

The South Carolina Board of Examiners in Psychology

J U L Y 2 0 0 2

Message from Administrator Patti Glenn

- (1) The Psychology Board welcomed one new Board member appointed by Governor Jim Hodges in 2002. The new appointee is: Mark McClain, Ph.D., a counseling psychologist from Charleston. Dr. McClain replaces Dr. George Atkinson from Clemson. Our sincere thanks go to George for his dedication and service to the Psychology Board.
- (2) April 1, 2001 marked the start-up date for the computer-based administration of

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Supervision of Non-Psychologists

By **DAVID E. BARRETT, Ph.D., Chair,**
S.C. Board of Examiners in Psychology

In December 2001, Medicaid funding for recipients under the age of 21 was reduced. As a result non-psychologists who had previously been reimbursed for services (i.e., social workers and licensed professional counselors) lost reimbursement privileges. This change has resulted in licensed mental health professionals seeking supervision from psychologists so they can continue to obtain reimbursement for their services. Both supervising psychologists and supervisees have sought clarification from the Board regarding supervision policies. In this column I address these concerns. I would like to thank Dr. Brian Yore, clinical psychologist and former Board member, for bringing these questions to my attention.

The changes in Medicaid reimbursement policies have raised four questions about supervision. Each question is based on the recognition that there may be cases in which the person under the supervision of a psychologist is a licensed mental health professional. The questions are: (1) What title may the supervisee use when providing psychological services? (2) Must the supervisor work in the same physical setting as the supervisee? (3) How many hours per week of direct contact must the supervisor and supervisee have? (4) Can a supervisor supervise more than three supervisees during the same year?

The title of the non-licensed provider is a concern for the Psychology Board only if the non-licensed provider uses a title in such a way that he or she violates Chapter 55, section 70 of the South Carolina Code

of Laws. We interpret the statute to mean that a non-psychologist may not present himself or herself in any way which might suggest that he or she is legally authorized to (i.e., licensed to) provide psychological services. For example, it would be unreasonable for a supervisee to present himself or herself solely with the words "Licensed Professional Counselor" when providing psychological services under supervision. It would, however, be acceptable for the supervisee to use the description "Licensed Professional Counselor providing psychological services under the supervision of (name and licensure of psychologist)."

According to regulations (Chapter 100 of the South Carolina Code of Laws), "the supervisor shall work in the same physical setting as the supervising psychologist, unless individual arrangements have been approved, in advance, by the Board." Psychology Board policy is to approve alternative arrangements under the condition that the supervisor and supervisee work in settings where they are under the same administrative control. Two persons work in settings where they are under the same administrative control when personnel decisions affecting each person (i.e., decisions relating to hiring, promotion, salary and leave) originate from the same office. I should also note that the Psychology Board does make other exceptions for unlicensed persons who have completed the doctorate in psychology, are working toward licensure in psychology, and are seeking approval of postdoctoral supervision contracts. This group represents a separate class of

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Board of Examiners in Psychology Members

MEMBER	SPECIALTY	TERM EXP
David E. Barrett, Ph. D. 100 Sentry Lane Anderson, SC 29621 (864) 656-5088	Experimental	5/21/2003
D. Oliver Bowman, Ph. D. 6 Fort Royal Ave. Charleston, SC 29407-6012 (843) 766-5699	Counseling	5/21/2003
Robert Caesar, Ph. D. 313 Shillingford Rd. Irmo, SC 29063 (803) 898-1542	Clinical	4/30/2002
Xanthia P. Harkness, Ph. D. 12 Yolon Way Simpsonville, SC 29680 (864) 250-8791	Clinical	3/21/2006
Mark A. McClain, Ph. D. 1 Post Rd., #145 Charleston, SC 29407 (843) 556-4157	Counseling	3/21/2006
Leon N. Richburg 1048 Brailsfrd Ln. Summerton, SC 29148 (803) 435-2527	Public Member	7/21/2002
Andrew H. Ryan, Ph. D. 9 Fenwood Ct. Blythewood, SC 29016 (803) 751-9104	School	3/21/2005
Jerry L. White, Ph. D. 678 Pelzer Dr. Mt. Pleasant, SC 29464 (843) 851-5010	Clinical	4/30/2002
Board Officers Serving 2002: David E. Barrett, Ph. D., Chairman Andrew H. Ryan, Ph.D., Vice-Chairman		

Disciplinary Actions of the Board

During the 2001-2002 fiscal year (beginning July 1, 2001), the Board investigated 11 new complaints from members of the public concerning licensed psychologists. The Board also investigated and corresponded with seven persons (not licensed as psychologists) who were misrepresenting themselves to the public as providers of psychological services.

