

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

MINUTES OF MEETING

February 27-28, 2014

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 February 27-28, 2014 at the Robert B. Atwood Building, 550 West 7th Ave, Suite 602, Anchorage, Alaska.

Thursday, February 27, 2014

The meeting was called to order at 8:46 am by Dr. John DeRuyter, Board Chair.

Those present, constituting a quorum of the Board:

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

Dr. Kristi Fuller, Psychologist was not present

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

Susan Johnson, License Examiner
Michele Wall-Rood, Investigator
Martha Hewlett, Administrative Officer II – telephonically
Harriet Dinegar Milks, Department of Law – telephonically

Agenda Item 2 – Review/Amend Agenda

The Board discussed the agenda and added Al Levy at 9AM on the February 15, 2014 agenda to provide a report on his attendance at the ASPPB Annual Conference in Las Vegas as well as the Custody Summit in Anchorage.

Under a motion duly made by Mr. Levy, seconded by Mr. Muntean, and approved unanimously, it was:

RESOLVED to approve the agenda as amended.

Agenda Item 5 – Investigative Report

Michelle Wall-Rood attended the meeting and reported that the Investigations Unit had opened three investigations and four complaints; Investigations also closed two investigations, two complaints and two intakes.

Mr. Muntean asked Ms. Wall-Rood how the Investigative Unit handles ethical issues. Ms. Wall-Rood replied that she gathers basic information and then sends it to a licensed Board member. If the Board member finds cause to do so, the Investigator continues with her research and does in-depth interviews and research regarding the issue. Once complete, a determination is made and presented to the Board.

Dr. DeRuyter asked if the language on the application should be reviewed due to so many instances of over reporting by applicants. The Board will review applications at the next meeting.

An issue has been brought to the attention of the Investigator that within the State of Alaska, there is a job titled *Psychological Counselor*. This job was established April 4, 1968 and there are currently six Psychological Counselors employed by the State of Alaska. Ms. Wall-Rood received a written inquiry stating that someone is claiming to be a Psychological Counselor but that they do not have a license. The job qualifications do not require a license. This is a violation of AS 08.86.160 which clearly states that one cannot say they are a psychological counselor. Ms. Wall-Rood stated that she could not open cases against the job holders when it's the job title that is in violation of the law not the employee.

Mr. Levy pointed out that in the past, the job title *Youth Counselor* was changed to *Youth Correction Officer* due to licensing issues. There is precedence where a license guild went to the state and asked to have a job title changed. Dr. DeRuyter pointed out that there are two issues at hand: changing the job title and changing the job descriptions to match the job as people are being employed to perform job tasks that they are not qualified to do. Dr. Wieman stated that the protection of the public is much more concerning than the scope of practice. Mr. Levy suggested opening dialogue and then pointing the State to AK-PA. There are several aspects of the job description that should only be performed by someone who is licensed or trained as a

Psychologist. The departments that have Psychological Counselors are the Department of Corrections and Department of Military Affairs. There are two significant at-risk

populations that are being affected by this issue. Dr. DeRuyter will send a letter to the Department of Administration as well as the Department of Corrections. Ms. Wall-Rood will open up intakes for each of the job positions and move them to the 2nd tier, complaints. She can then contact the employees, find out specific job duties, titles and interview them to see what their positions entail.

Agenda Item 4 – Ethical Disclosures

There were no ethical disclosures.

Agenda Item 6 – Review and Approve Minutes

The new president of AK-PA is Jennifer Beathe. This will be corrected in the minutes by staff.

Under a motion duly made by Mr. Levy, seconded by Dr. Wieman, and approved unanimously, it was:

RESOLVED to approve the minutes as amended.

Agenda Item 7 – AK-PA Testimony

Dr. Baker was unavailable for an update but will provide an update at the April meeting.

Agenda Item 8 – Public Comment

There was no one present for public comment.

Agenda Item 9 – Courtesy License Report

There is one active courtesy license at this time; the licensee is reporting work in Alaska in a timely manner.

Agenda Item 13 – State Law & Ethics Exam

Under a motion duly made by Mr. Levy, seconded by Dr. Wieman, and approved unanimously, it was:

RESOLVED to go into executive session at 10:05 a.m. to grade the State Law & Ethics exams that were administered February 14, 2014.

The Board went back on record at 11:08 a.m.

The Board discussed continuing education courses provided by The Addiction School and the Alaska Counseling Association. After reviewing 12 AAC 60.300, it was decided that these courses were allowed for continuing education purposes.

