

INDIANA STATE PSYCHOLOGY BOARD

January 12, 2024

Minutes.

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Hale called the meeting to order at 9:01 a.m. in Conference Center Room 1 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-33-1-3(g).

Board Members Present:

Gregory Hale, Ph.D., Chair

Jere Leib, Ph.D., Member

Raymond W. Horn, Ph.D., Member

Amber Finley, JD, Consumer Member

Board Members Not Present:

Stephen G. Ross, Psy.D., Vice Chair

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency

Dana Brooks, Assistant Board Director, Professional Licensing Agency

Leif Johnson, Deputy Attorney General, Office of the Attorney General

Christopher Anderson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

Leib/Horn

Motion carried 4/0/0

III. ADOPTION OF MINUTES

A motion was made and seconded to adopt the minutes of November 17, 2023 as amended.

Horn/Leib

Motion carried 4/0/0

IV. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

Kelsey McKnight, Deputy Attorney General, Office of the Attorney General, presented the report. She reported that they have closed thirty-seven (37) consumer complaints this year and opened thirty-six (36). The average age of the open complaints is seven point five (7.5) months. Primarily complaints have been filed in Marion County followed by Hamilton County. There are currently thirty-six (36) complaints filed against psychologists, one (1) medical practitioner and one (1) mental health practitioner complaints. The medical and mental health practitioner complaints were a joint complaint. The primary complaints against psychologists have been unprofessional conduct, professional malpractice, and professional incompetence.

There is currently no litigation.

Dr. Horn provided the following statement to the Office of Attorney General regarding their new complaint process.

Office of Attorney General RE: IC25-33-1-12

“A psychologist shall not offer to render, or render, services which are beyond the scope of the psychologist’s competence, as determined by training and experience.”

“c) The competent practice of psychology requires remaining current with generally accepted developments within the area of specialization and the development and exercise of judgment as to when to apply specific procedure in a reasonable, effective, efficient, and economical manner.”

These legal requirements define the competent practice of psychology in the State of Indiana.

For more than 20 years, the OAG has called upon a member of the Board (Board Liaison) to offer professional opinions regarding psychological practice regarding the validity and seriousness of consumer complaints involving competent practice --- e.g., unprofessional conduct, professional malpractice, professional incompetence, etc.

Up until November 2022 the Board Liaison had been asked for input between 10 and 20 times per year, based on his knowledge and expertise regarding the current competent and ethical practice of psychology. However, no requests for input have been sought since November of 2022.

It is obvious that some changes in policies and procedures with the OAG have led, perhaps as an unintended consequence, to a situation where the Board has been rendered unable to meet its statutory requirements to protect the citizens of Indiana from the incompetent psychological practitioners.

Therefore, I request specific information regarding what have been changes in policies and/or procedures that have led to this dramatic change, a change which is preventing the Board from exercising its statutory responsibilities. Consultation with the OAG regarding these changes should be able to find a way to meet the needs of the OAG for efficient processing of complaints while also ensuring that the practice of licensed psychologists meets the professional standards required by Indiana Code.

Ms. McKnight stated that she will provide this information to Ms. Osborne as she is just filling in for her for today. She stated that she understands the Board’s concerns. Dr. Horn stated that he is willing to attend meetings to discuss the practice of psychology. He stated that the consumer complaint process is a “vehicle” to address the practice, and the current complaint process occurring in the OAG’s office is an “overcorrection” to process through the complaints. He stated that his concern is ensuring that the professional is being kept at a professional standard of clinical competent practice rather than the legal definition competent practice.

Dr. Hale stated that he has gone through the consumer complaint process himself and stated that he believed that nuance got lost. He stated that the consumer complaint he filed got closed, and the Board Liaison was not consulted.

V. PERSONAL APPEARANCES

A. Probation

There were no probation appearances.

B. Application

1. Carlton Cummings (Ph.D.)

Dr. Cummings appeared as requested to discuss his background. He provided a statement and supporting documentation for the Board to review. He stated that he was charged with a DUI in the state of California and was required to complete three years of criminal probation. He stated that this was his first incident, and he completed all the terms in 2019. He stated that he is also in the process of obtaining his Illinois license but will primarily work in Indiana at a counseling center. Dr. Cummings is a 2022 graduate of Palo Alto University.

Board Action: A motion was made and seconded to approve Dr. Cummings to take the EPPP examination.

Horn/Leib
Motion carried 4/0/0

2. Theresa Nutten (Ph.D. - 4th Exam Attempt)

Dr. Nutten appeared as requested to discuss her fourth attempt to take the EPPP examination. She provided the Board with a study plan for review. She stated that she is switching to a new training program as the previous one was not successful. She stated her new training is giving her a fresh perspective. She stated that she is currently employed at Purdue University in their college counseling department. She stated that her supervisor has put her on more administrative duties, but that she needs her license by spring. She stated that her last examination attempt was close and one reason she did not pass was due to personal stress that included medical incidents. Dr. Nutten is a 2020 graduate of Western Michigan University.

Board Action: A motion was made and seconded to approve Dr. Nutten to retake the EPPP examination.

Finley/Horn
Motion carried 4/0/0

3. Danielle Walker (Ph.D.)

Dr. Walker did not appear as requested. She contacted our office to reschedule appearance for the May 17, 2024 Board meeting.

C. Reinstatement

There were no reinstatements.