The results of those investigations of licensees from fiscal year 2001-2002 are as follows:

- Two complaints were not under the jurisdiction of the Psychology Board and were referred to another state agency.
- After full investigation, five complaints were dismissed for insufficient evidence or found to be groundless complaints.
- Four complaints are ongoing.
- Seven "Cease & Desist" letters were sent to unlicensed persons misrepresenting themselves as a psychologist or practicing as one.

Ten ongoing investigations from fiscal year 1999-2000 resulted in the following:

- On September 21, 2001, the Board approved a "Consent Order" for a Public Reprimand signed and agreed to by Glenn P. Zaepfel, Ph.D. Zaepfel entered into a therapeutic relationship with M.M.; subsequently, he entered into a therapeutic relationship with T.M. (Respondent is aware of the names of the said clients) Zaepfel provided psychological services to this couple related to marital issues. During the period of February 1998, he acted wrongfully and

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CRC Comments

By Paul Doerring, Ph. D., CRC Consulting Psychologist
and member of Complaint Review Committee

This edition of the CRC column is best described as “bits and pieces.” The positive news is that licensees continue to use the Board’s open offer of consultation, when uncertainty and ambiguity exist. There may be some irony here, since I was a Board member when our current practice act was generated, and now find myself in the position of filling the cracks where our law falls short of providing clear guidance. Fortunately, we have access to the legal staff of LLR and reach out to psychologists in our state offering to assist.

Months ago I wrote a column dealing with guidelines pertaining to the disposition of records upon the death of a practicing psychologist. A logical extension of that issue would be where a patient dies. What is the status of confidentiality in this case? Confidentiality follows into death, meaning that the records remain confidential. It might occur that immediate family members would seek access to these records, perhaps through the executor of the estate. As in the case of the living patient, only upon receipt of a court order should a licensee consider the release of confidential records.

Consider another area of confidentiality, where there has been a breach of security

such as records stolen from the licensee’s office or automobile. This is indeed an unthinkable situation, but your CRC takes the position that the patients whose records are involved must be notified, lest the perpetrator involved attempt to reach the patient in some way which might prove to be harmful. In the past, I experienced an office break-in, where the wooden (locked) doors to my desk were pried open. How fortunate I felt that patient records were locked in metal file cabinets.

I estimate that most psychologists are cautious when considering confidentiality issues when dealing with multiple clients such as marital partners, family and or extended family. However, it has come to the CRC’s attention that other small groups, from which patients may be drawn, could pose equally perplexing demands. For example; individual churches, schools or businesses where parties may have formed relationships which might ultimately enter the domain of psychotherapy. This is not to suggest totally refraining from multiple referrals from homogeneous populations, but there are benefits in anticipating potential conflicts ahead of time.

A variation of the above is when the

psychologist is an active member of the group itself, a most probable possibility when the professional lives and practices in a small community. In attending national conferences of psychology boards I recall countless stories from psychologists dealing with potential dual relationships where they found themselves dependent on community members (who were at present or might be future patients). A page out of my book occurred 23 years ago when I relocated to Hilton Head, population about eight or nine thousand. I enjoyed playing in tennis tournaments, so I signed up for my first. You guessed it, I immediately spotted some all too familiar names on my side of the draw.

Overall, a familiar theme continues, complaints to the Board where the psychologist is involved in custody issues. Outside of caution-caution-caution, there appears little to be said. Of course, follow APA guidelines in custody evaluations. Some licensees probably have an “unblemished” record, and it might be valuable if you would share your approach with the CRC and we could pass it on to others. Another solution, and that has consequences as well, is some licensees have dropped custody evaluations from services they offer.

Report of Psychologists Licensed by the Board (July 1, 2001-June 30, 2002)

	<u>Licensed November 16, 2001</u>	<u>Licensed March 22, 2002</u>
<u>Licensed September 21, 2001</u>		
Joseph W. Bradham, Psy. D.	Clinical	Kenneth S. Walters, Ph. D. Clinical
Amy M. Combs-Lane, Ph. D.	Clinical	
Jonathan D. Elhai, Ph. D.	Clinical	<u>Licensed May 24, 2002</u>
Adrienne E. Fricker, Ph. D.	Clinical	Deborah A. Gideon, Ph. D. Clinical
Monica J. McConnell, Ph. D.	Clinical	Linda Jenness-McClellan, Ph. D. Clinical
Jodie R. Owen, Psy. D.	Clinical	Robbie A. Ronin, Psy. D. Clinical
Elaine M. Poulin, Ph. D.	Counseling	
Margaret D. Shultz, Ph. D.	Clinical	
	<u>Licensed January 18, 2002</u>	
	Russell A. Barkley, Ph. D. Clinical	
	A. Nicholas DePace, Ph. D. Clinical	
	Donald Salmon, Ph. D. Clinical	
	Lashonda Miller Smith, Ph. D. Clinical	
	Rachel B. Stroud, Ph. D. School	

