

**Indiana State Psychology Board
Indiana Professional Licensing Agency
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis Indiana 46204
Minutes of the November 13, 2015 meeting**

CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Joseph Biggs called the meeting to order at 9:00 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Joseph R. Biggs, Ph.D., Chair
Stephen Ross, Psy. D., Vice Chair
Jere Leib, Ph.D., Member
Gary Vaughn, Ph.D., Member
Sharon Bowman, Ph.D., Member
Raymond W. Horn, Ph.D., Member
Tyler J. Kalachnik, JD, Consumer Member

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.
Dr. Leib/Dr. Horn
Motion Carried: 7/0/0

ADOPTION OF THE MINUTES FROM THE SEPTEMBER 11, 2015 MEETING

A motion was made and seconded to adopt the minutes.
Dr. Ross/Dr. Vaughn
Motion Carried: 7/0/0

BOARD DIRECTOR REPORT

Due to time constraints no report was given.

PERSONAL APPEARANCES

Application Review

Myriam McCray – Psychology license application

Dr. Vaughn has a discussion of an Indiana website that lists Walden University as a university that one may attend to become an Indiana Psychologist, however, the website is not affiliated with the Indiana State Psychology Board. Dr. Bowman states that the board does not accept online education. Dr. McCray states that she did attend in person and traveled to physical locations to have “face to face time.” There is concern that perhaps she did not have enough face time to satisfy the rules of the Indiana State Psychology Board (ISPB). Dr. McCray states she has been working with psychologists for a few years. Dr.

McCray's husband retired from the military in October 2014 which is what prevented her from attending a traditional brick and mortar school. Dr. Ross asks about several classes that she took and whether or not they had a face to face component. Dr. Biggs asks about letter from Director of Training at Walden which discusses 500 hours of training—he is asking where the training took place. Dr. Biggs stresses that the face to face time has to take place at the degree granting institution whereas much of Dr. McCray's face to face time took place at the University of Minnesota as well as at conferences. Dr. McCray states she completed 1200 hours of practicum; however, it was not part of residency. The Walden University faculty members were the faculty members who taught her during face to face hours at the University of Minnesota. Dr. Biggs discusses that perhaps the applicant should work with her program director, to figure out how her program meets the requirements of the ISPB. Dr. Bowman requests answer to total number of hours of face to face time in the program. Dr. McCray states that on the tests and measurement class she spent 4 hours a day, 7 days a week for 2 weeks. There is much discussion about the classes she took and whether or not clinical psychology is a specialty that Walden offers, it appears as though Walden does offer this specialty.

Dr. Horn is concerned that Walden's definition of a residency is different than the definition that might be required by the board. Dr. Vaughn states that he is concerned that the board is discussing residency requirements when the educational program does not fall within the accepted provisions of the rules of accreditation for a Ph.D. program.

Dr. Biggs states to Dr. McCray that the recommendation is for her to get with her program director, and figure out how much time was spent in person and what happened during that time.

Has there been a change since 2011 in what Walden requires for residency.

Board Action: A motion was made to table the application and keep it open for reconsideration once the Board reconvenes with additional information.

Dr. Horn/Dr. Leib

Motion Carried: 7/0/0

ADMINISTRATIVE HEARING

Mark Stenstrom, PSY.D. – 20041530A, Cause No. 2015 ISPB 0004

Re: Complaint

Stephanie Sluss represented the State. Dr. Stenstrom represented himself and waived his right to counsel. Counts 1-4 have been stipulated to and agreed upon by both parties; hence Count 5 is still under dispute. Dr. Stenstrom states that he was negligent in counts 1-4 by not renewing his license in a timely manner. He states he did not intend to do this but that his family had a lot of medical issues taking place at the time. He states that he renewed and paid late fees as soon as he realized his license had expired.

The state called Dr. Mark Stenstrom as a witness. She asks respondent to stipulate to counts 1-4 on the record and he does agree to this on the record. He is a licensed psychologist in Indiana, his license expired and he continued to practice psychology. This happened two times.

Ms. Sluss asks about patient AY and if AY was seen around April 2013. He states that he did see AY after her father asked for the treatment, but, that AY was legally an adult at the time. After initial evaluation, two separate 3 hour blocks were set up. One time the patient forgot to show up and another time AY's mother called to say AY was sick. AY also cancelled another time. Overall, AY and Dr. Stenstrom met five times, intake, three sessions and review session. Dr. Stenstrom admits to never giving evaluation to AY. AY's father CY requested the evaluation information two times. At the time of the final review session the final report was not given to AY, because it was not known until that session which of two formats AY wished to have the report created. State's Exhibit C was entered into evidence. Exhibit C is a payment.

Dr. Stenstrom presented his case. He states that he survives in his private practice through his reputation. He states that AY wanted to know if she had any learning disabilities. Dr. Stenstrom states that the treatment was done so as though she was an independent adult since she was of legal adult age. Two concerns were that AY did not feel comfortable with father obtaining information. Hence, Dr. Stenstrom states that he was confused and concerned that if he sent information to the wrong place that the report could get into the hands of her father. AY never told respondent how to get her the report so that her parents did not receive it. When CY contacted respondent, respondent suggested for CY to contact his daughter.

Michelle Waire from the Office of the Indiana Attorney General who is a case analyst testified on behalf of the state. State's exhibit B is entered into evidence. It is the original complaint filed against Dr. Stenstrom. State's Exhibit A is entered into evidence. Exhibit A is the IPLA record for Dr. Stenstrom. Ms. Waire states that she spoke to AY and that AY stated that she wanted to have a copy of the report. Ms. Waire spoke to AY on November 12, 2015. AY did not discuss with the state where she would have liked this report to have been sent.

