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Examining Board of Psychology Newsletter July - September 2012 Edition

This purpose of our newsletter is to help keep the psychology community informed about issues related to Washington state laws as well as the work of the Examining Board of Psychology

Message from the Chair, Christine Guzzardo, Ph.D.

Congratulations to all newly licensed psychologists. As you embark on your career you will touch many lives. Ours is a profession that can bring joy and satisfaction, as well as emotional challenges. In addition to managing clinical responsibilities, we must also manage the “business” of psychology practice. This may seem especially daunting as our profession continues to evolve with new scientific discoveries and technological advancements. At times, you may have questions about your scope of practice, competence, and clinical and business practices.

The Examining Board of Psychology website may help answer some of your questions, as it provides information about various resources, as well as information about licensing, continuing education, and discipline:

<http://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/MentalHealthProfessions/Psychologist.aspx>

I encourage all psychologists to read the articles in the Board newsletters. They contain a wealth of information including updates and anticipated changes related to our profession. Publication of the newsletter occurs four times a year. You can find current and older issues of the newsletter on the Board's website. The Board holds business meetings six times a year to address issues related to our profession. All business meetings are open and I encourage you to attend.

The Board maintains a strong commitment to supporting psychological excellence in the protection of the public.

Enjoy the newsletter!

Governor
The Honorable Christine
Gregoire

Department of Health
Mary C. Selecky, Secretary

Bob Nicoloff
Executive Director

[Betty Moe](#)
Program Manager

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Complaint & Disciplinary Process

The mandate of the Department of Health and the Board is to promote the delivery of quality healthcare to the residents of the state by regulating the competency and quality of professional healthcare providers under their jurisdiction. The Board accomplishes this mandate through a variety of activities in collaboration with the Department.

Board members perform many duties such as reviewing complaints and investigative materials, acting as jurors in disciplinary proceedings, and reviewing and changing laws/rules. Future articles will discuss these duties in more in detail.

This edition of the newsletter will focus on one duty in particular: assessing, investigating, and making recommendations related to complaints against healthcare providers. Disciplinary actions may range from a Notice of Correction to a Revocation of Licensure.

The information in this article explains in detail the process followed by the Board and the Department in managing the complaint process. The authority for this action can be found in the Uniform Disciplinary Act, Chapter 18.130 of the Revised Code of Washington <http://apps.leg.wa.gov/rcw/default.aspx?cite=18.130>.

There are five basic steps that must be followed:

Intake - Reports come from a variety of sources, including patients, other healthcare professionals, insurance companies, etc.

Assessment - The disciplinary authority reviews the complaint and background information to determine if it should pursue an investigation. The disciplinary authority can choose to close a complaint at this point.

Investigation – Notification of the complaint goes to the healthcare provider and the Department asks for a response. Department investigators interview complainants, witnesses, and the healthcare provider. Pertinent records are gathered and a report is drafted by the investigator.

Case Disposition - The disciplinary authority reviews the investigative report and supporting evidence. After reviewing the information, the disciplinary authority has three options:

- Close the case
- Refer for legal action
- Refer to a substance abuse monitoring program.

Adjudication – The disciplinary authority can close a case for any of the following reasons:

- The case presents a minimal risk
- Insufficient evidence
- Evidence does not support a finding of a violation.

If the case is not closed, different legal action may be pursued which may include any of the following:

- Notice of Correction
- Statement of Allegations (SOA)
- Statement of Charges (SOC)
- Notice of Decision
- Notice of Intent to Issue Cease and Desist Order.

A SOA is an informal action. The respondent doesn't admit to wrong-doing but understands that there may be enough evidence to support a violation. Once a SOA is served there is an opportunity for settlement. If a settlement is not reached the disciplinary authority reconsiders the facts of the case and may withdraw the SOA or decide to move it up to a formal SOC.

A settlement conference is made available to all respondents who have formally received a SOC. The desired outcome of the settlement conference is a mutually agreed upon SOC and Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (AO) to resolve the case.

If an agreement cannot be reached, a formal hearing is available to the respondent. After adjudication, if the AO requires certain conditions, the case is assigned for compliance monitoring.