Application and Examination Report

Inquiries regarding licensure in South Carolina were received from 120 persons during the 2001-2002 fiscal year.

From April, 2001 to June, 2002 ten applicants took the computerized version of the Examination for the Professional Practice in Psychology (EPPP). Of the 10, nine passed, and one failed.

Thirty-two new applicants submitted

Preliminary Applications for Licensure (PAL). Of the 32 PALs, 30 were from APA-approved programs and accepted. Two were from non APA-approved programs and were reviewed by the Board to see if their graduate course work met the ASPPB's educational criteria as statutorily required. One of the non-APA applicants was approved by the Board. The other was not approved.

As of June 30, 2002 (end of fiscal year 2001-2002), 20 applicants have completed the application process and have taken oral examinations. Twenty applicants received a passing score on the oral exam and were licensed as psychologists in South Carolina.

Administrator

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the Examination for the Professional Practice in Psychology (EPPP). There have been noticeably fewer South Carolina applicants taking the EPPP since the exam became computerized. This is a national trend as well and has puzzled the administrators of the exam, PES and ASPPB, who are trying to understand the reasons for the decrease in candidate flow.

There has been no decline in the number of psychology programs, and these are continuing to fill. In fact, there are a growing number of internship and post doctoral slots, and these are also continuing to fill. ASPPB and PES have concluded that given the option to delay taking the EPPP, applicants for licensure are doing just that, DELAY. There is a concern that there may be a sudden rise in the number of applicants wishing to take the exam over the summer months. Hopefully, applicants will sit for the EPPP exam in a timely manner and will be able to select the date, time and/or location of their choice.

The exam is given in five locations in South Carolina:

Charleston, Greenville, Myrtle Beach and two sites in Columbia. South Carolina applicants may take the examination two times in any 12-month period with a 60-day waiting period required between administrations.

Applicants have to be approved by the South Carolina Board of Examiners in Psychology before applying to take the EPPP. For more information concerning the computerized EPPP procedures, applicants should contact the Board office.

- (3) Board Policy re: Postdoctoral Supervision. In accordance with §40-55-80, all post-doctoral supervision must be documented on a Supervision Contract, submitted and approved by the Board prior to the initiation of the supervision. It is the Board's policy not to accept or count supervision, which took place prior to Board approval. Please make sure your supervisees have made an application to the Board on the proper forms before the supervision is begun. Although this is the applicant's responsibility and is spelled out in the Application Information Form found in the Preliminary Application for Licensure, supervisors should make sure that supervisees have submitted the Post-Doctoral Supervision Contract to the Board prior to

beginning supervision. Supervision must be comprised of at least 1,500 hours of actual work to include direct service, training and supervisory time.

- (4) LLR has upgraded its computer system agency wide. It will be operational for our area by the renewal period. The new computer system will expand capabilities for staff and have many advantages for licensees. Licensees will be able to access renewal forms and pay fees by credit card. If renewal forms are lost in the mail, licensees will be able to access the form on our Web site. Applicants and licensees will also be able to access and pay for applications over the internet. The new system will give staff many more capabilities and opportunities to improve customer service. We will be able to electronically communicate with PES and ASPPB to process examination scores and disciplinary actions. We will also be able to image licensure information, track complaint information, and monitor continuing education compliance. The Psychology Board staff looks forward to using the new computer system with its expanded capabilities.

Disciplinary Actions

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unethically in the practice of psychology as evidenced by his improper relationship with his client T.M. His improper conduct included, but is not limited to, planning a business relationship, sending letters, telephoning, and entering into an agreement. During a portion of this period, Zaepfel received compensation for psychological services provided to this client. Along with the Public Reprimand, Zaepfel must complete 40 hours of approved continuing education in ethics and is required to appear before the Board to discuss ethics coursework and pay a \$1,000 fine.

