

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
January 28 – 30, 2015

The staff of the Division of Corporations, Business & Professional Licensing prepared these draft minutes. They have not been reviewed or approved by the Board.

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 on September 28 – 30, 2015, at the State Office Building, 333 Willoughby Ave, 9th Floor, Conference Room C, Juneau, Alaska.

Wednesday, January 28, 2015

Agenda Item 1 - Call to Order/Roll Call

The meeting was called to order at 8:40 a.m. by Susan Johnson, Licensing Examiner. (Meeting called to order by the Chair or the Licensing Examiner. It might have been the Licensing Examiner but should have been the Chair)

Those present, constituting a quorum of the Board:

John DeRuyter, Psychologist
Al Levy, Psychological Associate
Joel Wieman, Psychologist
Christian Muntean, Public Member

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

Susan Johnson, Licensing Examiner
Colleen Kautz, Operations Manager
Martha Hewlett, Administrative Officer
Sara Chambers, Division Director

Agenda Item 2 - Review/Amend Agenda

Board Chair Dr. John DeRuyter advised of adjustments to the agenda, and added that the election of the new Chairman should be added at the end of the meeting on January 29th, 2015. Mr. Levy asked what the process was for off-season appointments. There was discussion among the group concerning the notification they received of their appointments to the Board.

Mr. Levy asked to have a discussion with the Board regarding unlicensed practice and infringements of scope of practice and the Board's authority. The Board added Regulatory Discussion to the agenda at 9:30 AM on January 29th.

Chairman DeRuyter asked for a motion to accept the agenda as amended.

**Upon a motion by Mr. Levy, seconded by Dr. Wieman, and approved unanimously, it was:
MOVED to amend the Agenda as discussed.**

Agenda Item 3 – Review/Amend Task List

Dr. DeRuyter noted that the only thing on the task list was the breakout of how people were licensed in the state. The examiner put together a 10 year list of all licenses issued in order to find out if there is a rational reason

for the price difference in the cost of the license for a Psychologist versus a license for a Psychological Associate. Mr. Levy stated that the process for both licenses were essentially the same other than the fact that an Associate may be more time consuming since they have a longer time under supervision. The Board agreed to speak with Director Chambers regarding this and a number of other issues during the Director's time with the Board.

Agenda Item 4 – Ethics Disclosure

The Board had no ethics disclosures.

Agenda Item 5 – Investigative Report

(Inv. Michelle Wall-Rood)

Investigator Wall-Rood reviewed her written report to board, reporting that between August 23, 2014 and December 30, 2014 there had been 10 matters opened and 5 matters closed leaving a total of 13 matters still open and under review. Investigator Wall-Rood stated that of those 10 matters opened, 3 of those were opened by the paralegal in Juneau regarding Continuing Education audits.

Dr. DeRuyter asked if investigations were slowing down in Investigations. Investigator Wall-Rood stated that she was encouraged that she opened 7 matters and closed 5, leaving only a net gain of 2 new investigations. She asked that the Board remember that 7 of the 13 open cases were being addressed by the Department of Commerce and were discussed in executive session during the last meeting. Investigator Wall-Rood discussed the process of complaint review with the Board.

Dr. Wieman asked about an entry on the report for someone that holds another type of license other than Psychology. Investigator Wall-Rood explained that it depended on the type of infraction that was being investigated that would determine which Board the investigation would fall under. If a violation is found, it would be reported to the Board that holds the individual's license.

Agenda Item 6 – Review & Approve Minutes

The minutes reflected Mr. Levy as Dr. Levy. Dr. Wieman’s name was spelled incorrectly throughout the document. The Board discussed the expense of new regulations. Mr. Muntean suggested that perhaps the Board should rephrase questions better to the Department of Law.

The Board discussed allotting time in the next meeting to discuss the Department of Corrections ongoing issue regarding job titles. Mr. Muntean questioned if the Division had a new Commissioner. At the time, the Commissioner had been selected but his or her name had not been released. Staff reported that the Division had hired a new Publications Specialist; the Board discussed the need for a FAQ page for applicants and licensees.

