

The South Carolina Board of Examiners in Psychology

AUGUST 2003

Message from Administrator Patti Glenn

(1) **New Board Members** - The Psychology Board welcomed three new Board members appointed by Governor Jim Hodges in 2002. The new appointees are: Linda S. Moore, Ph. D., a clinical psychologist from Columbia who replaced Dr. Robert Caesar as a clinical member; Ellen M. Wilfong-Grush, Ph. D., a clinical psychologist from Charleston who replaced Dr. Jerry White as a clinical member; and Helen Elizabeth Burris, Esq. an attorney from Greenville who replaced Leon Richburg as the public member. Our sincere thanks go to Dr. Caesar, Dr. White and Mr. Richburg for their dedication and service to the Psychology Board.

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Who May Give Psychological Tests in S.C.?

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

Five years ago, Governor Beasley signed into law a bill (SB 718, HB 3820), that modified Chapter 55 of the South Carolina Code of Laws. Chapter 55 describes in detail the activities which together define the practice of psychology, including activities in the areas of psychotherapy, psychological testing, and psychological consulting. The same legislation revised Chapter 75 of the South Carolina Code of Laws. Chapter 75 now describes more fully the scopes of practice for the licensed professional counselor (LPC) and the licensed marriage and family therapist (LMFT). Finally, the 1998 legislation created the practitioner category of "licensed psychoeducational specialist (LPES)." The scope of practice for psychoeducational specialists is also described in Chapter 75.

Still, questions remain about who may perform certain psychology-related practices, and, in particular, who may administer standardized tests of aptitudes and abilities. The Board of Examiners in Psychology regularly receives complaints from psychologists about non-psychologists conducting formal psychological tests. We also receive questions from non-psychologists about whether they may, and/or the conditions under which they may, administer standardized tests.

These are not easy questions to answer. The reason is that the ethical standards for psychological testing for licensed South Carolina psychologists are more restrictive than the statutory requirements regarding the use of standardized tests of aptitudes or abilities by non-psychologists in South Carolina. In this column, I will attempt to clarify the separate issues.

According to the 1995 Regulations Pertaining to the Practice of Psychology in South Carolina (Chapter 100), licensed psychologists in South Carolina who wish to conduct psychological testing must meet the accepted professional standards of training and experience (See *Ethical Principles of Psychologists*, Principle 2: Competence, pp.32-33). In August 2000, the Council of Representatives of the American

Psychological Association (APA) adopted the *Report of the Task Force on Test User Qualifications*. According to current APA guidelines, psychologists who wish to use (administer, score and interpret) psychological tests must meet both generic and context-specific guidelines.

Generic guidelines include, first, knowledge of psychometrics. Tests users must understand classical test theory and, when necessary, item response theory. Second, test users must understand legal rights of test takers, guidelines for test selection, test administration procedures, and required accommodations for persons with disabilities. Third, test users should recognize issues associated with test use in different populations, including, for example, construct equivalence across populations. Knowledge of professional ethical principles and state law is expected. Context-specific guidelines concern the special training and experience necessary for the use of tests in employment, educational, vocational, health and forensic contexts. In all cases, psychologists must have context-specific supervision; that is they must receive professional supervision in any setting in which they wish to practice. A summary of the report is given in the December 2001 issue of the *American Psychologist* (Turner, DeMers, Fox & Reed, 2001).

Licensed psychologists who intend to give, score and/or interpret psychological tests in South Carolina must be able to demonstrate training, supervised experience and competence consistent with standards given in the Report of the Task Force on Test User Qualifications. Licensed psychologists who do not meet these standards should obtain additional training and supervised experience before engaging in test use. Licensed psychologists who obtain evidence that a peer is conducting psychological tests but does not meet current standards of training, experience and/or competence should bring this concern to the attention of the psychologist whose practice is in question. If remedy is not forthcoming, the problem should be brought to

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Board of Examiners in Psychology Members

