Heise
Valerie Heise

Psychological Associate Applications

Cecelia Meyer
Dana Hall

Upon a motion by Ms. Turner, seconded by Dr. DeRuyter and approved unanimously, it was:

MOVED to approve Rachel Brown-Chidsey for licensure by credentials.

Upon a motion by Ms. Turner, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to approve Vivian Gonzales for licensure by credentials.

Upon a motion by Ms. Turner, seconded by Dr. DeRuyter and approved unanimously, it was:

MOVED to approve Fred Wise for licensure by credentials.

Upon a motion by Ms. Turner, seconded by Dr. DeRuyter and approved unanimously, it was:

MOVED to approve Rebecca Burch for licensure by credentials.

Upon a motion by Ms. Turner, seconded by Dr. DeRuyter and approved unanimously, it was:

MOVED to approve Barrett Heise's Statement of Supervised Psychological Experience, approve to sit for the EPPP and State Law & Ethic Examination, and issue license after passing the exams.

Upon a motion by Ms. Turner, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to approve Valerie Heise's Statement of Supervised Psychological Experience, approve to sit for the EPPP and State Law & Ethics Examination, and issue license after passing the exams.

Upon a motion by Ms. Turner, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to approve Dana Hall's new post-master supervision plan with Dr. Herbert G.W. Bischoff.

The Board reviewed Cecelia Meyer's status report from Susan Winton, Investigator. The report discussed Ms. Meyer's "yes" answer on her renewal application for licensing period 2007-2009. It was noted that Ms. Winton recommends no further action in this matter, unless requested by the Board. The Board had no additional comments.

The Board also reviewed the status report regarding Dr. Ellen Lehman's reference letter. A letter of reference from Dr. Doris showed a "yes" to a question. An email was sent to Dr. Doris from Ms. Winton, with a response from Dr. Doris that it was an error. The correction was made and the complaint was closed with no further action. The Board had no additional comments.
Break at 3:31 p.m.; back on the record at 3:39 p.m.

The Board called Jenna Conley, Assistant Attorney General (AAG), Department of Law and Jun Maiquis, Regulation Specialist, Division of Corporations, Business and Professional Licensing, via teleconference.

Ms. Conley stated that 12 AAC 60.040 that was adopted by the Board on June 21-22, 2007, was withdrawn by the AG's office. The language already allows the applicants to sit for the required exams anytime, upon approval from the Board. The only change that needs to be made is the voting ballot form.

Ms. Conley also stated that Kevin Messing, Associated Attorney, Division of Legislation/Regulation Section has been working with Mr. Maiquis with the technical edits on 12 AAC 60.010(c). The Board reviewed and discussed the regulation changes in 12 AAC 60.

The Board stated that the title "intern" under 12 AAC 60.083 needs to be left untouched and should not be replaced with "trainee". The language came directly from the American Psychological Association (APA). The Board also requested that section 12 AAC 60.083(C) be removed.

Ms. Conley explained that the Board has already adopted this section and there is no further action needed by the Board. Ms. Conley stated that the legislation/regulation attorney make the final decision on what can or cannot go out for public comment. Ms. Conley contacted Mr. Messing with an explanation of the technical edits. Ms. Conley explained to the Board that 12 AAC 60.083(C) is actually going to be repealed. For the use of the term "intern" versus "trainee", Mr. Messing does not see a problem with keeping "intern".

As for 12 AAC 60.180(a), the reason for deleting "nor a psychological-supervisor", nothing in the statutes and regulations defines a psychological-supervisor. The Board does not oppose removing "nor a psychological-supervisor" from that section. The Board does request that a copy of the final draft be given to Mrs. Mays before it goes out for publication.

It was brought to the Board's attention by Mr. Maiquis on possibly changing the wording in section 12 AAC 60.150(a), "regarding an applicant who receives a failing score may request regarding or reviewing of the examination via written request to the department within 30 days of receiving notification of the score". Notification of failing score has not been provided to candidates via certified mail, so proof of when they received the notification is null. The Board decided to not make any changes to the wording, and have Mrs. Mays mail the notifications via certified mail with a return receipt a change the notification procedure.

The Board reviewed the proposed regulation for 12 AAC 60, drafted September 19, 2007.

Upon a motion by Ms. Turner, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to adopt the September 19, 2007 Draft Proposed Regulations for 12 AAC 60.010.

Upon a motion by Ms. Turner, seconded by Dr. DeRuyter and approved unanimously, it was:

MOVED to adopt the September 19, 2007 Draft Proposed Regulations for 12 AAC 60.010(c).

Upon a motion by Ms. Turner, seconded by Dr. DeRuyter and approved unanimously, it was:

MOVED to adopt the September 19, 2007 Draft Proposed Regulations for 12 AAC 60.010(d).

The Board made a change under 12 AAC 60.020 (j) changing “one year” to “two year”.

Upon a motion by Ms. Turner, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to adopt the September 19, 2007 Draft Proposed Regulations for 12 AAC 60.020(j) as amended.

Upon a motion by Ms. Turner, seconded by Dr. DeRuyter and approved unanimously, it was:

MOVED to adopt the September 19, 2007 Draft Proposed Regulations for 12 AAC 60.084.

Agenda Item 12 – Licensing Requirements/AS 08.86

This item was discussed on September 21, 2007 under item 14.

Agenda Item 13 – Continuing Education Audit

The Board reviewed the CE Audits that were presented to them.

Upon motion by Dr. DeRuyter, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to approve the following CE Audits.