Chairman DeRuyter called for a motion to accept the minutes as amended.

**Upon a motion by Mr. Levy, seconded by Mr. Muntean, and approved unanimously, it was:
MOVED to accept the minutes as amended.**

Agenda Item 7 – Courtesy License Report

Staff provided a courtesy licensee report, explaining that the old list was very outdated and that very few active licensees were represented in the list. Staff went through the filing cabinets and found all active courtesy licensees and created a new report. Staff also contacted all active courtesy license holders that had not provided a monthly report regarding activity on their licenses.

A courtesy license holder asked via email if they did not practice during the years’ time that they are holding a courtesy license, would they be able to renew for another year. ***12 AAC 60.035 states: (a) A courtesy license authorizes the licensee to practice psychology for no more than 30 days in a 12-month period. An applicant will only be issued one courtesy license in that person’s lifetime.***

Agenda Item 8 – AK-PA Testimony

An invitation was extended for a report from AK-PA. There was no response from the AK-PA office.

The Board went off record at 9:35 AM for a break.
The Board went back on record at 10:00 AM.

Agenda Item 9 – Public Comment

There was no one present for public comment.

Chairman DeRuyter chose to use this available time to discuss scope of practice with the Board and asked Mr. Levy to lead the conversation since he was more aware of what he wanted to discuss. Mr.

Levy stated that the discussion centered on the responsibility and authority to regulate and protect the public from someone practicing unlicensed.

Mr. Levy reviewed the statute Sec 08.86.170 (a)(b). Anything that has the prefix *psych* is protected by statutes. Mr. Muntean asked for clarification of what the Board's job was regarding regulation of the field as he was concerned that there was an over-regulation of people trying to help. Mr. Levy referenced Sec 08.86.230(6) regarding offering a psychological service for a fee.

Agenda Item 11 - Budget Report

Colleen Kautz and Martha Hewitt joined the Board meeting. Ms. Hewitt explained that at the end of the first quarter, the Board had \$7280.00 in revenue; the second quarter just ended and the reports were not available in time for this meeting. The direct expenditures were at \$12,453.00 which is a combination of the examiner expenses, the supervisor expenses, the investigation and paralegal time devoted to the Board. The travel expenditures were \$3,345.00 and \$323.00 for contractual obligations such as advertising, long distance fees, etc. Ms. Hewitt explained in detail the reasoning behind the expenditures of the Board for the past quarter.

Chairman DeRuyter was concerned about the continual turnover in the examiner position. Dr. Wieman asked why there was such great stability with investigators and such instability with examiners. Ms. Kautz expressed her appreciation for the Board's patience with the division and explained that the examiner position is under study which could result in a pay increase. Mr. Levy stated that the turnover in the examiner position does have a significant impact on the Board's ability to function. Mr. Levy went further to state that teaching a new examiner the processes of the Board takes a significant amount of time and these things that a Board needs to accomplish cannot be done if there is not a competent, trained, stable examiner in place to see the Board through their processes. Dr. Wieman stated that an examiner holds quite a bit of institutional knowledge that cannot be replaced when a new examiner comes on board with the Board.

Mr. Levy stated that the turnover was a huge financial impact to the Board and would like to look forward to a time of stability so that the goals of the Board can be accomplished; he went further to say that when examiners are leaving because someone, somewhere is making decisions that the Board has no say or recourse, but still end up paying for. Chairman DeRuyter noted that he has been fielding contact from other Psychologists in the profession who are complaining because there was no response by the examiner. Ms. Kautz explained to the Board that there might be a change in examiners in order to evenly distribute the programs among the examiners and supervisors in order to keep a more level workload; this distribution might include the Psychology Board's current examiner. Mr. Levy stated that the instability of the examiner position has been an ongoing issue over the last few years and takes time away from the primary function of the Board.