<u>MEMBER</u>	<u>SPECIALTY</u>	<u>TERM EXP</u>
David E. Barrett, Ph. D. 201 Pin-du-lac Drive Central, SC 29630 (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
Helen Elizabeth Burris, Esq. PO Box 288 Greenville, SC 29602 (864) 242-0314, Ext. 16	Public Member	7/21/2007
Xanthia P. Harkness, Ph. D. 12 Yolon Way Simpsonville, SC 29680 (864) 250-8791	Clinical	3/21/2006
Mark A. McClain, Ph. D. 1 Poston Rd., #145 Charleston, SC 29407 (843) 556-4157	Counseling	3/21/2006
Linda S. Moore, Ph. D. 2838 Devine St. Columbia, SC 29205 (803) 256-1121	Clinical	4/30/2007
Andrew H. Ryan, Ph. D. 9 Fenwood Ct. Blythewood, SC 29016 (803) 751-9104	School	3/21/2005
Ellen Wilfong-Grush, Ph. D. 1221 Wappo Rd. Charleston, SC 29407 (843) 763-2425	Clinical	4/30/2007

Board Officers Served 2002-2003
David E. Barrett, Ph. D. Chairman
Andrew H. Ryan, Ph. D. Vice-Chairman

Board Officers Serving 2003-2004:
Andrew H. Ryan, Ph. D., Chairman
Mark A. McClain, Ph. D., Vice-Chairman

Disciplinary Actions of the Board

During the 2002-2003 fiscal year (beginning July 1, 2002), the Board investigated eight 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 2002-2003 are as follows:

- One oral complainant did not return a written complaint form; therefore staff was unable to process.
- After full investigation, one complaint was dismissed for insufficient evidence or found to be a groundless complaint.
- Three complaints are on going.
- Three complaints were dismissed with "Letters of Warning."

On November 15, 2002, the Board dismissed a complaint with a "Letter of Warning" regarding concerns about the psychologist's professional conduct and decision-making in a case and concerns about the physical environment in which he sees clients. (1) The Board was concerned about the unprofessional manner in which the psychologist conducted himself, showing negativity toward the client who was presenting resistance. The psychologist should have approached the court and requested to be excused from the case and asked that another psychologist be appointed. (2) It was the Board's position that the appearance of the psychologist's office and his staff reflected poorly on the profession and interfered with the delivery of service to his clients.

On May 5, 2003, the Board dismissed a complaint with a "Letter of Warning" to express its concerns about the psychologist's professional conduct in a case. The psychologist provided counseling, at the non-custodial parent's request, to a minor child. Then the psychologist submitted an affidavit in which the psychologist provided information obtained during counseling about the custodial parent (the complainant in the

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CRC Comments

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

I have had the opportunity to serve as a member of the Complaint Review Committee, both as a former board member and presently as consultant, for over the past eight years. I cannot imagine a more sobering and educational experience in terms of keeping alert as a service provider. It is not particularly pleasant to go about one's practice while keeping one's backside protected, but to a degree that is a present day reality.

Your Complaint Review Committee (CRC) is a team, one with many years of experience. It is comprised of a psychologist member and our executive director, Patti Glenn. Our chief investigator is Larry Atkins, and our legal counsel is Patrick Hanks. In addition, we have access to other legal counsel and utilize the expertise of South Carolina licensees from time to time.

In our state, we have a tremendous advantage in that we operate under the umbrella of the South Carolina Department of Labor, Licensing and Regulation. As such, we have the richness of resources possessed by few other states. By contrast, there are psychology boards in other states where psychologists must carry out their own investigations, and often by phone contact alone. At times their funding limitations may even prevent full investigations. In the case of South Carolina, the complaint review process is strengthened by the fact that the CRC carries out the investigation and presents

its findings and recommendations to your Board, but then the Board weighs this information and draws its own conclusions. This provides a type of checks and balance.

At a more personal level, I find my colleagues on the CRC to be motivated, well trained and thoughtful as they attempt to maintain a high consistency in providing that critical balance between protection for the consumer and offering a fair due process for our licensees.

To me a somewhat humorous irony now occurs. I was a sitting Board member when the new psychology law was crafted, and now receive some just desserts as I must assist in interpreting this new law. Actually, our present law does a remarkable job of covering most situations encountered.

