



STATE OF OKLAHOMA
Board of Examiners of Psychologists

MINUTES OF THE MEETING OF THE BOARD
September 23, 2016

A Meeting of the Board of Examiners of Psychologists was held at 9:00 a.m., on Friday, September 23, 2016, at the Attorney General's Office, 313 NE 21st Street, Oklahoma City, OK.

In attendance were: P. Fischer, Ph.D., Chair of the Board; S. Roberson, Ph.D., Vice-Chair of the Board; Susan Howard, Ph.D., Member of the Board; K. Ward, Ph.D., Member of the Board; R. Randleman, Ph.D., Member of the Board; B. Frizzell, Member of the Board; T. O'Connor, Member of the Board; J. Shirley, Assistant Attorney General; S. Balzer, Assistant Attorney General Special Advisor; T. Rose, Executive Officer of the Board.

Announcement and Introduction:

Dr. Fischer announced that a quorum was present to conduct business. She confirmed with Ms. Rose that the meeting was filed with the Secretary of State and the agenda was posted in accordance with the Open Meeting Act.

Statement of the Mission of the Oklahoma State Board of Examiners of Psychologists:

Dr. Fischer announced the mission of the Oklahoma State Board of Examiners of Psychologists is to protect the public by regulating the practice of psychology in Oklahoma to ensure that only properly qualified psychologists practice psychology in the state and that the psychology profession as a whole is conducted in the public's best interest.

Minutes:

Board members reviewed the minutes of the July 8, 2016, meeting presented by Ms. Rose. Amendments were presented by Dr. Roberson. *Mr. O'Connor made a motion to approve the minutes of the July 8, 2016, meeting as amended. Dr. Ward seconded the motion, and the motion passed. Ward, Howard, O'Connor, Roberson, and Fischer voted for the motion. As new members of the Board, Frizzell and Randleman abstained.*

Status of Current Request for Inquiries:

Ms. Rose provided status updates on the following:

RFI 16-2, RFI 16-3, RFI 16-4, and RFI 16-5; will be addressed if additional information is received.

RFI 16-7; in the process of determining if an investigator will be appointed.

Probable Cause Committee Summaries and Recommendations to the Board:

RFI 16-1; Mr. Shirley presented the Probable Cause Committee recommendation. After review of all the facts and circumstances regarding the inquiry, the committee found the following possible ethical violations: APA Ethical Principles of Psychologists and Code of Conduct: 1.01, 2.01 and 3.04; ASPPB Code

of Conduct III: (A)(6); (D)(3). The recommendation of the Committee, based on the findings, is to file a formal Board Complaint. *Dr. Roberson made a motion to accept the recommendation. Mr. O'Connor seconded the motion and the motion passed. Frizzell, Howard, O'Connor, Roberson, Randleman, and Fischer voted for the motion. As a member of the Probable Cause Committee, Ward recused.*

Miscellaneous Complaint Issues, Orders and Status Reports:

BC 15-6 Joann Ondrovik, Ph.D.:

Hearing on Respondent's Motion to Dismiss BC 15-6:

Dr. Fischer presided and Ms. Balzer, the Assistant Attorney General, sat in as the hearing advisor. Ms. Balzer informed Board members that before the Motion to Dismiss BC 15-6 is considered, it needs to be established that Mr. Hamilton, Dr. Ondrovik's attorney, is properly before the Board. Ms. Balzer educated Board members of the Oklahoma Bar Association (OBA) rules regarding an attorney practicing on an out of state license. Mr. Hamilton informed the Board of the timelines in which his documents were filed with the OBA.

Dr. Roberson made a motion to temporarily admit Mr. Hamilton to handle the matter today. Dr. Ward seconded the motion, and the motion passed. Frizzell, Ward, Howard, O'Connor, Roberson, Randleman and Fischer voted for the motion.

Mr. Hamilton and Mr. Shirley presented arguments before the Board regarding the Respondent's Motion to Dismiss BC 15-6 and the State's Response to Respondent's Motion to Dismiss.

Pursuant to Title 25, Section 307(B) (8), for deliberation of an individual proceeding pursuant to Article II of the Administrative Procedures Act. Dr. Roberson made a motion to enter into Executive Session. Mr. O'Connor seconded the motion, and the motion passed. Frizzell, Ward, O'Connor, Roberson, Randleman, and Fischer voted for the motion. As a member of the Probable Cause Committee, Howard recused.

Board members returned from Executive Session.

Dr. Ward made a motion to return to Open Session. Dr. Roberson seconded the motion, and the motion passed. Frizzell, Ward, O'Connor, Roberson, Randleman, and Fischer voted for the motion. Howard was not present for the vote.

