



Examining Board of Psychology Newsletter Spring 2013

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Our newsletter’s purpose is to help inform the psychology community of issues related to Washington State laws, as well as the work of the Examining Board of Psychology (Board).

Message from the Chair - Thomas Wall, Ph.D. From the View of Experience

During my tenure on the Examining Board of Psychology for a number of years, I have had the opportunity to read complaints about how our fellow psychologists have conducted clinical and forensic evaluations. The statutes and rules that govern psychologists’ professional conduct may require careful review – particularly for purposes of understanding psychologists’ obligations in conducting clinical or forensic evaluations. I have a number of suggestions from my review of cases.

Under the Uniform Disciplinary Act (RCW 18.130) a panel of the Board will authorize an investigation of any complaint that has “merit.” The panel will authorize formal charges if the investigation gives the panel “reason to believe” the psychologist has violated the law. These violations can include failing to conduct a clinical or forensic evaluation as required under the rules adopted by the Board. Custody and forensic evaluations seem to generate the most complaints. The Board has adopted two rules that prescribe standards for conducting such evaluations: WAC 246-924-445 and -467. The psychologist should indicate at the onset whether the evaluation is for clinical or forensic purposes. If clinical is the primary intent, the evaluator might indicate he or she is following the guidelines set forth in the RCWs and WACs. If the evaluation is used for forensic reasons, for example in the prison system, the evaluator might indicate he or she is following the guidelines set forth by the appropriate national forensic organizations for psychologists.

In either case, it would help to give a brief description of the assessment instruments selected and why. In addition, the evaluator should use the most up to date versions of the instruments that have clearly established validity and reliability I have read a number of evaluations that use only the clinical and validity scales of the MMPI-2 and not other scales including the newer RC/PSY5 Scales. If a number of instruments were used, it would also seem appropriate to explain the evaluator’s reasoning as to the need and selection of the instruments.

Governor
The Honorable Jay Inslee

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Bob Nicoloff
Executive Director

[Betty Moe](#)
Program Manager

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Timothy Cahn, Ph.D., Vice-Chair

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Dick Gidner, Public Member

Christine Guzzardo, Ph.D.

Janet Look, Ed. D.

Shari Roberts, Public Member

Jorge Torres-Saenz, Psy.D.

David Stewart, Ph.D.

All of this is to reduce confusion and be more transparent as attorneys and their clients read these documents very carefully. If the person being evaluated or an attorney files a complaint, a reviewing board member will review the entire evaluation. If there are serious questions as to the instruments, conclusions from the instruments, or the exact type of evaluation and how it will be used, an investigation may be authorized. Sometimes there is evidence of carelessness when another name appears in the body of the report that suggests a “cut and paste” approach – yes, it occurs.

It is important to keep in mind that attorneys and judges read these evaluations very carefully, along with those who are the subjects of the evaluation. They often look for bias, inaccuracies, misinterpretation of test data, and anything else deemed problematic. The clearer the rationale behind the process and content of the evaluation, the less likely a complaint will be filed.

Another suggestion involves boundaries and a possible dual role. I received a call from a family law attorney who represents many clients involved in custody evaluations. From her experience, she is concerned when a treating psychologist also offers to do an evaluation of one party or the other. Sometimes this takes the form of offering an evaluation based only on the one parent in treatment and making evaluative statements about the other parent the psychologist has never met. As noted, for child custody evaluations, the psychologist must conform to the requirements listed in WAC 246-924-364 and -467.

The fee range and contingencies of the alterations of the fee are an important part of informed consent. All fees are required to comply with WAC 246-924-364, including the “reasonableness” test. A significantly high fee will almost always result in a complaint.

These are just a few of my observations from reading complaints over the past 10 years. I hope they are a useful reminder to those who are involved in clinical and forensic evaluations.

Continuing Education in Suicide Assessment

Engrossed Substitute House Bill (ESHB) 2366 (chapter 181, Laws of 2012) created new continuing education requirement for psychologists. The Examining Board of Psychology (board) has drafted proposed rules establishing continuing education (CE) requirements in suicide assessment, treatment, and management. The rules provide clarification regarding what topics must be in an approved course, and help to clarify the CE due date.

The proposed rules, as drafted, require licensed psychologists to complete six hours of continuing education every six years in suicide assessment, treatment, and management. The board believes that requiring psychologists to obtain six hours of continuing education every six years will reduce psychological service consumers’ morbidity and mortality. It intends to standardize detecting, assessing, and managing patients at elevated risk for suicidal behaviors.

Substitute House Bill (SHB) 1376 (chapter 78, Laws of 2013) clarifies that certain health professionals are required to complete training in suicide assessment, treatment, and management.

The Examining Board of Psychology intends to have a rules hearing on the proposed rules in conjunction with the Sept. 20, 2013 board meeting.

Psychologists will start reporting in the first full reporting period after Jan. 1, 2014.

Formal Actions

In November 2012 the Examining Board of Psychology charged **Sunil K. Kakar** (PY00003098) with unprofessional conduct. Charges say he misused drugs and alcohol.

In December 2012 the Board of Psychology corrected the statement of charges against **Richard T. Kennedy** (PY00001919). He allegedly didn't maintain appropriate boundaries with a patient, didn't consult peers regarding care of the patient, treated the patient's children, and didn't report the living conditions of the patient's children to Child Protective Services. He also didn't provide the patient with a written treatment consent form, and provided inappropriate treatment to the patient.

In December 2012 the Psychology Board ended the probation order against **David P. Monson** (PY00001768).

The Board of Psychology indefinitely suspended the credential of psychologist **Wendy J. Woodard** (PY00001980). Woodard is unable to practice with reasonable skill and safety due to a mental health condition. Her credential is suspended until an evaluation shows that she can practice safely. In October 2012 Woodard's credential was immediately suspended based on concerns of a mental health condition that posed a potential risk to patient safety. The indefinite suspension by the board completes the legal process.

In February 2013 the Psychology Board denied a psychologist credential to **Catherine Crosby** (PY60309043). Her doctoral degree isn't from a regionally accredited institution, a legal requirement.

New Public Member

Richard "Dick" Gidner, Renton, is a new public member on the Psychology Board. Dick recently completed a six-year stint on the Hearing and Speech Board as a public member, and has now been appointed by Gov. Jay Inslee to our board.

Dick spent his professional years as an aircraft engineer, working for the U.S. Air Force and for Boeing. After retiring from Boeing, he is having a very active retired life. Besides being on the Hearing and Speech Board for two terms, he is completing eight years as a commissioner in his local water district, and is running for re-election this year

He grew up on the family farm in southern Michigan and farmed with his father until he graduated from engineering school and entered the Air Force. In the aircraft industry, Dick had many good assignments and had a chance to travel the world. While this was much more exciting than the farm, Dick still has the farm in his blood. He has a bachelor's degree in mechanical engineering from Michigan State and a master's degree in business management from Ohio State.

Dick and his wife, Grita, have been married for 57 years and have lived in Renton for 30 years. They have two children and two granddaughters, who live in Arlington, Va. Dick has found great satisfaction in doing public service, and is looking forward to being on the Psychology Board.

2013 Meeting Dates

July 19, 2013	Kent-TBD
Sept. 20, 2013	Department of Health, Town Center 2, 111 Israel Road S.E., Tumwater
Nov. 15, 2013	Kent - TBD

The opinions expressed in these articles are solely those of the authors and unless otherwise stated do not represent opinions or interpretations of the Board.

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:

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