

State Board of Psychology

NEWSLETTER

Board Telephone: (717) 783-7155
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Spring 1999

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Commonwealth of Pennsylvania

Tom Ridge
Governor

Kim Pizzigrilli
Acting Secretary of the Commonwealth

Dorothy Childress
Commissioner
Bureau of Professional
and Occupational Affairs

For more information, visit us through the
Pennsylvania homepage at www.state.pa.us or
visit the Department of State directly at
www.dos.state.pa.us

Message from the Chairperson

Yvonne E. Keairns, Ph.D.

We are pleased to provide you with this newsletter. The board hopes to use this newsletter as a way of keeping you abreast of issues that have come before us, as well as issues important to the profession.

As always, the board stands ready to address your questions. Therefore, if you have a question or concern about our laws or regulations, please do not hesitate to contact the board of office.

Board meetings are open to the public, and we welcome any interested parties to attend. If you would like to address the board during a meeting, please contact the board office in writing with your topic and required time allotment. In addition board members will be making regional presentations throughout Pennsylvania in the coming months.

We look forward to the opportunity this will present for us to be in contact with you.

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Advertising with Letterhead — Corporate/Fictitious Names

Yvonne E. Keairns, Ph.D.

The following guidelines should be kept in mind when creating and using professional stationery:

- ✓ A fictitious name should not appear on letterhead until the name has been approved by the board and the psychologist has the letter of approval.
- ✓ The standard applied by the board when reviewing a fictitious name is whether the name is false, misleading or deceptive.
- ✓ If a psychologist is practicing with a master's degree in psychology and also holds a Ph.D. in a field other than psychology, he/she must identify the field in which the degree was earned.
- ✓ In addition, the Pennsylvania license is a generic license and one should be listed as a licensed psychologist with a specialty in clinical neuro-psychology, etc.

Department of State Creates Web Pages for Each Licensing Board

In November 1998 Acting Secretary of the Commonwealth Kim Pizzigrilli announced a new online resource to make professional licensure information more accessible to the public. "The Ridge Administration believes the Internet is a valuable tool to make information more accessible to Pennsylvanians," Pizzigrilli said. "Over the last three years, the Department of State has undergone an extensive modernization. Through the use of new technology like the Internet, we are becoming more responsive and more effective in meeting the needs of the public."

The Department of State has expanded its website to include professional licensure information for 27 boards and commissions under its jurisdiction. The website is available through the Pennsylvania homepage at www.state.pa.us or directly through the Department of State's website at www.dos.state.pa.us.

Consumers and licensed professionals who visit the site now will be able to access licensure laws, and application and exam information; to request copies of regulations; to review meeting dates; and to download complaint forms. The new site also marks the first step in the department's efforts to make professional licensure records and board information available to the public via the Internet.

More than 800,000 professionals are licensed and regulated by the boards and commissions under the department's jurisdiction. By improving access to licensure and board information, the department seeks to improve the level of service offered to consumers and professionals who use this information every day.

As part of the Ridge Administration's efforts to improve customer service and provide greater access to public information, the Department of State revised its Internet website to provide better service and to improve efficiency 24 hours a day, seven days a week. The site allows for instant and convenient access to election information and voter registration statistics; tips on charitable giving; fees and filing requirements for incorporating in Pennsylvania; and basic information about the department. In 1997, Pennsylvania became one of the

first states in the nation to tabulate and post election returns to the Internet on election night; and in April 1998, the department began posting campaign-finance reports for statewide candidates on the Internet — fulfilling Gov. Ridge's pledge to provide greater access to campaign-finance information.

The Pennsylvania Homepage, www.state.pa.us, recently was selected as the best state website in the country by *Government Technology* magazine.

State Board of Psychology 1999 Remaining Meeting Dates

May 17 & 18
 June 16 & 17
 June 17 PPA presentation in King of Prussia
 July 26 & 27
 August 23 & 24
 September 13 & 14
 October 25 & 26
 November 22 & 23
 December 13 & 14



Important Reminder on Reporting Suspected Child Abuse

Persons, who in the course of their employment, occupation or practice of their profession come into contact with children, shall report or cause a report to be made when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused child.

