

MINUTES

**UTAH
Psychologist Licensing Board
MEETING**

January 19, 2010

**Room 475 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:15 A.M.

ADJOURNED: 12:30 P.M.

Bureau Manager:

Richard J. Oborn

Board Secretary:

Lee Avery

Board Members Present:

Natalie J. Malovich, Ph.D., Chairperson

Steven Christensen

Janiece Pompa, Ph.D.

Aaron P. Jackson, Ph.D.

Board Members Absent:

Valerie Hale, Ph.D.

Guests:

Gary Thompson, Psy.D.

Frances Thompson, Psy.D.

John Orvis

DOPL Staff Present:

Kent Barnes, Compliance Manager

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

**ADMINISTRATIVE BUSINESS:
MINUTES:**

The minutes dated October 20, 2009 were reviewed. Dr. Jackson motioned to accept the minutes, seconded by Mr. Christensen. The motion carried unanimously.

Kent Barnes, Compliance Manager

Update:

Dr. Elizabeth Firth is not working in the psychology field.

#1. Dr. Charles McCusker is not in compliance with his Memorandum of Understanding. The Division has not received his supervisor report. His probation is due to end on April 18, 2010.

Discussion:

The Board discussed making this meeting with Dr.

McCusker his exit interview. The Board reviewed his history and compliance with his Memorandum of Understanding. The Board noted that there has been some progress with Dr. McCusker. He willingly made the suggested changes in his record keeping.

#2. Dr. Barbara Ogden is in compliance with her stipulation. Dr. Ogden has not been working in the field since September 16, 2008.

Discussion:

The Board noted that because she has not been working in the field, her probation is extended to about February 18, 2013. The Board briefly discussed changing the terms of Dr. Ogden's order such that she could work in her own private practice and hire her own supervisor. Her order currently prohibits private practice. Dr. Ogden stated that she has moved and can only be reached through a post office box. The Board reviewed a letter submitted by Dr. James Poulton. Dr. Poulton is in support of Dr. Ogden having a private practice. The Board noted that Dr. Ogden did not yet submit the information requested at her last meeting with the Board.

APPOINTMENTS:

Dr. Charles McCusker – Memorandum of Understanding interview

Dr. McCusker presented himself to the Board. Dr. Malovich conducted the interview. Dr. McCusker stated that there have been no changes. He is currently seeing about fifteen (15) clients a week. Dr. McCusker stated that his supervisor, Vicky Burgess mailed his supervisor report last week. Dr. McCusker stated that he has changed the way he does everything now; he does everything by the book. He takes on less work and is more conservative. Dr. McCusker stated that the Board's comments have been very helpful to him. Mr. McCusker stated that he has no plans to enlarge his practice. He plans to continue using Vicky Burgess as a consultant. He has other business interests that are going well. The Board advised Dr. McCusker that this is his last meeting with the Board. His probation with the Board will end on April 18, 2010.

Dr. Barbara Ogden - probation interview

Dr. Ogden presented herself to the Board. Dr. Pompa conducted the interview. The Board noted that Dr. Ogden's therapist reports have been positive. Dr.

Ogden stated that she did not keep a list of the applications and resumes she submitted to potential employers. Most of these positions have been out of state employment. She applied on-line and did not make paper copies. Dr. Ogden stated she is still pursuing opening a private practice. This is taking longer than she initially predicted. Dr. Ogden stated that her overall plan is to open a substance abuse residential treatment facility in Ogden. She wants to treat clients as well as work as an administrator. Eventually she wants her facility to become a training site for interns. Dr. Ogden briefly reviewed the study material she has been reading and the seminars she has attended to help keep her skills current while she is unemployed. Dr. Ogden asked the Board to consider amending her stipulation to allow a supervisor listen to tape recordings of her sessions with clients instead of physically to sit in on them. She felt this would make it easier for her to work as a volunteer. After further discussion, Dr. Jackson motioned to amend Dr. Ogden's stipulation to allow her supervisor to review audio or video sessions of her clients rather than having to sit in on 2 clinical sessions a month, seconded by Mr. Christensen. The motion carried unanimously. The Board reminded her that the Board would need to pre-approve her supervisor. Dr. Ogden stated that she would seek volunteer and paid positions in the field after her Order is amended to allow her supervisor to conduct supervision of sessions twice a month by listening to session audio recordings, watching session video-recordings, or sitting in on actual sessions. Mr. Oborn requested that Dr. Ogden submit a list of positions in the field for which she has applied before the next board meeting. This should include information such as the name of the agency and the position title. The Board asked to see Dr. Ogden on April 27, 2010. **Dr. Ogden is in compliance with her stipulation.**

Dr. Frances Thompson, applicant interview

Discussion:

Mr. Oborn advised the Board that documents in Ms. Thompson graduated with a Psy.D. degree in Clinical Psychology from the The Phillips Graduate Institute (PGI) based in Encino, CA. PGI is not accredited by the Committee on Accreditation of the American Psychological Association (CoA). Although PGI is accredited by the Council for Higher Education of the

American Council on Education (CHEA), it is not listed by the ASPPB/National Register Designation Committee as meeting “Designation” criteria as required by Utah Administrative Code R156-61-302a (2)(e). Dr. Thompson and her husband, Dr. Gary Thompson, interpret this requirement differently than the Division and Board. According to Dr. Thompson, Utah Administrative Code R156-61-302a (2)(e) only requires that the designation criteria be met – as determined by the Division and Board. In other words, she believes the rule grants the Division and Board the ability determine whether the designation criteria were met. For this reason, she submitted a letter explaining how she feels that the Phillips Graduate Institute Psy.D. degree program meets the ASPPB/National Register Designation Committee designation criteria.

