

Maryland State Board of Examiners of Psychologists

Open Board Meeting Minutes – February 7, 2014

The 591st Open meeting of the Maryland Board of Examiners of Psychologists was called to order at 9:20 a.m. by the Chairperson, Steven Sobelman, PhD.

Board members present:

Jeffrey Barnett, Psy.D, ABPP, Vice-Chairperson

Christopher Bishop, Psy.D.

James F. Gormally, Ph.D., ABPP

Irene W. Leigh, Ph.D.

Neal R. Morris, Ed.D., MS, CBSM, ABPP

Lydia McCargo-Redd, Consumer Member

Myra Waters, Ph.D.

Board members absent:

Harriet Rakes, Consumer Member

Staff present:

Lorraine Smith, Executive Director

Dorothy Kutcherman, Licensing Coordinator

Linda Bethman, AAG, Board Counsel

Brett Felter, Staff Attorney

Interpreters:

Justine Garrett

Barbara Menges

Public present:

Kathrine Killeen - MPA

A. Minutes

The minutes of the Open meeting held on January 10, 2014 were reviewed. **A motion was made, seconded, and unanimously carried to approve the minutes as submitted.**

B. Announcements

Executive Director – Ms. Smith reported that of the 27 individuals who took the law exam in January, five failed. One of the failures took the exam remotely. The list of registrants for the February 21, 2014 exam was distributed. **A motion was made, seconded, and unanimously carried to approve the list and to authorize the Licensing Committee to approve others who may register later.**

Ms. Smith reported on several bills of interest that are before the legislature this session: *SB198 - Maryland Medical Assistance Program – Telemedicine* - Requiring the Maryland Medical Assistance Program to provide reimbursement for specified services delivered by telemedicine; and repealing the limitations on the health care services delivered by telemedicine that are eligible for reimbursement. *The hearing was held January 29.*

HB 91 - Health Occupations - Sexual Orientation Change Efforts – Prohibited - Prohibiting specified mental health care practitioners, including physicians, professional counselors and therapists, psychologists, and social workers, from engaging in specified sexual orientation change efforts with a patient who is a minor; providing that a specified mental health care practitioner who engages in sexual orientation change efforts with a minor patient shall be considered to have committed unprofessional conduct and shall be subject to discipline by a specified licensing board. *The hearing was cancelled.*

HB150 - Health Occupations - Maryland Behavior Analysts Act - Establishing the Behavior Analyst Advisory Committee within the State Board of Professional Counselors and Therapists; requiring the Board to adopt regulations and a code of ethics; requiring the Board to set fees for services provided by the Board to behavior analysts; providing for the composition, appointment, and terms of the Committee members; establishing powers and duties of the Committee; requiring specified persons to be licensed by the Board before performing specified work in the State. A hearing was held on February 4. *The Board sent a Letter of Support with an Amendment to delete reference prohibiting psychologists from performing behavior analysis.*

SB841 - State Board of Professional Counselors and Therapists and State Board of Social Work Examiners - Grounds for Denying Licenses and Certificates - Prohibiting the State Board of Professional Counselors and Therapists and the State Board of Social Work Examiners from issuing a specified license or certificate to an individual who had a specified license or certificate revoked or surrendered a specified license or certificate because the individual was convicted of or pled guilty or nolo contendere to a specified felony or crime; authorizing a specified appeal if specified circumstances exist.

SB607 - Child Abuse and Neglect - Failure to Report and Training - Requiring an agency that is participating in a child abuse or neglect investigation and that has reasonable grounds to believe that a person has failed to report child abuse as required under a specified provision of law to file a specified complaint with a specified board, agency, institution, or facility; requiring each health occupation board authorized to issue a license or certificate to adopt specified regulations regarding training on the identification and reporting of child abuse and neglect.

Psychology Associate Bill - Ms. Smith stated that Mark Todd, Ph.D. sent a letter to the legislature opposing the registration of psychology associates. Dr. Todd was concerned about the length of time it would take to process applications and the costs psychology

associates would incur. Dr. Todd was sent a letter addressing his concerns and a copy of the letter was sent to the legislative committee members.

Chair – Dr. Sobelman reported that the legislative hearings to register psychology associates, HB 113 and SB 225, were heard on January 29 and 30. The House voted favorable with an amendment to delete the requirement that psychology associates be required to take the EPPP. Dr. Sobelman added that MPA did not agree with this requirement, therefore the legislative committee agreed to delete this requirement. The psychology associates will still be required to take the State law exam.

HB641 - Courts and Judicial Proceedings - Communications Between Patient or Client and Health Care Professional - Exceptions to Privilege - Creating an exception to the privilege of communications of a patient or client if the disclosure is necessary to prove a charge in a specified criminal proceeding against the patient, former patient, client, or former client; creating an exception to the privilege of communications of a patient or client if the disclosure is necessary to obtain relief in a peace order proceeding in which a specified health care professional is a petitioner and the patient, former patient, client, or former client is a respondent. After discussion a motion was made, seconded, and unanimously carried to submit a letter of support. The hearing is scheduled for Wednesday, February 12, 2014.

C. Background Checks

Lorena DeLeon, Program Administrator, for the Maryland Background Check Program provided a brief presentation to the Board about the program. The intent of the program is to help protect vulnerable populations from abuse and to identify efficient, effective, and economical procedures for states to conduct background checks. The program includes an integrated database for background check retention and screening for fitness determination. Currently, the program is set up for employees of long-term facilities, adult dependent care, etc. She is visiting boards to garner support of the proposed bill. Ms. DeLeon stated that a benefit to the board is the ongoing monitoring of criminal convictions.

D. Correspondence

A letter was received from Dr. Hurwitz inquiring whether it was permissible to treat: (1) clients who have been referred by an attorney for whom you provide general forensic evaluation services; or (2) individual clients for whom you have provided forensic evaluation services after the litigation has concluded. Following a discussion, it was agreed that the Board's counsel will write a response.

E. Committee Reports

Licensing – Dr. Waters reported that the committee reviewed the Board's document defining cultural diversity to determine if the definition needed to be changed. After some discussion, it was decided that the current definition did not need to be modified at this time. The committee also discussed allowing continuing education credits for peer consultation, and shared a proposal with the Board. After a lengthy discussion, a **motion**

was made, seconded, and unanimously carried to approve the concept of allowing peer consultation, however the functionality would need to be developed.

Public Affairs - Dr. Barnett reported the newsletter would be soon completed.

F. Public Comments

Dr. Killeen stated that MPA heard that the Board would be raising the licensing fees and they wanted to know why the fees needed to be increased. Dr. Killeen was informed that a decision had not been made, however, that topic would be discussed in the open meeting.

G. Closed Session/Administrative Session/Adjournment

A motion was made, seconded, and unanimously carried to enter into closed session to engage in medical review deliberations regarding information in the licensing applications of Michelle Davis and Rebecca Gloria. The Board entered into closed session at 12:25 p.m. and came out at 12:35 p.m. **A motion was made, seconded, and unanimously carried to enter into administrative session to discuss disciplinary matters and to consult with Counsel.** Those Board members and staff in attendance at the Open Meeting were also in the administrative session unless recused. The Board entered into administrative session at 12:55 p.m., came out at 2:35 p.m. and the meeting was adjourned.

Respectfully submitted,



Steven A. Sobelman, PhD
Chairperson