Dr. Roberson made a motion to deny the motion to dismiss the complaint based on several different grounds. Following are the primary issues addressed on the motion to dismiss:

- 1) Lack of jurisdiction; the Board finds in Rule 575:10-1-5, having an Invalid license is a type of license. An Invalid license is a licensure status, especially given that the psychologist can re-establish that license without having to go through the full application process.*
- 2) Abandonment; abandonment does not exist as a rule. The only way a license no longer exists is if the license is revoked or voluntarily surrendered which neither happened in this case.*
- 3) Statutory exemption; this is not applicable given that it is believed the respondent does have a type of license, an Invalid license.*
- 4) Reciprocity; the Board, did not see that an argument was made in the motion that would allow the respondent, nor is the Board aware of any license regulations that would allow reciprocity such to cross state lines and testify as alleged.*
- 5) Legislative preemption; not aware of any legislative preemptions that supersede the authority of the Board to regulate Invalid licenses.*
- 6) Statute of Limitations; a) not relevant except in cases which someone is criminally charged for practicing without a license, which is not the case. b) the argument that the time that*

elapsed between when it occurred and the complaint was too excessive to allow for her defense. It's only been about a year ago, which is sufficient time.

Dr. Ward seconded the motion, and the motion passed. Frizzell, Ward, O'Connor, Roberson, Randleman, and Fischer voted for the motion. As a member of the Probable Cause Committee, Howard recused.

Dr. Roberson made a motion to deny the stay of proceedings to permit a Petition in a Court of appropriate jurisdiction for Declaratory Judgement on the issue of jurisdiction. Mr. O'Connor seconded the motion, and the motion passed. Frizzell, Ward, O'Connor, Roberson, Randleman, and Fischer voted for the motion. As a member of the Probable Cause Committee, Howard recused.

Ms. Balzer informed Mr. Hamilton that Oklahoma has an Executive Order issued by the Governor which requires the Attorney General to issue a formal opinion on any board licensure actions in response to the North Carolina Dental Board case; therefore, any action taken by the Board has to go through an Attorney General review process.

Dr. Roberson made a motion to continue the hearing at the January 2017 meeting. Dr. Ward seconded the motion, and the motion passed. Frizzell, Ward, O'Connor, Roberson, Randleman, and Fischer voted for the motion. As a member of the Probable Cause Committee, Howard recused.

UC 16-1; Board members reviewed a redacted copy of a "Psychological Evaluation" conducted by a Licensed Professional Counselor (LPC) which was provided to the Board. Mr. Shirley educated Board members that 59 O.S. § 1353(2) provides that the Psychologist's Licensing Act does not apply to "[q]ualified members of other professions, including, but not limited to... licensed professional counselors.... doing work of a psychological nature consistent with their training and consistent with the code of ethics of their respective professions **provided they do not hold themselves out to the public by any title or description incorporating the word psychological, psychologist, or psychology.**" The evaluation is entitled "Psychological Evaluation." The evaluation also states that it "is subject to the laws and ethics governing the practice of psychology..." *Dr. Ward made a motion to send a letter of concern to the (LPC) regarding her use of the protected terms "psychology" and "psychological" in a mental health evaluation including the ramifications thereof, with a copy of the letter to be sent to the LPC Board. Dr. Howard second the motion and the motion passed. Frizzell, Ward, Howard, O'Connor, Roberson, Randleman, and Fischer voted for the motion.*

Attorney General's Opinions:

Board members reviewed the following Attorney General's Opinions:

2016-447A: RFI 15-5 - Tutorial.

2016-446A; RFI 16-6 – Educational Letter.

Institution and Private Practice Under Supervision Agreement:

Board members reviewed the amended Institutional and Private Practice Under Supervision Agreement form provided by Ms. Rose and Dr. Fischer. Revisions include: changing the "Institutional/Private Practice Under Supervision Renewal Agreement" to "Institutional/Private Practice Under Supervision Extension Request," and offer an option to extend the agreement for thirty (30) days, with no fee. Pursuant to Rule 575:10-1-3(c) Extension of this approval shall be considered only upon written request of the supervisee and such request must be received prior to the end of the one-year period of previous approval". *Dr. Howard made a motion to approve the revised form. Dr. Roberson seconded the motion, and the motion passed. Frizzell, Ward, Howard, O'Connor, Roberson, Randleman, and Fischer voted for the motion.*

Dr. Randleman left the meeting early.

Request for Compassionate Relief of Continuing Professional Education (CPE) for 2017 renewal:

Board members reviewed Dr. Mark Sadler's request for compassionate exemption of the CPE requirements for the 2017 renewal year. *Dr. Roberson made a motion to deny the request for compassionate exemption and provide additional resources to obtain CPE online or home study. Dr. Ward seconded the motion, and the motion passed. Frizzell, Ward, Howard, O'Connor, Roberson, and Fischer voted for the motion.*

Applications approved by the Application Review Committee July – August 2016:

Dr. Howard made a motion to ratify the applications approved by the review committee for July - August 2016. Mr. O'Connor seconded the motion, and the motion passed. Frizzell, Ward, Howard, O'Connor, and Fischer voted for the motion. Roberson abstained.