Mr. Oborn distributed a handout to Board members that included the following: (1) a cover page explaining the Division’s position regarding Dr. Thompson’s application; (2) sections of Dr. Thompson’s application; (3) the PGI 2009-2010 Student Handbook; (4) information about the ASPPB/National Register Designation Committee and their designation criteria; (5) a letter from Dr. Thompson that explains how she believes PGI meets the designation criteria; and (6) a letter from Ana Luisa Bustamante, Ph.D. Chair of PGI’s Clinical Psychology Doctoral Program that outlined how she believes the program satisfies the designation criteria.

The Board and Division researched whether Dr. Thompson would qualify for a psychologist license by endorsement, but found that she did not meet that requirement. Mr. Oborn stated that one option available to Dr. Thompson would be that of applying for a Certified Professional Counselor Intern (CPCI), license although she would have to complete additional courses in order to obtain that license. Dr. Thompson stated that she was not interested in pursuing a CPCI license.

Upon reading Utah Administrative Code R156-61-302a (2)(e), Board members agreed that the language in the rule should be clarified; however, they agreed that the Division should deny Dr. Thompson’s license

application on the basis of PGI's Clinical Psychology Doctoral Program not being recognized by the ASPPB/National Register Designation Committee as having met designation criteria. The Board recommended that Mr. Oborn research similar license requirements in other jurisdictions.

DISCUSSION:

1. Education requirements for graduates from how APA accredited programs

The Board engaged in further discussion of the education requirement for graduates of non-APA accredited programs set forth in Utah Administrative Code R156-61-302a (2)(e). The Board recommended that Mr. Oborn draft new language that would clarify the requirement. The language must require that a non-APA accredited program be recognized by ASPPB/National Register Designation Committee as having met designation criteria, and leave no room for interpretation. Mr. Oborn stated that he would draft the language and begin the process of amending the rule.

2. Counting time spent teaching toward the 4,000 hour experience requirement

The Board discussed counting the time spent teaching towards the 4,000 hours experience requirement for a psychologist license. The Board reviewed the license requirements and noted that this time might be counted depending on the type and level of the course being taught. The Board decided that the course would need to be of a clinical nature and related to psychology.

3. Deletion of outdated text from Psychologist Licensing Act

Mr. Oborn stated that the Division is seeking the Board's advice regarding an outdated section of the Psychologist Licensing Act. Title 58-61-303 reads as follows:

An individual holding a valid Utah license as a psychologist under any licensing or practice acts in this title in effect immediately prior to July 1, 1994, is on or after July 1, 1994, considered to hold a current license under this chapter in the comparable classification as a psychologist.

The Board agreed that his section of the statute should be deleted because it is no longer needed. Mr. Oborn stated that he will recommend that the change be made the next time the legislature opens the Psychologist Licensing Act for another reason.

4. License by endorsement requirement in

Mr. Oborn advised the Board that there is a proposal

to change the language in the Mental Health Professional Practice Act. This does not affect the psychologists directly because they cover endorsement under their practice act. Mr. Oborn stated this would affect marriage and family therapists, social workers, substance abuse counselors and professional counselors. The change would remove the three (3) year time that applies to the four thousand (4,000) hours of experience.

5. Update regarding upcoming legislative session

Mr. Oborn advised the Board that there are some proposed changes to the Mental Health Professional Practice Act that is being presented to the 2010 legislative session. None of these proposed changes are expected to impact the Psychologist Licensing Act or Rule. Mr. Oborn stated that the proposal to give Psychologists authority to prescribe medications is still being worked on and will possibly be proposed a bill during the upcoming legislative session. Mr. Oborn stated that the other changes are to require social service workers to obtain continuing education hours as a part of the license renewal requirement. And currently education programs are required to be accredited for the education to be used for licensure purposes. The proposed change is to accept education from programs that are going through the accreditation process, but may not be fully accredited at the time of graduation.

6. Licensing statistics

Mr. Oborn advised the Board that as of January 4, 2010, there are 832 licensed Psychologists and 37 licensed Psychology Residents in Utah.

CORRESPONDENCE:

None at this time

The Next Board Meeting:

April 27, 2010
2010 Board meetings have been tentatively scheduled:
April 27, July 27, October 26

ADJOURN:

Motion to adjourn at 12:30 P.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

April 27, 2010
Date Approved

(ss) Natalie Malovich, Ph.D.
Chairperson, Psychology Licensing Board

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April 22, 2010
Date Approved

(ss) Richard J. Oborn
Bureau Manager, Division of Occupational &
Professional Licensing