Child Abuse, as defined in the Child Protective Services Law (CPSL), includes any of the following:

- any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age;
- an act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age;
- any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or exploitation of a child under 18 years of age;
- serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

Sexual abuse or exploitation is the employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any

other person to engage in any sexually explicit conduct or any simulation of any sexually explicit conduct for the purpose of producing any visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

If you have reasonable cause to suspect that a child has been abused, a report should be made immediately by telephone to **CHILDLINE** at **1-800-932-0313**. Within 48 hours of the oral report, a written report must also be made to the appropriate county children and youth service agency by the reporter. Forms can be obtained from the county children and youth service agency.

Willful noncompliance with the reporting requirements of the CPSL will result in the initiation of disciplinary action before the professional licensure board. Criminal sanctions may also be applicable.

A board-regulated practitioner who participates in good faith in making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs, shall have criminal, civil and disciplinary immunity that might result from these actions.

To obtain a copy of the regulations, please contact the board office.

Board Members

Yvonne E. Keairns, Ph.D., Chairperson
Professional Member, Pittsburgh

Maurice F. Prout, Ph.D., Vice Chairperson
Professional Member, Wayne

Anthony J. Fubio, Secretary/Treasurer
Public Member, Altoona

Gerrian M. Bobrowsky, Ph.D.
Professional Member, Pittsburgh

Joseph L. French, Ed.D.
Professional Member, State College

Betty Sawyer-Brown
Public Member, Hummelstown

Alex M. Siegel, J.D., Ph.D.
Professional Member, Penn Valley

Henry M. Weeks, Ph.D.
Professional Member, Carlisle

Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs

Board Staff:

Judith Pachter Schulder, Esq.
Counsel

Melissa Wilson
Administrator

Meet Some of Our Board Members

Joseph L. French, Ed.D., ABPP, is an emeritus professor at Penn State. A member of a university faculty for 45 years, he has engaged in a limited private practice for 40 years. A summary of his research on high ability dropouts was read into the Congressional Record. He was the 1998 Distinguished Alumnus of Illinois State University. Previously he received the Worcester Memorial Award for Exceptional Achievement in the field of special education from the University of Nebraska where he earned his doctorate. Other honors include a Paul Witty Fellowship at Indiana State University; Distinguished Service Award from APA's Division of School Psychology; Dorothy Hughes Memorial Award from New York Uni-

versity; Career Achievement Award from Penn State's College of Education; and the Award for Distinguished Contributions to the Science and Profession of Psychology from PPA.

Anthony J. Fubio is vice president/general manager for Building Concepts Unlimited in Tipton. Prior to 1995, he was a plant manager for Besteel in Tyrone. Fubio attended Geneva College, Penn State University and Bucknell University. He is a member of Peterson Industrial Park C.E.O. Organization; a senior member of the Society of Manufacturing Engineers; and a member of the board of directors for Altoona Enterprises.

Alex M. Siegel, J.D., Ph.D., is an attorney and clinical psychologist who earned his J.D. from Villanova University School of Law and his Ph.D. from Hahnemann University. He is in private practice in the Philadelphia area. Dr. Siegel specializes in the diagnosis and treatment of addictions and compulsive gambling and frequently makes presentations on the legal and ethical issues that face psychology today. He is an active member of the American Psychological Association, the Pennsylvania Psychological Association and the Philadelphia Society for Clinical Psychologists.

Reporting Elder Abuse: “Voluntary or Mandatory”

Jeffrey J. Wood, Esquire, Chief Counsel, Pennsylvania Department of Aging

Jeffrey J. Wood, Esquire, was appointed Chief Counsel to the PA Department of Aging by Gov. Tom Ridge in April 1995. Wood assigns and supervises the Aging legal work, advises Aging Secretary Richard Browdie on matters affecting older Pennsylvanians, and represents Aging in administrative forums, county courts and state appellate courts on elder law issues including contracts, regulations, legislation, constitutional challenges, health care matters, and particularly with the Pharmaceutical Assistance Contract for the Elderly (PACE) Program and older adult protective service intervention in cases of abuse, exploitation and fraud.

