

**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**  
March 12-13, 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 March 12-13, 2015 at 8717 Dimond D Circle, Anchorage, AK.

**Wednesday, March 26, 2015**

**Agenda Item 1 - Call to Order/Roll Call**

The meeting was called to order at 8:47 a.m. by Al Levy, Board Chairman

Those present, constituting a quorum of the Board:

**John DeRuyter**, Psychologist  
**Al Levy, Chair**, Psychological Associate  
**Joel Wieman**, Psychologist  
**Christian Muntean**, Public Member  
**Kristi Fuller**, Co-Chair, Psychologist

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

**Janey Hovenden**, Division Director (telephonically)  
**Sara Chambers**, Operations Manager (telephonically)  
**Susan Johnson**, Licensing Examiner

Phil Baker, Board Liaison for Alaska Psychological Association  
Jim Coats, Member of the public  
Michael Aanavi, Member of the public  
Paul Craig, Member of the public  
Martin Atrops, Member of the public

**Agenda Item 2 – Review/Amend Agenda**

Board Chair Al Levy advised of adjustments to the agenda. The Board made some minor changes to the printed agenda. Chairman Levy asked for a motion to accept the agenda as amended.

**Upon a motion by Dr. DeRuyter, seconded by Christian Muntean, and approved unanimously, it was:  
MOVED to amend the Agenda as discussed.**

The Board discussed staff creating a list of tasks and ongoing business items as well as adding both items to the agenda for the next meeting and meetings forward.

### **Agenda Item 3 – Ethics Disclosure**

The Board had no ethics disclosures.

### **Agenda Item 4 – SB 41**

The Board placed a call to Senator Giessel who was unable to speak to the Board due to Legislative obligations. The Board spoke with Jane Conway who provided an update on the Bill. Ms. Conway stated that the responses to Mr. Craig were received; however, those responses did not address the trust issues that have been raised by Senators Wielechowski and Senator Coghill. Ms. Conway stated that no one was sure why the public was so concerned about the renewal portion of licensure.

Chairman Levy stated that it was never the Board's intent to look for background checks on renewals or other licensees; however, the Board does not want to tie the hands of a future Board in unforeseen circumstances. Chairman Levy stated that the Board would have no problem passing a resolution stating that the Board had no intention of calling upon renewal applicants for background checks without cause. Chairman Levy stated that the people who are most affected by this should have the easiest access to the information. Ms. Conway suggested that the Board members should contact Senators Wielechowski and Coghill if they were in their districts.

Dr. Wieman asked what reason would be behind doing a blanket background check of current licensees. Ms. Conway stated that there would probably never been a need to do a blanket background check at the time of renewal as long as people renewed timely. She stated that background checks would only be needed in the case of new applicants. Mr. Muntean asked if the primary resistance was around the background check for renewal applicants. Ms. Conway stated that was the case. She also stated that there was some concern about how the Board would handle barrier crimes. Chairman Levy stated that he had some issue with Senator Wielechowski's wording in one of his amendments stating that the Board would be unable to take action against someone who had a misdemeanor crime that was not against a person. He stated that he did not want the Board's hands tied against an applicant who might have poor integrity.

Chairman Levy asked all that were present if a resolution was in order regarding the Board's intentions regarding background checks on renewal applicants. Chairman Levy asked staff to contact office to find out if resolutions are binding on future Boards. During break, staff contacted office and was told that resolutions do hold weight until a future resolution or law overrides it.

**The Board went off record at 9:43 AM for a break**

**The Board went on record at 10:01 AM**

Dr. DeRuyter said that one idea regarding this bill might be to reword to state *reinstatement after lapse of license for probable cause and for new applicants*. Submitting the wording that way would better reflect the intention of the board. The intent of the bill is to check the status of new applicants and licensee reinstatement and for probable cause but not for renewals.

### **Agenda Item 5 – Public Comment**

Chairman Levy opened the public comment period by recognizing members of the Board from Alaska Psychological Association and invited them to provide their comments to the Board of Psychologist and Psychological Associates.