Mr. Levy brought up the difference between the costs of a Psychologist license versus a Psychological Associate position and wondered why there was such a vast difference between the two. Ms. Kautz stated that the Division does not set those fees but that the methodology used is set by the Legislature. Mr. Levy stated that there was nothing in the statutes or regulations that established a two tiered system between the applications. The Board requested that the two license fees be equalized. Staff will send this request to the director.

The Board asked Ms. Kautz if she had any report of progress regarding the issue with the Department of Correction employees who were using a job title that is protected under the statutes of the Board of Psychology. Chairman DeRuyter stated that there were 7 complaints regarding this issue and that the cost was growing. Ms. Kautz said that she would discuss this with Director Chambers.

Chairman DeRuyter asked Ms. Kautz about the new license program for Behavior Analysts. The Board was unaware that this license was being developed and expressed concern that this field falls into the practice of Psychology. Dr. DeRuyter was concerned about scope of practice and functional issues. Ms. Kautz stated that she would get more information back to the Board through staff for the next meeting.

The Board went off record at 12:25 PM for lunch
The Board went on record at 2:01 PM

The Board reviewed correspondence from the Division's Paralegal, Charles Ward, regarding 2 Continuing Education applications. Dr. Wieman made a motion to approve the CEU's for Dr. Sperbeck; Mr. Levy seconded the motion and the Board approved the motion. The second matter regarding Sherri Scott required no action by the Board as the documentation that was submitted regarding her Continuing Education was deemed complete by the Board.

Chairman DeRuyter stated that the Board had still not received an acknowledgement that Dr. Kathryn Dzieken's new supervisor was aware of the requirements to provide Post-Doctoral supervision. Chairman DeRuyter stated that needing more time to complete the SLEE and EPPP exams were generally not a valid reason to request an extension. Dr. Wieman asked if the public was being harmed by extending Dr. Dzieken's supervision. Mr. Muntean asked if people in her area would be going without services if she lost her ability to practice. Mr. Levy will craft a letter to Dr. Dzieken to lay out the guidelines of the program to ensure that she has not been practicing without a license.

The Board reviewed applications for licensure. There was discussion regarding regulations regarding educational requirements.

Mr. Levy moved that the Board approve the application for the Post-Doctoral Supervision Plan, issue a temporary license, and approve to sit for the EPPP and the SLEE exams for the following applicants:

Kathleen Osborne
Laurie Juraszek
Daniel Curns

The motion was seconded by Mr. Muntean and approved by the Board.

Two wall certificates were signed by Chairman DeRuyter and Dr. Wieman.

The board worked on a letter to present to Legislator Cathy Giessel regarding fingerprint requirements for new applicants.

Mr. Levy made a motion to adjourn for the day; the motion was seconded by Dr. Wieman and unanimously approved by the Board.

The Board went off record at 4:45 PM, Wednesday, January 28, 2015

The Board went on record at 1:02 PM, Thursday, January 29, 2015

Chairman DeRuyter called the meeting back to order.

Mr. Levy made a motion to move into executive session for the purpose of grading exams. Dr. Wieman seconded the motion and unanimously approved by the Board.

The Board went off record at 1:05 PM to grade exams.

The Board went on record at 2:20 PM.

The Board discussed meeting locations and established meeting dates:

July 30-31, 2015
October 29-30, 2015

The Board established the following dates for the State Law & Ethics Exam in Fairbanks, Anchorage & Juneau:

March 5, 2015
July 17, 2015
October 16, 2015

Dr. DeRuyter spoke with the Board and expressed appreciation of the Board for their willingness to work through issues and express themselves freely as they hashed out problems and found solutions together. Dr. DeRuyter opened the floor for nominations for a new Board Chairperson. Dr. DeRuyter moved to approve Al Levy by unanimous consent. There were no objections and the matter was adopted by unanimous consent.

The Board went off record at 3:05 PM for a break.

The Board went back on record at 3:40 PM.