Dr. Horn asks Ms. Waire if the State took effort to find out if AY was an adult at the time the complaint was made. AY told the State that she had signed a release for the report to be sent to her parents.

Dr. Biggs asks if Dr. Stenstrom uses a template for his reports or if his reports are created uniquely of one another. Dr. Stenstrom states that he uses a form for numbering but not much else and that he no longer does assessments.

Dr. Bowman questions what qualifications Dr. Stenstrom has in regards to conducting assessments. Dr. Stenstrom states that it has been since 2002 since he had taken training any continuing education hours pertaining to assessments.

Renee Gallagher appeared mid-hearing as co-counsel for the State.

Dr. Stenstrom states that at no time during his treatment with AY did he find her to be incompetent as an adult.

State in closing statement discusses that respondent never gave AY nor CY a completed report. She implies that records were not kept professionally by respondent, since respondent does not have exact dates of appointments with AY.

Respondent disputes that AY completed a release of information to her parents in closing.

Board Action:

A motion was made to find Respondent in violation of Counts 1-4 as proven by the state through evidence submitted.

Dr. Horn/Dr. Leib

Motion Carried: 7/0/0

A motion was made for a letter of reprimand written by the Board and to issue a fine of \$125 for each count found in violation (Counts 1-4) to be imposed on the Respondent.

Dr. Biggs/Dr. Leib

Motion Carried: 7/0/0

A motion was made to direct Respondent to pay a \$5.00 fee for the Health Records and Personal Identifying Information Protection Trust Fund directly to the Indiana Office of the Attorney General.

Dr. Bowman/Mr. Kalachnik

Motion Carried: 7/0/0

A motion was made to dismiss Count 5.

Mr. Kalachnik/Dr. Leib

Motion Carried: 6/1/0, Dr. Bowman opposed.

Richard Hubbard, Ph.D., – 20040846A, Cause No. 2014 ISPB 0001

Re: Request to Withdraw Probation

Dr. Hubbard is appearing without counsel and waived right to counsel. Kelsie Duggan represented the State. Dr. Hubbard states that he has completed the terms of his probation. Ms. Duggan re-states the matter which occurred which required Dr. Hubbard be placed on probation. Ms. Duggan questions Dr. Hubbard about continuing education which he took to fulfill his requirements. Dr. Hubbard has no intention of renewing his license, he is going to retire and allow his license to expire. Dr. Hubbard states that he learned a lot about himself during this process. Dr. Horn states he was impressed by how Dr. Hubbard handled his probation. Dr. Hubbard

concludes that he tried his best to respect the process. Ms. Duggan leaves it to the Board's discretion as to whether or not the probationary status should be lifted.

Board Action: A motion was made to lift the probation.
Dr. Horn/Dr. Ross
Motion Carried: 7/0/0

(Dr. Leib departed before the conclusion of the following hearing)

Marcia Briggs, Psy.D., – 20042608A, Cause No. 2015 ISPB 0005
Re: HSPP Application

Dr. Briggs is represented by Attorney Bruce Carr. Mr. Carr gave an opening statement where he highlighted, statute, assurance and merit as the three main reasons that the board needed to endorse the HSPP application of Dr. Briggs. Mr. Carr argues that Dr. Briggs meets the statutory requirements of HSPP licensure. IC 25-33-1-5.1 (c) is where he receives his legal guidance from in making this argument. 151 Ind. App. 299 Porter Memorial Hospital vs. Harvey was a case that Mr. Briggs argues defends his case in point. Respondent Exhibit 1 (diploma of Doctor of Psychology in Clinical Psychology from Adler School of Professional Psychology) and Respondent Exhibit 2 (Master of Arts Diploma in Counseling Psychology from Adler School of Professional Psychology) are entered into evidence. Respondent Exhibit 3 (Affidavit in support from Stacy Wright, Psy.D, HSPP) admitted into evidence. Respondent Exhibit 4 (Affidavit in support from David Bauer, LMHC) admitted into evidence.

Dr. Briggs states that she spoke to members of the licensing agency and that she was told her internship would be allowed in Indiana. Dr. Briggs states that she spoke to Adler her alma mater in Psychology about going to the Swanson Center for her internship. Respondent Exhibits 5 (Letter from Adler) and Respondent Exhibit 6 (Question about internship from Adler) admitted into evidence. Mr. Carr states that his client can no longer enter into an internship because of her doctoral degree which essentially makes her over-qualified for an internship at this point in her career. Respondent Exhibit 7 (Statement from APPIC that Dr. Briggs cannot do an internship at this point in her career) entered as evidence. Respondent Exhibit 8 (Indiana Code that is undated) is entered into evidence.

Mr. Carr believes a constitutional violation may occur here as he believes denial of licensure here could be deemed "arbitrary and capricious".

Board Action: A motion was made to approve the application for the HSPP under the code in relation to a health service setting under the notion that it is not creating a precedent for future applications.
Dr. Bowman/Dr. Ross
Motion Carried: 5/0/1, Dr. Horn abstained

DISCUSSION ITEMS

Specialty Licensure - Will be discussed at next board meeting due to time constraints

IPA Request for Category 2 Continuing Education - Will be discussed at next board meeting due to time constraints.

Mike Minglin, General Counsel and Ethics Officer of IPLA - Presented to the board information regarding new parameters pertaining to Indiana's new ethics laws and requirements pertaining to state board members.

INDIANA PSYCHOLOGICAL ASSOCIATION REPORT


Due to time constraints there was no report.

ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Indiana State Psychology Board adjourned at 4:07pm.



Dr. Joseph Biggs, Chairman of the Board



Date