On reflection of my experience with CRC over these years, I am heartened regarding the professional integrity of psychologists in South Carolina. I have observed very few instances where psychologists have caused great harm to their clients/patients. As with most profession activities, CRC experiences its own set of frustrations. One of the greatest is dealing with what turn out to be frivolous complaints, where in my estimate the matter should have been referred to the courts. You guessed it. Child custody matters where one party is

certain to encounter disappointment and looks to discharge their frustrations.

Next subject, questions regarding HIPPA. We receive them, and I suppose rightly so. We would rather pass these on to the appropriate federal agency, but we do attempt to seek out expertise and respond as best we can to this "law in process." Basically, it is too early to determine the relation of CRC to this new law.

Areas for alert. Be clear in the written office policy statement you present to your patients as it pertains to obtaining and passing on their records, especially the cost involved.

In child custody matters, monitor yourself carefully, use colleagues or call this Board if you are uncertain. While returning from a continuing education seminar, the psychologist sitting in my passenger seat received a phone call from a colleague. It was "classic," in that the inquiring professional appeared to be under some pressure from an attorney to comment on a parent involved in a child custody case. If a written statement would have been made, for certain it would have resulted in an affidavit, which eventually would have found its way into the courtroom. Psychologists should not make statements without the necessary full custody evaluation process which most of us know well.

Board Policy on 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. 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.

(2) **Biennial Renewal** - Beginning this renewal period, all licensed psychologists will renew for a two-year period and will pay fees for two years of licensure. After this year, licensees will not renew again until November 30, 2005. The biennial license renewal fee for this upcoming renewal period will be \$300. The late fee for renewals returned after the November 30 deadline will remain at \$50 in addition to the renewal fee. This year, renewal application forms will be mailed to all licensed psychologists at the address they have on record with the Board by October 1. If a licensee has not received a renewal form by November 1, he/she should contact the Board office immediately at (803) 896-4664 to request another renewal form. It is the licensee's responsibility to notify the Board in writing of any change of address or name change. Incomplete renewal forms will be returned and may

result in a late fee charge.

(3) **LLR Computer System** - Our area is in line to be upgraded to the new computer system at LLR. We are expected to be up and running on the new system, which will expand capabilities and provide more advantages for licensees, by next year.

(4) **EPPP Computerized** - April 1, 2001, marked the start-up date for the computer-based administration of 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, delaying. 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, contact the Board office.

Disciplinary Actions *Continued from page 2*

case). However, the psychologist did not attempt to inform the custodial parent of the psychologist's professional relationship with the child and the non-custodial parent. According to the Regulations Pertaining to the Practice of Psychology in South Carolina (Chapter 100 of the South Carolina Code of Laws), "In a situation in which more than one party has an appropriate interest in the professional services rendered by the psychologist to a recipient or recipients, the psychologist shall, to the extent possible, clarify to all parties prior to rendering the professional services" (100-4, G.3). The psychologist's actions in this case violated this principle. The custodial parent has a legitimate interest in matters relating to counseling/evaluation of the minor child. The psychologist should have fully informed her both of the psychologist's professional and ethical responsibilities and of her legal rights prior to beginning counseling with the child.

On May 5, 2003, the Board dismissed a complaint with a "Letter of Warning" to express its concerns about a psychologist's professional conduct in a case. According to the Regulations Pertaining to the Practice of Psychology in South Carolina (Chapter

100 of the South Carolina Code of Laws), confidential information "shall not be disclosed by the psychologist without the informed consent of the individual(s)" (100-4, B.2). In this case, by disclosing information about the psychologist's patient to an attorney without the patient's consent the psychologist acted in violation of this principle. Further, the Regulations state that the psychologist "shall make or recommend referral to other professional, technical or administrative resources when such is clearly in the best interest of the client(s)" (100-4, C.5.). The Board's position is that the psychologist should have recognized that there was a need for a full child custody evaluation and made a referral to another professional.

- Seven "Cease & Desist" letters were sent to unlicensed persons misrepresenting themselves as a psychologist or practicing as one.