Submission of Executive Officer's July – August 2016 P-Card Statements:

Dr. Roberson made a motion to approve the July - August 2016 P-Card Statement. Mr. Frizzell seconded the motion, and the motion passed. Frizzell, Ward, Howard, O'Connor, Roberson, and Fischer voted for the motion.

Administrative Issues:

Monthly Budget/Revenue/Expense Report; The Board reviewed the monthly Budget/Revenue/Expense report. *Mr. O'Connor made a motion to accept the report as presented. Dr. Roberson seconded the motion, and the motion passed. Frizzell, Ward, Howard, O'Connor, Roberson, and Fischer voted for the motion.*

ASPPB Travel Requests; *Dr. Roberson made a motion to approve Dr. Fischer and the Executive Officer to attend the ASPPB Meeting, October 2016. Dr. Howard seconded the motion, and the motion passed. Frizzell, Ward, Howard, O'Connor, Roberson, and Fischer voted for the motion.*

Assistant Attorney General, Jonathan Shirley;

Response to audit question – Mr. Shirley informed Board members that there is not a problem with a Board member performing the duty of randomly reconciling active licenses to supporting bank deposit paperwork as recommended by the auditor. Mr. O'Connor agreed to serve in this capacity.

Open Meeting Act: Mr. Shirley provided Board members general information regarding the Open Meeting Act.

Supervisor Training; Ms. Rose informed Board members that Dr. Al Carlozzi agreed to provide the supervisor training. *Dr. Roberson made a motion to award CPE for the presentation of the supervisor training and the attendees as well. Dr. Howard seconded the motion, and the motion passed. Frizzell, Ward, Howard, O'Connor, Roberson, and Fischer voted for the motion.*

Association of State and Provincial Psychology Boards (ASPPB) Board Member Training; Alex Siegel, J.D., Ph.D. will conduct training for Board members at a future meeting.

Professional Disposition of Records; Ms. Rose informed Board members that since a Professional Will is no longer required, the board office is searching for ways to locate an emergency contact regarding the psychologist's records in the event that psychological services are interrupted by factors such as illness, death, relocation, etc. Emergency contact information will be added to the next renewal for licensees to complete.

Legislative Updates; Rule changes adopted March 27, 2016, became effective September 11, 2016, and the Statute changes will be effective November 1, 2016. Dr. Roberson mentioned that there are changes in the insanity statutes and juvenile statutes regarding competency. Dr. Howard requested a status update regarding a bill on autism.

Administrative updates; Ms. Rose informed Board members information regarding the new renewal system.

New Business; no new business was addressed.

Adjournment; *Dr. Roberson made a motion to adjourn. Dr. Ward seconded the motion, and the motion passed. Frizzell, Ward, Howard, O'Connor, Roberson, and Fischer voted for the motion.*

The meeting adjourned at 1:00 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Teanne Rose".

Teanne Rose
Executive Officer

Oklahoma State Board of Examiners of Psychologists
Application Review Committee Approvals
July – August 2016

Psychological Technicians:

Psychologist:

Brent Trentham, Ph.D.
Brian Snider, Ph.D.
Nicholas Gotcher, Ph.D.
Chuck Edgington, Ph.D.

Psychological Technician:

Kimberly Wotring
Mary Call
Lori Parker
Daniel Gering

Continuing Professional Education (CPE) Approvals:

New Trends in CBT: Evidence-based Applications for Persons in Faith; sponsor: CAPS-Tulsa; 3 CPE hours; August 26, 2016.

The Seven Principles for Making Marriage Work: An Introduction to the Gottman method of couples counseling; Sponsor: Hope Springs Building; 6 CPE hours; October 21, 2016.

Religion & Spirituality: An Important (although often ignored) Multicultural Factor in Mental Health Care; Sponsor: CAPS-Tulsa; 2.5 CPE hours; October 28, 2016.

Applications to sit for Licensure Examinations and/or Practice Under Supervision Agreements

Approvals:

Applicant:

Brian C. Ess, Ph.D.
Steven Roring II, Ph.D.
Caitlin L. Stephens, Ph.D.
Gabrielle Dinh Toloza, Psy.D.
Brian L. Goetsch, Psy.D.

Approval for:

Approval to sit for licensure exams and Postdoc & HSP
Approval of Postdoc & HSP
Approval to sit for licensure exams
Approval to sit for licensure exams
Approval of Postdoc & HSP

Licensed Health Service Psychologists July – August 2016:

Steven Anthony Roring II, Ph.D. License #1264; 07/19/2016
James Bradley Stennerson, Ph.D. License #1265; 08/03/2016
Brian Goetsch, Psy.D. License #1266; 08/30/2016

The next meeting of the Board is November 18, 2016
Attorney General's Office
313 NE 21st Street
Oklahoma City, OK 73105