Our senior citizens may be one of our most valuable resources, but they can also become our most vulnerable citizens. Sickness, loneliness, or mere “old age” can leave an older adult vulnerable to abuse. **The purpose of this Commentary is to provide general information, not legal advice, about the issue of ‘reporting elder abuse’.**

The Pennsylvania Department of Aging (PDA) is formally charged by the Older Americans Act (42 U.S.C.A. §3025(a)) and the Pennsylvania General Assembly (71 P.S. §581-1) with being an advocate for the interests of older Pennsylvanians at all levels of government. PDA oversees many services and benefits to older people — most provided through the 52 statewide Area Agencies on Aging (AAAs), and works with the Governor’s Office and the General Assembly on legislation benefiting older persons. PDA has consistently pursued its role as advocate inside and outside state government through planning, training and research as well as the administration of federal and state funds for elderly programs through AAAs. PDA and AAAs are both leaders of, and partners in, what is known as the state and local Aging Services Network.

PDA and AAAs through The Older Adults Protective Services Act (35 P.S. §10225.101 *et seq.*) have assisted thousands of older Pennsylvanians to overcome abusive situations or protect them from potential abandonment, abuse, financial exploitation or neglect, including self-neglect. The Act provides that any person having reasonable cause to believe that an older adult is in need of protective services may report such information to the AAA (35 P.S. §10225.302(a)). An older adult is defined by the Act as a person in our Commonwealth who is age 60 or over (35 P.S. §10225.103; see 71 P.S. §581-2).

The Act, which was effective July 1988¹, enables anybody to voluntarily report suspected abandonment, abuse, financial exploitation or neglect. Abuse is defined in the Act as: the infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish; or as the willful deprivation of necessary goods or services to maintain physical or mental health; or, as any sexual act, harassment or placing one in reasonable fear of serious bodily injury (35 P.S. §10225.103; see 23 Pa. C.S.A. §6102 and 18 Pa. C.S.A. §2301). Consequently, any person who has personal knowledge that abuse has been, or is being, perpetrated upon an older adult, may voluntarily report such to the AAA.

Notwithstanding, the Act’s voluntary reporting directive, the Act has been amended by Act 13-97, effective December 1997, mandating any employee or administrator of a facility (facility being defined in the Act) who has reasonable cause to suspect that an individual receiving care, services or treatment from a facility is a victim of abuse, shall immediately make a report of such abuse to the AAA (35 P.S. §10225.701 (a)(1)). Further, any employee or an administrator who has reasonable cause to suspect that such individual is the victim of sexual abuse, serious physical injury or serious bodily injury or that a death is suspicious shall, in addition to contacting the AAA and PDA, immediately contact law enforcement officials to make a report (35 P.S. §10225.701 (b)(1)). Consequently, any employee or an administrator who has knowledge that abuse has been, or is being, perpetrated upon an older adult, is mandatorily required to report, depending upon the severity of the abuse, to the AAA, PDA and law enforcement.

In addition to The Older Adults Protective Services Act voluntary and mandatory elder abuse reporting declarations, our Crimes Code (18 Pa. C.S.A. §101) mandates reporting criminal acts or abuse for certain Commonwealth Agencies and for certain medical personnel, when such Agencies and personnel are engaged in the performance of their duties. That is, in specific circumstances, the law requires reporting:

The Crimes Code, as amended by Act 28-95, effective September 1995, requires any member or agent of the Commonwealth Agencies of PDA, Department of Health or Department of Public Welfare, when in the course of conducting the performance of regulatory or investigative duties, and having reasonable cause to believe that an individual receiving care, services or treat-

ment has suffered bodily injury or been unlawfully restrained, shall immediately report such criminal act abuse to the local law enforcement agency or to the Office of Attorney General (18 Pa. C.S.A. §2713(c)). That is, where personnel or agents of PDA, Department of Health or Department of Public Welfare have cause to believe that the criminal act of omission defined as “neglect of care-dependent person” has been, or is being, perpetrated, it is mandatory that such Commonwealth Agency personnel report to law enforcement or the Attorney General. Consequently, any employee or agent of PDA, Health or Public Welfare must report suspected neglect of care-dependent persons.