VI. DISCUSSION ITEMS

VII. APPLICATIONS FOR REVIEW

A. Limited Scope Temporary Psychology Permit

B. Psychology by Examination/Reciprocity

1. Jasmine Hardy (Ph.D.)

Dr. Hardy's application was submitted for review as she disclosed that her doctoral program at the Chicago School of Professional Psychology was not APA approved at the time of graduation, and her internship was not APPIC approved at the time of completion. Her university provided a letter providing clarification on her internship and program for the Board to review. It was noted that the information provided for the internship met requirements. The Board requested an appearance to provide clarification of her training and work experience as she graduated in 2018 and is not currently licensed.

The Board tabled Dr. Hardy's application and requested that she appear for further review.

2. Behnaz Zamani (Ph.D.)

Dr. Zamani's application was submitted for review as she disclosed that her doctoral program was not APA approved at the time of graduation, and her internship was not APPIC approved at the time of completion. Her transcripts indicate that her Ph.D. was a behavioral health program, rather than a clinical psychology program. She provided a copy of her syllabus for the Board to review. The Board reviewed her syllabus but noted that some of the core learning needed does not appear to be listed. The Board also noted that she must demonstrate how she meets each of the standards, and they cannot review her entire seven-hundred-page syllabus to fit it for her.

The Board tabled Dr. Zamani's application and requested that she review the criteria as stated in 868 IAC 1.1-4-1 and outline which of her courses meet each requirement, including her internship. The Board noted that they would like her to appear once she has submitted that information.

C. HSPP Endorsement

1. Mary DiGangi, Ph.D.

Dr. DiGangi's application was submitted for HSPP review. Dr. DiGangi provided clarification that she thought her previously reinstated license had the HSPP endorsement; however, that credential was not granted. She provided documentation that shows her training occurred from 1990 to 1993, and she was unable to provide current signatures due to the time lapse. She provided verification of her Michigan license, letters from her Michigan license application, and a copy of her previous forms from her 1993 Indiana application for the Board to review.

Board Action: A motion was made and seconded to approve Dr. DiGangi's HSPP application.

Leib/Horn
Motion carried 4-0-0

2. Robert Lee, Ph.D.

Dr. Lee's HSPP was submitted for review of his doctoral internship. He obtained his initial psychology license in Indiana by reciprocity. Dr. Lee noted that he could not get his form completed as his training director had left the program. The current training director provided a letter on his behalf for the Board to consider.

Board Action: A motion was made and seconded to approve Dr. Lees' HSPP application.

Leib/Finley
Motion carried 4/0/0

3. Kelsey Shively, Ph.D.

Dr. Shively's HSPP was submitted for review of her doctoral internship as it was not APA or APPIC approved at the time of completion. She obtained her initial psychology license in Indiana by reciprocity. The board noted that she has completed the required hours and was being supervised.

Board Action: A motion was made and seconded to approve Dr. Shively's HSPP application.

Horn/Leib
Motion carried 4/0/0

D. Continuing Education

1. Aspire Indiana

Aspire Indiana has submitted an application to become a CEU Category 1 Sponsor. The Board noted that in the past, corporate organizations found it challenging to be a Category 1 provider. The information they have submitted does not appear to meet the requirements required by the Board.

The application tabled for additional information.

VIII. INDIANA PSYCHOLOGICAL ASSOCIATION REPORT

Mr. Rhoad provided an update from the IPA. He provided some insights on how difficult it is to be a Category CE Sponsor for the APA, and that there is a lot of documentation and reports that have to be submitted to maintain that credential.

He provided an update on PsyPact. He stated that the Commission made a policy change regarding supervisors and supervisees. He clarified that if a supervisor is a part of PsyPact, then their supervisee cannot consult with the client. The PsyPact credential is only for the supervisor. He stated that the public comment section of this change was not favorable. Dr. Hale, who attended one of the round table discussions on this matter with ASPPB stated that there were a number of legal issues that might arise from this change. Mr. Rhoad stated that there is a challenge in determining who to report issues or seek clarification of practice as there might be a difference in stance between PsyPact and the State. He stated that the guideline is usually that if there is a conflict, then the State guidelines would take precedence.

Mr. Rhoad stated that the EPPP Part 2 is currently set to be implemented in 2026. There will be further discussions on the administrative changes coming in future discussions, and how that will impact licensure and the profession.

He provided an update on the current 2024 proposed legislation. Currently the IPA is monitoring legislation that will impact competency to stand trial evaluations. This change will expand the providers who can do those evaluations to physician assistants and advanced practice registered nurses. He stated that there are other bills being considered for Master level practitioners, but he is not expecting them to pass at this time.

Mr. Rhoad stated that the IPA Spring CE Conference is set to be held May 10th. It is set to cover six Category 1 requirements. He stated that he understands the Board meeting is also on May 10th so proposed changing the Board meeting date so that Board members could attend.

He provided an update on the Bown Center Study. Currently they are creating a “Playbook for Enhancing Indiana’s Mental & Behavioral Health Workforce”. He stated that this is a collaboration project to help understand the education pipeline for mental health workers. Dr. Sharon Bowman has been able to help provide some psychology history to the Bowen Center, and they have been in discussions with PLA. Currently the playbook has limited information from the psychology portion.

Mr. Rhoad stated that currently they are reviewing the 2022 licensing renewal data. Based upon the reported data there are twenty-nine (29) counties that do not have a psychologist, and nineteen (19) counties that only have one (1) or two (2). There are a higher number of psychologists who serve in Marion, counties surrounding Marion, and University counties. He provided a copy of the data report for the Board to review. He stated that the APA provided a prospective ratio of psychologist versus population and Indiana is behind the target.

He stated that he appreciates Dr. Horn’s concerns regarding the consumer complaint process.

IX. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Psychology Board adjourned at 10:34 a.m.

Gregory Hale, Ph.D., Chair

Date