

Maryland State Board of Examiners of Psychologists

Open Board Meeting Minutes – May 10, 2013

The 584th Open Meeting of the Maryland State Board of Examiners of Psychologists was called to order at 9:10 a.m. by the Chairperson, Steven Sobelman, Ph.D.

Board members present:

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

Irene W. Leigh, Ph.D.

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

Harriet Rakes, Consumer Member

Joann Altiero, Ph.D.

Lydia McCargo-Redd, Consumer Member

Myra Waters, Ph.D.

Board members absent:

Robert Brown, Ph.D., ABPP

Staff present:

Lorraine Smith, Executive Director

Dorothy Kutcherman, Licensing Coordinator

Linda Bethman, AAG, Board Counsel

Brett Felter, Staff Attorney

Public present:

Sharon Bloom - DHMH

Kristin Neville - DHMH

Judy DeVito - MPA

Georgia Royalty, Ph.D. - MPA

Interpreters: Sandra Brown and Justine Garrett

A. Minutes

Minutes of the Open Meeting held on April 12, 2013 were reviewed. **A motion was made and seconded to approve the minutes as submitted and a vote called: For – 6; Abstention – 2 (Altiero and McCargo-Redd)**

B. Announcements

Executive Director – Ms. Smith reported that of the 22 individuals who took the law exam on April 19, 2013 five (5) failed. The list of registrants for the May 17, 2013 exam was distributed. **A motion was made, seconded, and unanimously carried to approve the list and to authorize the Licensing Committee to approve others that may register for the exam later.**

Ms. Smith provided a report on 2013 license renewal and the budget:

Licenses scheduled to renew	1372
# of license renewed	1271
Online	1202
Paper	69
Non-renewed licenses	62
Licenses placed on Inactive status	38
Retired licensees	1

Revenue Collected

Renewed Revenue: \$444,850.00
Inactive Revenue: \$7,600.

Total Revenue: \$452,450.00

Ms. Smith reported that regulations to coincide with the passing of legislative bill SB 254/ HB 98 - *State Board of Examiners of Psychologists - License Renewal* was needed. The Licensing Committee will draft regulations. Ms. Smith also reported that with the passing of HB 225/ SB 273 *Veterans Employment*, the licensure applications will be changed to include a veteran and spousal preference questionnaire.

Chair – Dr. Sobelman lead a discussion to require a fee with the Temporary Exception to Practice application in order to cover the administrative cost associated with this process. After discussion, **a motion was made, seconded, and unanimously carried to require a \$100.00 fee with every submission of a Temporary Exception to Practice application.** Ms. Smith will submit regulations to reflect this change.

Dr. Sobelman reported that the Board received a response from MPA explaining their nomination process for submitting names of licensees to serve as board members. During the discussion the MPA representative stated that applicants are required to sign an ethics attestation and if an applicant indicates an ethic “issue” MPA may conduct research to gather more information about the situation. The Board agreed that the question that needs to be answered is, is MPA’s role in Board Member nomination strictly administrative; to gather nominations, put all names on the ballot, collect the information and forward all names to DHMH Secretary and the Secretary conducts interviews and ethics background checks; or should MPA make discretionary decision as to whether a licensee would be a good representative from an ethics stand point. The Board will seek an answer to this question.

Dr. Sobleman read a letter from DHMH’s appointments’ office to MPA, responding to a letter from MPA questioning the Board’s interpretation of the statute relating to the five year requirement for new Board members. The letter from the appointment’s office

stated that the Board's interpretation of its law that a prospective board member must be licensed for five (5) years was reasonable.

C. Committee Reports

Licensing – Dr. Morris reported that the committee is working on continuing education regulations.

Disciplinary – Dr. Barnett distributed a draft of the following proposed regulations for civil fines for practicing without a license or practicing on an expired license:

Definitions - deletion; *italics* – new language

COMAR 10.36.08 Disciplinary Sanctions, [and] Monetary Penalties, *and Civil Fines*.
.01 - .05 (text unchanged)

.06 *Civil Fines*

A. Practicing on an Expired License. The Board may assess a civil fine against a psychologist who practices psychology on an expired license in the amount of \$100 per day of practice past the expiration date of the license.

B. Practicing Without a License

(1) The Board may assess a civil fine of no less than \$5,000 and no more than \$50,000 against an individual who practices psychology without a license.

(2) Factors in determining the amount of a fine include, but are not limited to, the following:

(a) The extent to which the individual derived any financial benefit from the unauthorized practice;

(b) The willfulness of the unauthorized practice;

*(c) Actual or potential public harm caused by the unauthorized practice;
and*

(d) The length of time in which the individual engaged in the unauthorized practice.

Practicing on an expired license is defined as a licensee whose license expired and practicing without a license refers to someone that never had a license. Following discussion, **a motion was made, seconded, and unanimously carried to amend proposed section A as follows:**

The Board may assess a civil fine against a psychologist who practices psychology on an expired license in the amount of \$100.00 per day of practice past the expiration date of the license, after a grace period not to exceed 30 days.

D. Board Nominations

Nominating ballots for the positions of Chair and Vice-Chair were distributed.

E. Public Comment

Ms. DeVito from MPA thanked Dr. Barnett for his presentation at the MPA's Graduate Students Convention.

F. 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 confidential information contained in the licensing applications of Samantha Marks, Jeanmarie Sanford, Quentarius Wade, Devon Stokes, and Courtney Compagnone. The Board entered into closed session at 10:58 a.m. and came out of closed session at 11:21 a.m. A motion was made, seconded, and unanimously carried to enter into Administrative Session at 11:40 a.m. to discuss disciplinary matters and to consult with Counsel. The Board came out of Administrative Session at 1:03 p.m. and the meeting was adjourned.

Respectfully submitted,



Steven A. Sobelman, PhD
Chairperson