Further, the Crimes Code, Act 334-72, effective June 1973, directs that a physician, intern or resident, or any person conducting, managing or in charge of any hospital or pharmacy, or in charge of any ward or part of a hospital, to whom shall come or be brought any person suffering from any wound or other injury inflicted, by his own act or by the act of another, by means of a weapon or has injuries inflicted in violation of any penal law of this Commonwealth (18 Pa. C.S.A. §5106(a)), shall report such criminal act injuries to the local law enforcement agency or to the State Police. Such is mandatory reporting for medical personnel when injuries sustained are the result of suspected criminal activity.

PDA continues its efforts to raise public and professional awareness of elder abuse and remains committed to intervening in the lives of our older Pennsylvanians in appropriate cases while avoiding unnecessary infringement of their civil liberties. At the same time, PDA provides services and legal protection to victims and confidentiality for those who report cases of abuse. PDA is looking to the future, planning how to best meet the needs of Pennsylvania’s older citizens and their communities. As we head into the 21st century, our emphasis is on health care and disease prevention, and our mission continues to be to enhance the lives of communities, families and older Pennsylvanians...we need you to carry on this mission. Elder abuse happens everywhere — across the country, across the state and across the street. But you can do something about it. But first, you must open your eyes to the issue.

¹The Act, initially enacted as Act 79-87, but was amended and Sections renumbered by Act 169-96, effective March 1997. Further, the Act was amended by Act 169-96 to add Chapter 5, effective July 1998, relating to criminal background checks for personnel providing care to older adults; however, such discussion is outside the scope of this *Commentary*.

How a Regulation is Adopted

Joyce McKeever, Deputy Chief Counsel, Pennsylvania Department of State

Each year, licensing boards and commissions in the bureau propose and adopt numerous regulations and amendments to current regulations. Some regulations, such as fees for examinations and renewals, are required by statute. In other instances, boards make changes to long-standing policy or wish to enact new standards of professional conduct for licensees.

Whether a new regulation is necessary, or changes to old regulations are made, all proposed rulemaking of the boards must be adopted under the law and procedures spelled out in the Commonwealth Documents Law, the Commonwealth Attorneys Act and the Regulatory Review Act.

The Commonwealth Documents Law requires the board or commission that wishes to enact a new rule to publish a proposal in the *Pennsylvania Bulletin*, the official publication of important documents for all Commonwealth agencies. The proposal announces the intention of the agency and explains to the public why the regulation is necessary or benefits the public. The public can comment or object to the board's proposal for a period of thirty days after publication. Thereafter, the board can propose a final rulemaking, which is also published in the *Pennsylvania Bulletin*.

The Regulatory Review Act requires the board or commission to submit the proposal to the state House and Senate standing committees which have oversight over all licensing boards in the bureau and the Independent Regulatory Review Commission (IRRC). The board proposal is submitted to the regulatory reviewers at the time it is published in the *Pennsylvania Bulletin*. The public comments which the board or commission receives are also sent to the committees and the IRRC. In turn, the committees or IRRC submit comments to the board and/or the commission.

Licensing boards and commissions must consider public, legislative and IRRC comments when a final regulation is proposed. An agency has two years from the close of the public comment period to submit a final-form regulation. The final-form regulation is again submitted to the state House and Senate standing committees and to IRRC. The committees and IRRC review the board's final rulemaking. That review results in an action to either approve or disapprove the regulation. The committees have 20 days within which to act to disapprove a regulation. When they do so, IRRC is notified. Thereafter, IRRC meets to consider the final rulemaking. IRRC may disapprove or approve the regulation, irrespective of the action taken by the legislative committees. If IRRC approves the regulation, publication of the final regulation is authorized.

If IRRC disapproves a proposed final regulation, disapproval bars publication in the *Pennsylvania Bulletin*. The board or commission then has a seven-day period in which it may notify the House and Senate committees and IRRC that it intends to proceed with final rulemaking, notwithstanding the disapproval. If a board or commission decides to resubmit final rulemaking, it may do so within 40 days of IRRC's original disapproval.

The licensing board or commission, as with any state agency, can submit the regulation without any changes or it can make revisions to its proposal and submit a revised regulation which is intended to address the concerns raised in the disapproval. When no changes are made to final form regulation, the committees have 14 days to report a concurrent resolution. A resolution would bar publication unless the Governor successfully (without override) vetoes the resolution.