- On September 21, 2001, the Board approved a "Consent Order" for a Private Reprimand signed and agreed to by licensee. Respondent entered into a therapeutic relationship with A.F. Respondent wrongfully provided professional services involving S.W.F. (Spouse of A.F.) as an informant. Respondent further conducted collateral interviews with S.W.F. During the period of

May 1999, improper conduct involved his attendance at a social function at Respondent's home, knowing or having reason to know that A.F. and S.W.F. were invited. During this period, Respondent received compensation for psychological services provided to this client. Along with the Private Reprimand, licensee must complete 12 hours of approved ethics coursework.

- One complaint was dismissed with a "Letter of Warning" addressing the psychologist's use of an obscenity in therapy with a young teen-age girl who had a history of sexual abuse and lived in an environment where appropriate limits and safety were apparently marginal. The Board takes issue in this situation where the patient appears to have needed as much structure and boundaries as could be provided. Rapport building with an adolescent entails far more than the psychologist's willingness to match the youth's style of language.
- One complaint was dismissed with a "Letter of Concern" addressing the unprofessional manner in which the psychologist conducted his practice. The Board had three areas of concern:

1) The need to provide a private area for testing. It was unprofessional for two contesting spouses to be tested at the same time in the same room.

2) The need to provide a smoke-free environment for clients. Testing should be conducted in an environmental friendly (no smoking) room.

3) The need to ensure that office staff is aware of confidential concerns and protects the confidentiality of patients.

- The investigation of three complaints against the same psychologist is ongoing and will likely result in a "Formal Accusation" and a disciplinary hearing.
- The investigation of two complaints against the same psychologist has resulted in the issuing of a "Formal Accusation" by the Board attorney, and will likely go to a disciplinary hearing.
- One complaint is ongoing.

Supervision of Non-Psychologists

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supervisees since a) the supervisees are potential licensees in psychology, b) the Board has a greater interest in ensuring a match between the area of specialization of the supervisor and the intended area of specialization of the supervisee. Under these conditions, the Board has interpreted the "same physical setting" requirements more broadly.

According to Chapter 100 of the South Carolina Code of Laws, the frequency and length of supervisory meetings with non-psychologist supervisees should be "consistent with established professional

standards." Further, Chapter 100 recognizes that supervision must be, to some extent, "individually tailored." The Board interprets Chapter 100 as giving the supervising psychologist some leeway in determining the frequency and length of supervisory meetings. It is our opinion that the frequency and duration of supervisor-supervisee contact should depend on a number of factors, including the training of the supervisee, the types of clients the supervisee is working with, and the present skill level of the supervisee.

Regardless of the level of preparedness of the supervisee(s), a supervising

psychologist may supervise no more than three full-time supervisees at one time. A psychologist may supervise more than three persons at one time only if the total number of full-time supervisees does not exceed three.

State regulations and Board policies regarding supervision play an important role in helping to ensure that citizens of South Carolina receive quality mental health services. I hope the information provided above will be helpful to you as you make decisions relating to your own supervision of non-psychologists.

Licensee Update

Update of Licensed Psychologists as of June, 2002

Renewals Mailed:	546
Did not Renew	- 13
Total Renewed:	533

New Licensees:	+20
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Total Licensed	553
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List of Psychologists Not Renewing

Loy Keith Atkins, Ph. D. – Out of State
Susan McChesney Atkins, Ph. D. – Out of State
Roger B. Bowersock, Ph. D. – Retired
Patricia L. Fiero, Ph. D. – Out of State
Susan Lucille Hall, Ph. D. – Out of State
Robert Andrew Hynes, Ph. D. – Out of State
Candia P. Kaplan, Ph. D. – Out of State

William Rothstein, Ph. D. - Deceased
Sara Katherine Sexton, Psy. D. – Out of State
Theodore B. Simpson, Psy. D. – Out of State
Samuel Mathew Turner, Ph. D. – Out of State
Melissa Owings West, Ph. D. - Deceased
Ellen Taylor Yankee, Ph. D. – Out of State

In Memory of...

The Board of Examiners in Psychology has learned, with regret, of the death of Melissa Owings West, Ph. D. and William Rothstein, Ph. D., both of Columbia. The Board extends its condolences to their families, friends and professional colleagues.

“Licensee Look-up”

The public is now able to verify licensees on “Licensee Look-up” at our Web site at www.llr.state.sc.us. Interested parties will also be able to verify license renewals and expiration dates at the end of the renewal period. The information is continually updated every 24 hours. By using the “Licensee Look-up,” employers, insurance companies, hospitals and the public have instant access to licensee’s renewal information, licensee’s license expiration date and disciplinary actions.