- Jill Diane Bottrell – 176
- Janet Lindeman – 189
- Richard L. Nault - 266
- Franklyn Nelson – 282
- Michael A. Kelly – 322
- Cathy W. Biggerstaff – 323
- Leonard R. Grijalva Jr. – 345
- Elana E. Shiflea – 346
- Lorin L. Bradbury – 390
- Kristi H. Fuller – 436
- Melinda G. Glass – 440
- Cindy Kingry Westergaard – 462
- Karen Jean Worbey – 468

- Donalita Maloney – 475
- Viann Nations – 479
- Ray Droby – 546

Upon motion by Dr. DeRuyter, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to deny the CE Audit for Cynthia Aiken, psychological associate license no. 239. Does not document sufficient CEU's from organizations approved by APA or another professional organization representing mental or behavioral health professions.

Upon a motion by Dr. DeRuyter, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to deny the CE Audit for Stephen Parker, psychologist license no. 181. It is unclear if the courses meet the requirements of 12 AAC 60.300, which requires the CEU's be approved by APA or other professional organization representing mental or behavioral health. In accordance with 12 AAC 60.031(a) (b), no more than 50% of total number of hours may be obtained by individual study.

Upon a motion by Dr. DeRuyter, seconded by Ms. Turner and approved unanimously, it was:

MOVED to adjourn the meeting.

There being no further business, the meeting adjourned at 5:33 p.m.

Friday – September 21, 2007

Call to Order/Roll Call

The meeting was called to order at 8:02 a.m. by Dr. Bradbury.

Those present, constituting a quorum of the Board:

Lorin L. Bradbury, Psychologist, Chairman
Lisa Turner, Psychological Associate
Cam Carlson, Public Member
John DeRuyter, Psychologist

Excused:

Destiny Sargeant, Psychologist

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing, were:

Jan Mays, Licensing Examiner

Jun Maiquis, Regulation Specialist (via teleconference)
Susan Winton, Investigator
Jenna Conley, AAG, Department of Law (via teleconference)

Guest Present:

Dr. Phillip Baker – Alaska Psychological Association (Ak-Pa) (via teleconference)

Agenda Item 14 – Potential Statute Changes

The Board reviewed and discussed potential statute changes to AS 08.86. Dr. Bradbury will work with Senator Hoffman to get these changes drafted before the December 13-14, 2007 meeting. The following are the potential statute changes that the Board would like to address this upcoming legislative session.

- 08.86.135 Temporary License
- 08.86.162 (1)(2)(3)(4)(5) Qualifications for associate's examination
- 08.86.180 (b)Practice Psychology
- 08.86.230 (5)(6)Definitions

Break at 9:17 a.m.; back on record at 9:30 a.m.

Agenda Item 15 – AK-PA

Dr. Baker joined the meeting via teleconference. Dr. Baker stated that Ak-Pa is in the process of electing new officers. Ak-Pa has nominated Denise Dillard as Ak-Pa's present-elect and Dave Wilcox is now the new president.

Dr. Baker stated that Ak-Pa has no legislative agenda at this time. Ak-Pa has been working with other licensing groups on practice issues. Dr. Baker asked if the Board has any questions on practice issues in the masters level program at the University of Anchorage Alaska (UAA).

Agenda Item 16 – CE Audit (Con't)

The Board completed the CE Audits on September 20, 2007. No further audits needed to be reviewed.

Break at 10:02 a.m.; back on record at 10:15 a.m.

Agenda Item 17 – Criminal Background Checks

Ms. Turner made a request that the Board make it mandatory for all applicants to go through a background check. This will be an additional step in the application process. Per Ms. Winton, the Board already has authority to request a background check. Ms. Winton recommends using the Board of Nursing statutes and regulations as a template.

Upon a motion by Ms. Turner, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to approve background checks for all applicants as part of the application process.

Agenda Item 18 – Approval of Standard Letter

The Board reviewed the standard letter that Ms. Turner drafted. This letter is a standard template that will be provided to applicants requesting approval for courses and or degree programs. Mrs. Mays will make the changes made by the Board and forward the final draft to Ms. Turner.

Agenda Item 19 – Administrative Issues

Budget Report

The Board reviewed the Expenditure and Revenue Report. The Board had no comments.

Sign Wall Certificate

The Board signed one wall certificate for Kris Mohandie, Psychologist.

Schedule Next Meeting

The Board requested two full days for future meetings.

The following are meeting dates for 2007 and two for 2008:

December 13-14, 2007 in Anchorage
March 13-14, 2008 in Anchorage
June 19-20, 2008 (will be determined by the Board)

Task Lists

Jan Mays

- Add revision dates for all future meeting minutes.
- CE section on applications, make the tables expandable.
- Forward the email on Model Licensing Act to all Board members.
- Add background checks as part of the application process. Use Board of Nursing as a template.
- Check on the fee for background checks
- Makes changes on the “Standard Letter” drafted by Ms. Turner

Dr. DeRuyter

- Revise Exam Question 28

Ms. Winton presented information regarding federal exemptions on licensing requirements. The Board wanted clarification on this matter.

Ms. Winton stated military and public service commission officers are exempt from state licensing requirements. Federal supremacy clause supersedes State law. Board does not need to address this in regulations. However, the Medical Board regulations state this exemption.

Upon a motion by Dr. DeRuyter, seconded by Ms. Turner and approved unanimously, it was:

MOVED to enter into executive session to review the exam questions for the December State Law & Ethics Examination.

Enter executive session at 12:15 p.m.; back on the record at 12:20 p.m.

Upon a motion by Ms. Turner, seconded by Mrs. Carlson and approved unanimously, it was:

MOVED to adjourn the meeting.

There being no further business, the meeting adjourned at 12:20 p.m.

Respectfully Submitted:

Jan Mays
Licensing Examiner

Approved:

Dr. Lorin Bradbury, Ph.D, Chair

Date: _____