Dr. Baker addressed the Board and stated that the two groups did not come together regarding SB 41. He stated that he did not understand why the Board would like background checks and referred to the current law. He specified that it is the sentiment of the leadership of AK-PA that they would not support SB 41 as it is currently written.

Dr. Craig addressed the Board and said that he was 100% behind doing anything necessary to ensure that people are not allowed to do bad things but that there needs to be a balance between public protection and privacy. He agreed that fingerprinting and background checks were not a bad thing to do. He would like the Board to make sure that the language of the bill has no ambiguity and believed that would result in less push back. He advised the board that Senator Costello was sympathetic to the concerns of the AK-PA Board and would speak to others involved in the Bill. Mr. Craig stated that he would be happy to circle back with Senator Costello once the clarified language was in place.

Dr. Atrops agreed that record review is useful but stated that the majority of licensed Psychologists are typically good providers and had to go through many steps in order to become licensed. He stated that there might be a small number of people that make it through all of the hoops on the path to licensure however he did not see the reasoning behind doing a blanket background check on all licensees. Mr. Coats explained what might be involved in a background check. He reiterated that he was not behind the idea of a blanket background check.

Dr. Fuller stated that traditionally, most Psychologists attended a brick and mortar school that would allow the supervision process to work and most people who would not do well in the field were weeded out through process. Today's educational settings often do not involve attending a physical school and students are not exposed to the supervision processes which might help remove the students whose personalities might be less than desirable.

Dr. Aanavi said that he agreed, having served as a faculty/supervisor in Psychology programs, that they could not be depended upon to help screen students and there were too many obstacles to try to weed people out through the educational system. Regarding SB 41, he stated that he thought that it would be appropriate to offer a 90 day window after a licensed lapsed prior to requiring a background check.

**The Board went off record at 10:52 AM for a short break**

**The Board went on record at 11:12 AM**

### **Agenda Item 6 – Division Report with Sara Chambers and Janey Hovenden**

The Board called Director Hovenden and Operations Manager Sara Chambers. Ms. Chambers agreed with Mr. Levy about the need to make the licensing fees for Psychologists and Psychological Associates equal. Ms. Chambers recommended letting the renewal process complete for this year and then putting through the regulations that would bring the fees equal. Ms. Chambers said that the division is happy to help with logistics regarding the Meeting of the Minds Summit. Chairman Levy will be sending a letter to the other Boards as an invitation to begin the summit process.

Chairman Levy discussed the Board Summit with the Board. He will create a letter to explain the Summit and Staff will send the letters out to the appropriate Boards. Chairman Levy stated that the Board would like to see at least two representatives of the Board as well as License Examiners for those Boards. Mr. Muntean asked if the Board knew of an estimated cost for the Summit.

The Board hopes to accomplish the following values with the Summit: Identifying and closing gaps in enforcements where there may be problems with Regulatory Authority, discussion of scope of practice issues, reducing conflict between Boards, identifying cost saving features in the licensing process for each board, reduce redundancy and other important issues that each mental health board faces.

**Upon a motion by Mr. Muntean, seconded by Dr. DeRuyter, Department of Commerce, Community and Economic Development that the Board hosts a Meeting of the Minds with the Boards of Professional Counselors, Marital & Family Therapy and Social Work Examiners, pending exploration of cost to the Board.**

Chairman Levy read a draft of the Resolution to the Board regarding SB 41:

**"BE IT RESOLVED** that the Board of Psychologist and Psychological Associate Examiners is seeking Legislative authority to obtain fingerprint and criminal background information for the following purposes:

- 1) Determining the fitness of new applicants for new licensure either as a Psychologist or a Psychological Associate;
- 2) Determining the fitness of applicants seeking reinstatement of a lapsed license after a lapse of up to five years;
- 3) Gathering information relative to a valid complaint against a Psychologist or Psychological Associate;
- 4) Creating regulations appropriate to carrying out this authority.

*It is not and never has been the intent of the Board to require background checks for biannual renewal of already licensed Psychologists or Psychological Associates. The Board respectfully requests that the language of SB 41 clearly states the intent and purpose of this resolution."*

**Upon a motion by Dr. DeRuyter, seconded by Christian Muntean, and approved unanimously, it was: RESOLVED to pass the resolution as read into the record.**

**The Board went off record at 12:15 PM for a lunch break.**

**The Board went on record at 1:40 PM.**

#### **Agenda Item 6 – Courtesy License Report**

The Board discussed those who are licensed under the Courtesy License Report.