If a board or commission decides to revise the final rulemaking, the revisions are considered again by the House and Senate committees and IRRC. If both approve the changes, publication of the final regulation is then authorized. If either of the committees or IRRC disapprove the revised regulation, either of the legislative committees may within 14 days report a concurrent resolution barring publication. If the resolution is not reported, the House or Senate fails to adopt, or the Governor successfully vetoes the resolution, the regulation may be published in the *Pennsylvania Bulletin* as final.

Under the Commonwealth Attorneys act, the Attorney General must approve all regulations before they are final. Once a regulation is published, it becomes law.

To File a Complaint

If you believe the practice or the service provided by a licensed professional to be unethical, immoral, below an acceptable standard of practice or out of the scope of the profession, you are urged to contact the Bureau of Professional and Occupational Affairs to obtain a complaint form.

in Pennsylvania:

1-800-822-2113

out of state:

1-717-783-4854

A complaint form is also available on the department's Internet site at www.dos.state.pa.us

Continuing Education Credits

Maurice F. Prout, Ph.D., and Alex M. Siegel, J.D., Ph.D.

On Dec. 20, 1997, the new continuing education regulations became effective. The regulations expand the categories for obtaining credit for continuing education by including professional writing, professional instruction and teaching.

General Considerations

The requirements for the renewal of a license obligate that a psychologist complete a minimum of 30 contact hours within a biennium. Biennium is defined as the period from Dec. 1 of an odd-numbered year to Nov. 30 of the next odd-numbered year. Of the 30 contact hours, at least three must pertain directly to ethical issues. The psychologist, however, may exceed the required three ethical hours as part of the 30 (e.g., nine hours directly in ethics and a minimum of 21 in other CE topics). A contact hour is defined as 50-60 minutes of participation in an approved CE course or program. To satisfy the regulation and obtain credit for successfully completing a course (or courses) taken for semester/quarter hour credit, the course must be taken from a department of psychology from an accredited college or university. One semester hour equates to 15 contact hours and one quarter hour equates to nine contact hours.

In an effort to facilitate attainment of the requisite number of credits, the psychologist may choose among the following options:

Workshops/Teaching

A psychologist can obtain all or some of the required CE credits by attending workshops.

- The sponsoring organization must state that the CE credits have been approved by the American Psychological Association (APA) or an APA approved sponsor (e.g., PPA). Some organizations state in a brochure that they have applied for CE approval from APA.
- Applying for, and having approval, are two separate designations. The psychologist should make sure that the agency obtained approval prior to taking the CE workshop.

To satisfy the regulation and obtain credit for instructing at an approved workshop:

The psychologist must obtain documentation from the approved sponsor of the workshop

- a) stating that the psychologist successfully conducted the workshop; and

- b) indicating the dates and locations of the workshop.

Once this information is obtained, it must be maintained by the psychologist in his or her own records and surrendered for inspection to the board if requested.

Home Study

A maximum of 15 of the required 30 contact hours may be accrued via home study courses offered by approved sponsors (e.g., the APA). These courses are well advertised in various publications (e.g., APA Monitor, book publisher notices, etc.).

The course will have specific learning objectives and a method for assessing whether the objectives have been met. Frequently this will consist of an objective paper and pencil test that is completed by the psychologist, sent back to the sponsor and scored.

If the psychologist has demonstrated that the objectives were met, the CE credits are awarded.

Instruction

A maximum of 15 of the required 30 hours may be accrued by the psychologist offering:

- a course specifically in psychology from a regionally accredited college/university. The course must generate semester/quarter hour credit and have a designated syllabi. One hour of instruction is equivalent to one hour.
- a workshop for an approved sponsor.

The psychologist must obtain a letter from the department chair identifying:

- a) the course prefix, number and title;
- b) the dates, time and place of teaching; and
- c) the number of credits.

The psychologist must maintain a copy of the course syllabus.

Once this information is obtained, it must be maintained by the psychologist in his or her own records and surrendered for inspection to the board if requested.

An individual course or workshop may be credited to the instructor only once every four years.

Professional Writing

A maximum of ten contact hours of the required 30 may be obtained by authoring:

- an article published in a journal abstracted in PSYCHLIT; or
- a chapter(s) in a text or trade book for psychologists.