Two complaints from 2000 are ongoing and will proceed with disciplinary hearings against the two psychologists.

Application and Examination Report

Inquiries regarding licensure in South Carolina were received from 120 persons during the 2002-2003 fiscal year.

From July 1, 2002, to June 30, 2003, 17 applicants took the computerized version of the Examination for the Professional Practice of Psychology (EPPP). Of the 17, 16 passed and one failed.

Thirty-six new applicants submitted Preliminary Applications for Licensure (PAL). Of the 36 PALs, 35 were from APA-approved programs and accepted. One was from a non-APA approved program and was reviewed by the Board to see if their graduate course work met the ASPPB's educational criteria as statutorily required. The non-APA applicant was approved by the Board.

As of June 30, 2003 (end of fiscal year 2002-2003), 23 applicants have completed the application process and have taken oral examinations. Twenty-three applicants received a passing score on the oral exam and were licensed as psychologists in South Carolina.

the attention of the Board.

The guidelines for licensed mental health professionals who are not psychologists are not identical, due to the fact that non-psychologists are not bound to the Ethical Principles of Psychologists described in Chapter 100. Further, the permissible activities in the area of testing and evaluation differ for different categories of practitioners. What follows is a summary of the allowable activities and restricted activities in the areas of testing and evaluation for LPCs, LMFTs, LPESs and licensed social workers in South Carolina. These conclusions are based on an analysis of the three relevant South Carolina statutes: Chapter 75 (the LPC,LMFT,LPES statute), Chapter 63 (the statute regulating the activities of licensed social workers) and Chapter 55 (with special attention to section 40-55-90, which identifies the conditions under which non-psychologists are exempted from the practice restrictions given in the statute).

According to Section 40-75-20 of Chapter 75, both licensed professional counselors (LPCs) and licensed marriage and family therapists (LMFTs) may assess, diagnose and treat mental, emotional and behavioral disorders that are typical of the developmental life cycle. In addition, LPCs may assess and treat more serious mental, emotional and behavioral disorders if they have been trained to assess and treat those problems. It is not clear from the wording of Chapter 75 whether the same authority extends to LMFTs who have been trained to assess and treat such problems; my reading is that the intent of this section was to extend this authority to LMFTs. Assuming that the LPC, or LMFT, meets and/or follows the ethical guidelines for testing described in state regulations (Chapter 36), the LPC/LMFT may select, administer, score and interpret evaluative or standardized instruments. However, neither LPCs nor LMFTs may engage in any behaviors which would lead clients or the public to infer that they are licensed as psychologists, practicing as psychologists, or trained as psychologists. In particular, neither LPCs nor LMFTs may conduct court-ordered psychological evaluations and neither LPCs nor LMFTs may present the results of their evaluations as "psychological." Finally, both LPCs and LMFTs are expected to use only those standardized tests for which they have received formal training and, then, only for the purpose of diagnosing and treating those mental, emotional and behavioral disorders for which they have been trained to provide treatment.

Licensed psychoeducational specialists (LPESs) may conduct psychoeducational assessments of individuals; this includes the use of standardized measures of intelligence and personality. However, the LPES may only engage in such activities for the purpose of addressing the educational, personal and social needs of children and adolescents. Like the LPC and LMFT, the LPES must meet the ethical standards relating to test use described in regulations (Chapter 36). In addition, the LPES may not conduct court-ordered psychological evaluations nor present the results of his/her evaluations as "psychological." Finally, the LPES is expected to use only those standardized tests for which he or she has received formal training and, then, only for the purpose of addressing the educational, personal and social needs of children and adolescents.

In Chapter 63 of the South Carolina Code of Laws, licensed social workers at the level of "Licensed Independent Social Work-Clinical Practice" are given the authority to assess, diagnose and treat mental, emotional and behavioral disorders. However, the Psychology Board does not interpret this authority as extending to the use of standardized tests. There are two reasons. First, in the section on definition of terms in Chapter 63 (Section 40-63-20), neither the word "assess" nor "diagnose" is defined.