#### **Agenda Item 5 – Review and Approve Minutes**

The Board reviewed the minutes. Dr. DeRuyter noted that it was nice to note that there appeared to be administrative stability forming in Juneau. Staff to check the spelling of Dr. Dziekan to ensure it is correct.

**Upon a motion by Dr. Wieman, seconded by Dr. DeRuyter, and approved unanimously, it was: RESOLVED to accept the minutes as amended.**

**Agenda Item 11 – Application Review**

**Upon a motion by Dr. DeRuyter, seconded by Dr. Weiman, and approved unanimously  
The following applications were APPROVED by the Board**

**Post-Doctoral Supervision plan:**

Mike Blakely pending receipt of documentation of graduation;  
Tamar Lubitch pending receipt of documentation of graduation;

**Application for Psychologist License through credentials:**

Pamela Roman  
Seth Green

**Application for Psychologist License via examination:**

Jennifer Piffarero

**Upon a motion by Dr. DeRuyter, seconded by Dr. Fuller, and approved unanimously, it was:  
APPROVED to move into executive session in order to grade the exam administered March 5, 2015.**

**The Board went on record at 3:35 PM.**

Chairman Levy adjourned for the day.

**The Board went off record at 3:37 PM.**

Friday, March 13, 2015

**The Board went on record at 9:00 AM**

**Roll Call**

All members were present except for Christian Muntean.

**Agenda Item 11 – Investigative Report with Michelle Wall-Rood**

The Board contacted Investigator Michelle Wall-Rood for an investigative report. Ms. Wall-Rood reported that between December 31, 2014 and February 5, 2015, there were currently seven investigations open, sixteen matters closed with six ongoing. Of the six ongoing investigations, there were four complaints and two intakes.

**Agenda Item 4 – SB41 Continued**

The Board discussed the public comments from the previous day and agreed that it would be useful to have a wider range of input from the public regarding the Bill. Chairman Levy noted that if the Board failed to communicate their intentions with AK-PA, that they may have failed in communicating the intent of the Bill with the public as well.

**Agenda Item 11 - Correspondence**

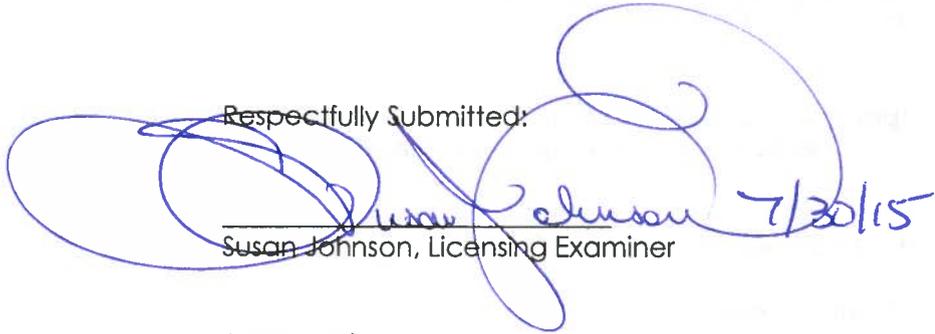
The Board discussed hypnotherapy and determined that the Board does not typically act in a proactive manner but rather reactive. They discussed the implications if someone was found to be practicing hypnotherapy without a license. This topic will be added to the July agenda for further discussion

Upon a motion by Dr. DeRuyter, seconded by Dr. Fuller, and approved unanimously, it was:  
**APPROVED** to move into review, revise and edit exam questions.

The Board went off record at 10:50 AM.  
The Board went on record at 3:57 PM.

Upon a motion by Dr. DeRuyter, seconded by Dr. Fuller, and approved unanimously, it was:  
**APPROVED** to adjourn the meeting.

Respectfully Submitted:

  
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Susan Johnson, Licensing Examiner

Approved:

  
\_\_\_\_\_  
Al Levy, Chair

Date 7/30/15