Agenda Item 10 – Teleconference with Paralegal Charles Ward

Regarding case 2014000322, it was originally determined that the licensee's continuing education submissions did not meet the requirements of the Board. Upon further review, the continuing education courses met the requirements and therefore did not present an issue for this licensee.

Under a motion duly made by Mr. Levy, seconded by Dr. Wieman, and approved unanimously, it was:

RESOLVED to go into executive session at 11:30 a.m. to grade the State Law & Ethics exams that were administered February 14, 2014.

The Board went back on record at 1:20 p.m.

Agenda Item 11 – Division Update

The Board contacted Martha Hewett for a Division Update. The Board has a surplus of funds at this time. The Board is on track with its expenditures based on the prior year's expenditures and appears that there will be a surplus at the end of the year. The projected deficit is based on the current generated revenue in comparison to the current expenses through the 2nd quarter. At the end of the year, Admin Services will do an actual comparison based on actual expenditures and true up with real numbers.

Dr. DeRuyter asked about the Board using more of its money for travel purposes. Ms. Hewett stated that the travel line now was at \$6792.00 which is a little over half of the prior year's travel expenses. FY 14, the Legislature gave CBPL additional travel authority, which is extended to all Boards. Dr. DeRuyter asked if the current pending travel requests would be approved. Ms. Hewett replied that she was unsure but would check into that for the Board.

After the phone call, the Board discussed sending the following Board members to the Mid-Year ASPPB Annual Conference in San Antonio: Dr. Joel Wieman, Mr. Al Levy and Mr. Christian Muntean. Staff has previously submitted a travel request for two of the members but will send an additional request upon arrival in Juneau.

Agenda Item 12 – Board Correspondence

Senator Fairclough sent a letter to the Board to asking for an opinion from the Board regarding the quality of training suicide prevention training provided by the University of Alaska. The Board is completely supportive of the efforts and would encourage development of this type of curricula as this speaks to an issue that is significant in the state.

Staff will forward an email from ASPPB/APA regarding public comment on its proposed Standards of Accreditation in Health Service Psychology.

Dr. Robert Lane sent an email regarding students who have a felony in their backgrounds. The Board discussed this and determined that they would approve applications on a case-by-case basis, however if the crime were severe enough it probably would cause a denial for licensure. The regulations do not speak specifically to this type of situation however Sec 08.86.160 (2) does require that an *applicant has not engaged in dishonorable conduct related to the practice of counseling or psychometry*. Dr. DeRuyter remarked that he did not know of a way to craft regulations to accommodate the exceptions; by doing that, a variable is introduced that is very tough to evaluate. Dr. Wieman pointed out that the Board's mission is to protect the public so they will respond very conservatively when handling this type of application.

Board member Christian Muntean will contact the Institute of Restorative Practices regarding the licensure of felons that have completed their sentences. Staff will respond to Dr. Lane that there are no statutes in place at this time regarding this particular situation however they will acknowledge the concern and Board will evaluate the different approaches to address the problem.

Agenda Item 13 – Teleconference with the Department of Law

The Board telephonically contacted Harriet Dinegar Milks, Assistant Attorney General with the Alaska Department of Law regarding pending regulation changes.

Dr. DeRuyter said that he would like to get rid of the language that stated the Board would determine completion of non-interactive electronic media in 12 AAC 60.310(a). He thought it would be a bad idea to have the Board determining things of this nature on an individual basis. Instead, he would like to see added that individual self-study programs meet the requirements as established in 12 AAC 60.300(b)(c) as amended so that it loops the licensee back to the regulations. Ms. Milks stated that she didn't think another public notice would be necessary for a change that references an existing standard.

Dr. DeRuyter mentioned one more request of the Board concerning 12 AAC 60.300 (e) which discusses the definition of live interactive continuing education over the Internet. American Psychological Association has a complete discussion and guideline regarding what it considers to be appropriately interactive continuing education and

what it would consider to be live. The Board would like the regulations to reference the APA guidelines which would provide the possibility of an evolving process that will follow technology. Ms. Milks asked if the APA would be one of the sponsoring organizations already recognized in section e. Dr. DeRuyter responded that they are one of the recognized organizations.

Ms. Milks stated that these changes would need to be public noticed because the changes are referencing a published set of standards. She stated that the changes would need to be adopted from the APA by reference.

The Board concluded the conversation with the Department of Law.

The Board discussed tele-health counseling that is provided to many of the Department of Corrections facilities. Dr. DeRuyter stated that he knew someone that works there and would inquire about the process.

The Board went off record at 3:20 P.M.

The Board went on record at 3:32 P.M.