Second, in Chapter 110 of the South Carolina Code of Laws which provides regulations for the professional practice of social work, there is no mention of test use in the section on professional ethics. We interpret this omission as evidence that social workers are neither trained in nor receive supervised experience in standardized testing.

Further questions about test use guidelines may be directed to Andrew Ryan, Chair of the Board of Examiners in Psychology or to Mark McClain or Ellen Wilfong-Grush, members of the Board of Examiners in Psychology and representatives to the LLR task force on testing.

Update of Licensed Psychologists as of June 30, 2003

Renewals Mailed:	553
Did not Renew	<u>- 24</u>
Total Renewed:	529
New Licensees:	<u>+23</u>
Total Licensed :	551

List of Psychologists Not Renewing

Carolyn Bridges Bauknight, Ed. D.	Out of State
Sari Newman Bernstein, Ph. D.	Out of State
James Kelly Burgin, Ph. D.	Out of State
Brian Hamilton Chermol, Ph. D.	Retired
Amy M. Combs-Lane, Ph. D.	Out of State
Julie Lynn Crouch, Ph. D.	Out of State
Robert N. Crowe, Ph. D.	Retired
Jonathan D. Elhai, Ph. D.	Out of State
Lester A. Finuf, Ph. D.	Deceased
Adrienne E. Fricker-Elhai, Ph. D.	Out of State
John Thomas Hummer, Ph. D.	Out of State
Elizabeth A. Keathley, Ph. D.	Out of State
Shirley Anderson Kirby, Ph. D.	Out of State
Daphne Lurie, Ph. D.	Out of State
Madhabika Beverta Nayak, Ph. D.	Out of State
Jodi R. Owen, Psy. D.	Out of State
Janet Ross Reddy, Ph. D.	Out of State
Robert Francis Sabalis, Ph. D.	Retired, Out of State
William H. Snyder, Ph. D.	Deceased
Stephen Daniel Sprinkle, Ph. D.	Out of State
Carole Ann Stubbs, Ph. D.	Out of State
Tina K.R. Traxler, Ph. D.	Out of State
Diana Lynn Walther, Ph. D.	Out of State
David Harold Williams, Ph. D.	Out of State

In Memory of...

The Board of Examiners in Psychology has learned, with regret, of the death of William H. Snyder, Ph. D. of Charleston and Lester A. Finuf, Ph. D. of West Columbia. The Board extends its condolences to their families, friends and professional colleagues.

Report of Psychologists Licensed by the Board

(July 1, 2002 - June 30, 2003)

Licensed September 20, 2002

Raquel J. Contreras, Ph. D.	Counseling
Scott Alan Dreyer, Psy. D.	Clinical
Katherine M. Harris, Ph. D.	Clinical
Kevin Irmiter, Ph. D.	Counseling
Byron R. Navey, Ph. D.	Clinical
Jacque Lynne Washkwich, Ph. D.	Clinical

Licensed November 15, 2002

Lisa G. Bridgewater, Ph. D.	Counseling
Robert P. Collins, Ph. D.	Clinical
Douglas S. Cutting, Ph. D.	Clinical
Leonard Goldschmidt, Psy. D.	Clinical
Sue Leatherman-Sommers, Ph. D.	Clinical
Lois N. Petzold, Psy. D.	Clinical

Licensed January 31, 2003

Elizabeth Chesno Grier, Ph. D.	School
Neil S. Hibler, Ph. D.	Clinical
Alyssa A. Rheingold, Ph. D.	Clinical
Jennifer D. Tillmann, Ph. D.	School
James T. Trent, Ph. D.	Clinical

Licensed March 21, 2003

Anne M. Bradley, Ph. D.	Clinical
Cheryl B.W. Forkner, Ph. D.	Counseling
Robert H. Howell, Ph. D.	Clinical/Experimental

Licensed May 23, 2003

Samuel W. Goots, Ph. D.	Clinical
Albert W. Scovern, Ph. D.	Clinical
Bryant L. Welch, Ph. D.	Clinical

“Licensee Look-up”



The public can now verify licensees on our “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 will have instant access to licensees’ renewal information, licensee’s expiration date and disciplinary actions.