Conditions may include but are not limited to:

- Probation
- Practice review
- Approved practice supervisor
- Patient notification
- Mental health evaluations
- Continuing Education
- Exam.

Once meeting the conditions of compliance, the respondent can request a termination of the AO or Stipulation to Informal Disposition (STID) conditions for release from compliance.

Why Can't You Make an Exception for Me?

Many licensees have asked the Board to make exceptions for them when a law or regulation has a negative effect upon their license status.

The Board has been begged, threatened with litigation, screamed at, pleaded with, and even harassed to change results ranging from examination failure, credentials determination, or ruling on disciplinary cases.

The issue is really one of fundamental fairness and justice. We are a Board that exists solely by virtue of the laws that govern it. Our laws and rules are codified in RCW 18.83 and WAC 246-924. We must govern based on these laws.

It is the Board's position that everyone should be treated equally in examination, enforcement of credential matters, and in every other area of the Board's jurisdiction. No one should be given preferential treatment, regardless of the reason. Likewise, no one should be subject to arbitrary decisions that are not based on the law. For it is with the equal administration of the law that true justice occurs. It is also an essential component of fairness.

The Board works very hard at eliminating bias and prejudice. One of the ways the Board members do this is the process of recusal. Board members recuse themselves in enforcement cases in which they know the psychologist who is accused of wrongdoing. Board members find the decision to recuse themselves easy, but may find it hard to watch from the sidelines when cases involve providers they know and respect.

It is true there are some areas of law related to psychology that allow for discretion. In these areas, it is appropriate to develop well-reasoned policy. The policy regarding each decision must be clear to the public and applied uniformly. When this occurs the Board's actions are predictable and understandable, though not always popular.

Disciplined Psychologists

The Department's Health Systems Quality Assurance division works with boards, commissions, and advisory committees to set licensing standards for more than 83 health care professions (e.g., medical doctors, nurses, counselors).

Information about healthcare providers is on the agency's website. Click on "[Provider Credential Search](#)" on the Department of Health home page (www.doh.wa.gov). The site includes information about a health care provider's license status, the expiration and renewal date of their credential, disciplinary actions, and copies of legal documents issued after July 1998. This information is also available by calling 360-236-4700. Consumers who think a healthcare provider has acted unprofessionally are also encouraged to call and report their complaint.

Disciplinary action, if any has been taken, can be viewed on the Department of Health's Provider Credential Search website by entering the name of the healthcare provider.
<https://fortress.wa.gov/doh/providercredentialsearch/>

Notice of Recruitment

The Board has two vacancies for licensed psychologists and one public member. The Board is looking for public-spirited individuals willing to study the issues and to make decisions in the best interest of the public.

The Board is made up of nine members:

- Seven psychologists
- Two public members

To qualify as a professional member one must:

- Be a citizen of the United States.
- Have been practicing as a licensed psychologist in Washington for at least three years.
- Live in Washington.
- Cannot hold office in a professional association for psychology.

To qualify as a public member:

- One cannot be and shall never have been a psychologist or in training to be a psychologist.
- Cannot have any household member who is a psychologist or is in training to be a psychologist.
- They may not participate or ever have participated in a commercial or professional field related to psychology nor have a household member who has so participated.
- They may not have had within two years before appointment a substantial financial interest in a person regulated by the Board.

The Board meets about six (6) times a year at the department's offices in Tumwater or Kent. Members are paid \$50 per day and are reimbursed for travel expenses and meals. Board members take part in disciplinary hearings, and case and application reviews.

If you or someone you know is interested in applying for these positions, please complete an application and return it by October 25, 2012 along with a current resume and three letters of reference.

If you have any questions about serving on the Examining Board of Psychology, please contact Betty J. Moe at Department of Health, Examining Board of Psychology, P.O. Box 47852, Olympia WA 98504-7852 or call 360-236-4912.

You can complete applications at:

<http://www.governor.wa.gov/boards/application/application.asp>

Do you have ideas or suggestions for future Board newsletters? Is there something specific that you think we should address or include? Please submit suggestions to:

Betty.moe@doh.wa.gov