Division Director, Sara Chambers, joined the Board meeting. Chairman Levy stated that the Board had no hard questions for the Director with the exception of retaining their current licensing examiner. Director Chambers replied that she is committed to preventing any changes for the Board of Psychologist & Psychological Associate Examiners. Director Chambers stated that she understands the need for continuity for this Board. A new supervisor has been hired to ease the burdens placed on supervisors in the past. Dr. DeRuyter and Chairman Levy asked if Dr. DeRuyter would be able to remain with the Board for the March and July meetings in order to create a smoother transition.

Director Chambers reported that the issue with the Department of Corrections is ongoing. She sent correspondence to the affected divisions asking that everyone work on this serious problem together to get the issue resolved. All responses were in agreement regarding starting a classification study. There was a discussion among the Board and Director regarding what people in these positions are actually doing. Director Chambers anticipates that this will move forward and hopes that they will consult the Board regarding the job description. Director Chambers will contact each division again in February for an update. Director Chambers asked that this remain on future agendas until resolved; she will contact all agencies involved.

Director Chambers and Chairman Levy began a conversation about the difference between a Psychologist and a Psychological Associate. Chairman Levy questioned why there was such a difference between the two titles when the job is essentially the same. Director Chambers explained the process of changing the licensing fees and also discussed HB 187. Chairman Levy asked if Director Chambers had a list of the cost of licensing for each license type as there was no reason to give LPA's a discount or to charge Psychologists a surcharge.

Director Chambers opened the discussion regarding the meeting minutes from the August, 2014 meeting. Director Chambers stated that her advice to Colleen Kautz & Karen Hudson was to review as much information as they could and reconstruction of the minutes in order to have a reference to the meeting even though the meeting minutes are no longer available. The Board reported that they re-read the licensee's information in the Board record from the November, 2014 meeting.

There was a discussion among the Board regarding the sun-setting of the Psychology Board in Florida.

Dr. DeRuyter asked why the Psychology board was not consulted during the creation of the Behavioral Analyst license that was created during the Legislative process in 2014. Director Chambers encouraged the Board to read through the Behavior Analyst statutes and regulations to determine if the Board believes there are structural changes that need to be made as legislation is a living document and can change with time. Chairman Levy asked the Board to look at the regulations to determine if the Board had input. Chairman Levy stated that he would take on the task of reading the regulations and contrasting them with the Board of Psychology's regulations.

The Board asked staff if it was possible to use sites away from the Atwood Building that would have better amenities than the rooms that have been assigned previously to the Board. Director Chambers requested to follow up with staff after the meeting regarding this.

Director Chambers announced to the Board that the Governor had chosen to replace Director Chambers with a new division director. Director Chambers will return to her former position as the Operations Manager and will continue to be over all of Professional Licensing. Colleen Kautz will remain in a temporary position to finish up some projects on which she has been working. Director Chambers stated that she strives to support the new director as well as the Governor is the interest of the people of Alaska.

The Board recessed at 4:50 PM, January 29, 2015.

The Board went back on record at 9:15 AM, January 30, 2015.

Dr. DeRuyter made a motion to go into executive session for the purpose of reviewing and updating the questions for the State Law & Ethics Exam. Chairman Levy seconded the motion and the Board approved unanimously.

The Board went off record at 9:16 AM.
The Board went on record at 4:15 PM

Chairman Levy asked that the record reflect how pleased that the Board of Psychologist and Psychological Associates are to have Susan Johnson remaining as their examiner during this time of internal transition and that the Board is looking forward to working with her in the future. The examiner expressed her pleasure at the opportunity to work with this Board.

Chairman Levy asked for a motion to adjourn. Dr. DeRuyter made a motion to adjourn; Dr. Wieman seconded the motion and the Board unanimously approved the motion.

The meeting adjourned at 4:20 PM.

Respectfully Submitted:

Susan Johnson, Licensing Examiner 3/12/15
Date

Approved:

Al Levy, Chairman 3/12/15
Date