Under a motion duly made by Mr. Muntean, seconded by Dr. Wieman, and approved unanimously, it was:

RESOLVED to recess the meeting until 8:30 A.M. February 28, 2014.

Friday, February 28, 2014

Call to Order/Roll Call

The meeting was called to order at 8:58 am by Dr. John DeRuyter, Board Chair.

Those present, constituting a quorum of the Board:

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

Dr. Kristi Fuller, Psychologist, was not present at the meeting

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

Susan Johnson, License Examiner

Dr. DeRuyter gave the floor to Al Levy for a report on the ASPPB (Association of State

and Provincial Psychology Boards) Conference and the Custody Summit that he attended.

Mr. Levy explained to the Board that valuable and important for the Alaska Board to have a presence at every ASPPB Conference. He explained that decisions were being made at the ASPPB Conferences that were affecting those who are practicing in Alaska and that ASPPB is not aware of the realities that Psychologists and Psychological Associates have to deal with in Alaska. ASPPB is creating policy and making rules for accreditation that is turned into regulations as well as crafting model regulations that are being followed. They are implementing policies and programs that have to do with interstate licensing and interstate practice that will have consequences in Alaska.

Mr. Muntean asked if being an Alaska Board member makes those members automatic members of the ASPPB. Dr. DeRuyter responded that it does make Board members here ASPPB members and that they have voting privileges and the ability to serve on committees. Mr. Levy explained that ASPPB is an international organization because it has members from both the United States and Canada and both countries face a lot of the same jurisdictional issues, Masters level licensing, Psychologist qualifications, and portability of licensure. While there may not be a vote on every issue that the ASPPB addresses, every state does have the ability to give their input on those issues. Mr. Levy stated that when he spoke up in the meetings, ASPPB listened to his concerns and ideas and input from our state was appreciated and valuable. It allowed ASPPB to realize that their ideas may or may not work in every area. Dr. DeRuyter agreed that Mr. Levy's points are valid. Break-away sessions provided small group interactions with members from other jurisdictions.

There was a panel discussion regarding professional development which would require licensees to demonstrate their abilities rather than just signing up for 40 hours of continuing education classes every two years. While ASPPB does not wish to do away with continuing education classes, they are discussing the value of adding professional development requirements as well. Dr. DeRuyter added that ASPPB is the national organization that is representative of all licensing boards in the United States and

Canada, but they do not have authority over any board. It is up to the individual board to choose whether to follow ASPPB guidelines or not. Mr. Levy summed up this portion of his report by reiterating that the Alaska Board needs to have at least two members present at each ASPPB conference.

Mr. Levy reported on the Custody Summit that was presented in Anchorage, Alaska on February 27, 2014. The summit presented many interesting statistics regarding custody and its main goal was to do something about the enforcing custody in Alaska. Increasingly, people are getting divorced on a pro se basis,

meaning without the benefit of an attorney. In general, those cases tend to resolve quicker but at the same time, the number of cases coming back to the courts for custody modification is on the up-swing and is something to be considered.

Court ordered therapy typically has lots of problems with those orders. At the conference, Mr. Levy was asked how a judge's orders conflicts with his role as a therapist. Mr. Levy will be on a working group to address this issue. One idea is that there could be an ordered form with checkboxes and blanks that answers the questions that need to be answered. At this time, there is not a Family Court in Alaska and there is a great need for parenting education in Anchorage; there is a parenting education program in Fairbanks. It is evident that custody needs to return to being child focused rather than adult focused.

Mr. Levy stated that there are problems with the legal definition of domestic violence and it will take a change in legislation in order to redefine domestic violence. That often the problem is not actual violence but the threat of violence and constant control. A huge part of domestic violence is a public health issue; there is a lack of understanding of what is and isn't domestic violence.

The Board went off record for a break at 9:54 A.M.

The Board went back on record at 10:01 A.M.

The Board reviewed the following applications:

Application for licensure by exam:

WORRALL, John M.
MASON, Jessica

Application for licensure by credentials:

RING, Marie E.
RUSSELL, Tamara
VALETTE, Brett

Application for Psychological Associates:

DZAK, Matthew
KINVILLE, Jaqueline

Under a motion duly made by Mr. Levy, seconded by Dr. Wieman, and approved unanimously, it was:

RESOLVED to move into Executive Session at 11:00 A.M.

The Board went back on record at 11:45 A.M.

The Board went off record for a break at 11:47 A.M.

The Board went back on record at 11:50 A.M.

UPON a motion duly made by Mr. Levy, seconded by Dr. Wieman and approved unanimously, it was MOVED to approve the following psychological associate applications and issue a temporary license upon passing the EPPP and State Law and Ethics exams:

Matthew Dzak

Jaqueline Kinville

UPON a motion by Mr. Levy, seconded by Dr. Wieman and approved unanimously, it was MOVED to approve the following psychologist applications for licensure by credentials:

Marie Ring

Tamara Russell

UPON a motion by Mr. Levy, seconded by Dr. Wieman and approved unanimously, it was MOVED to approve the post-Doctoral Supervision, issue temporary licenses and approve to sit for the EPPP and/or State Law and Ethics Exam for the following applicants:

John M. Worrall

Jessica Mason

Mr. Levy then read into the record the regulation changes into the record with the minor language changes:

Chapter 60. Board of Psychologist and Psychological Associate Examiners.

12 AAC 60.270(b) is amended to read:

(b) Credit will be given as awarded by the agency providing the instruction. (Eff. 4/22/83, Register 86; am 6/29/84, Register 90; am __/__/__, Register __)

Authority: AS 08.86.070 [AS 08.86.070(6)]

12 AAC 60.300(b) is amended to read:

(b) Nonacademic continuing education programs under this section must be provided by sponsoring organizations approved by the American Psychological Association or another professional organization representing mental or behavioral health professions, including the American Medical Association, American Psychiatric Association, National Association of Social Workers, American Nurses Association, American Association of Marriage and Family Therapists, and National Association of School Psychologists.

12 AAC 60.300 is amended by adding new subsections to read:

(c) For a licensing period that begins on or after July 1, 2013, nonacademic continuing education programs provided by sponsoring organizations approved by the American Bar Association are approved if those programs contribute directly to the professional competency of a person licensed to practice as a psychologist or a psychological associate; and are directly related to the concepts of psychological principles, ethics or practices that are elements of practicing psychology within the meaning given in AS 08.86.230.

(d) For a licensing period that begins on or after July 1, 2013, a psychologist or psychological associate may obtain one hour of continuing education credit for physically attending two hours of a regularly scheduled meeting of the board. The individual obtaining the continuing education credit must verify attendance at the board meeting by signing in upon arrival and signing out upon departure. The individual obtaining continuing education credit will be given a certificate of attendance signed by the licensing examiner, whom the department employs to carry out AS 08.86 and who is in attendance at the meeting, and by one board member who is in attendance at the meeting. In any given licensing period, a psychologist or psychological associate may claim a maximum of two continuing education credit hours for attendance as described under this subsection.

(e) For a licensing period that begins on or after July 1, 2013, a psychologist or psychological associate may obtain continuing education credit by means of live interactive nonacademic continuing education programs presented over the internet by sponsoring organizations that are approved as described in this section, if attendance is verified. (Eff. 4/22/83, Register 86; am 1/14/2001, Register 157; am 8/20/2004, Register 171; am __/__/__, Register ____)

Authority: AS 08.86.070

12 AAC 60.310(a) is amended to read:

(a) The number of continuing education credits awarded for the completion of a formal correspondence program, noninteractive electronic media program, or other individual study program that requires registration and provides evidence of satisfactory completion must meet the criteria as set out in 12 AAC 60.300(b) and/or (c) as amended.

The board went off record for a break at 12:15 P.M.

The board went back on record at 12:30 P.M.

The next meeting of the Board will be May 1-2, 2014 in Anchorage.

The August 4-5, 2014 meeting will be in Fairbanks.

The Board discussed the pass rate of those applicants that are taking the State Law and Ethics Exam. Dr. Wieman asked if a multiple choice or true/false type of exam might pull better results. Mr. Levy stated that there are two types of questions on the exam, one is straight recall of information (ie: list five things...) and the other type are application problems. The general consensus of the Board was that the application problems have the most validity. The Board will begin reviewing the exam questions at the next meeting.

Under a motion duly made by Mr. Muntean, seconded by Dr. Wieman, and approved unanimously, it was:

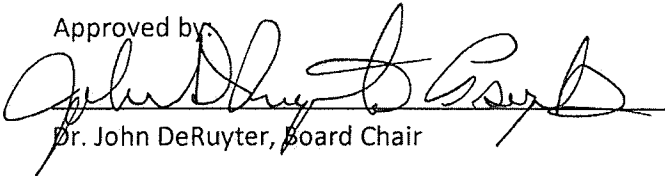
RESOLVED to adjourn the meeting at 1:35 P.M.

Respectfully Submitted on behalf of Susan Johnson:



Lisa Robinson, Licensing Examiner

Approved by:



Dr. John DeRuyter, Board Chair

8/18/2014
Date