The psychologist must maintain documentation that includes:

- a) the date of publication of the article, chapter or book;
- b) photocopies of the page or pages of the article showing the title and the author(s); and
- c) an abstract summary, the date and the journal title.

If the professional writing is a chapter or more in a text or trade book for psychologists, the psychologist must maintain copies of:

- the title page of the book;
- the table of contents;
- the title page of the chapter indicating authorship; and
- the date of publication.

Book reviews and test reviews are not accepted.

Ten hours per publication, divided by the number of authors, will result in the number of contact hours granted (e.g., an article that has two authors will result in five contact hours for each author).

Specific Consideration

- Be certain when you sign the renewal form that you actually have the requisite number of CE credits.
- Maintain **documentation** that you attended/offered a workshop or course or completed home study or engaged in professional writing (e.g., have hard copies of your certificates).
- Check that you have the required CEs from an **approved provider**.

CE Credits *(continued)*

- If for some unforeseen reason you can't complete the required number of CEs (e.g., due to sudden medical illness you completed only 27 out of 30) write the board **prior to** signing the renewal form. In your letter state why you are deficient and your proposed plan for completing the requirements.
- Be certain of the **time period**. CE hours must cover the applicable time period within the **biennium**, and not beyond (e.g., you have 30 CEs over a 28 month period but only 20 CEs with the biennium period).
- The material submitted for CE must be directly **related to the practice** of psychology. Material related to office management or accounting procedures would not be acceptable.
- Approved providers must maintain a record of those psychologists who have successfully completed CE for five years.

Standards for Employment and Supervision of Unlicensed Persons with Graduate Training in Psychology Who Provide Therapeutic Staff Support Services (TSS)

During its June 25, 1998 meeting, the board adopted the following policy on standards for the employment and supervision of unlicensed persons with graduate training in psychology who provide Early Periodic Screening Diagnosis and Treatment (EPSDT) services consisting of therapeutic staff support services:

For purposes of EPSDT services, a psychologist shall be permitted to supervise, in addition to the "three full-time or their equivalent in part-time employees" as set forth in § 41.58(c)(9) of the board's regulations, up to 9 full-time equivalents of unlicensed persons with graduate training in psychology who provide therapeutic staff support (TSS) services as those services are defined in the Department of Public Welfare's Medical Assistance Bulletin. Supervision of TSS employees shall include at least quarterly face-to-face meetings with the TSS worker, the family and the child involved. The quarterly face-to-face meetings may be con-

ducted at regular treatment meetings. The psychologist shall be ultimately responsible for the welfare of all services offered to clients under the psychologist's supervision.

Unlicensed persons with graduate training in psychology who provide mobile therapy services and behavioral specialist consultant services as those services are described in the Department of Public Welfare's Medical Assistance Bulletin, shall be included in the "three full-time or their equivalent of part-time employees" limitation imposed by §41.58(c)(9) of the board's regulations.

In recognition that EPSDT services are relatively new in nature the policy expands by interpretation the board's current regulation at §41.58(c)(9). The board may refine the standards by regulation when additional data becomes available on the optimal number of supervisees that a psychologist can manage.

CE Certificate Reminder

Attention Continuing Education Sponsors and Providers:

Each certificate or letter of completion must include the name of the sponsor/provider approved to offer continuing education for psychologists. (The sponsor/provider maintains responsibility for the program(s).)

Important Notice Regarding Public Access to Information

*Gerard M. Mackarevich, Deputy Chief Counsel,
Pennsylvania Department of State*

The Bureau of Professional and Occupational Affairs is sensitive to its licensees' concerns about personal privacy. However, the Pennsylvania Right-To-Know Act, 65 P.S. § 66.1, mandates release of information contained in a "public record" stored by that agency if a member of the public requests it.

The bureau wants you to know that it will take all reasonable steps to safeguard personal information contained in your licensure records.

We realize that many of you use your home address on the licensure records maintained by the bureau. However, given the uncertainty over what the Right-To-Know Act requires, neither the bureau nor the board that issues your license can guarantee the confidentiality of the address shown on your licensing record. Therefore, we recommend that, if you have a personal security concern, you might want to consider what many of our licensees have already done: Use a business address or box number as the official address on their licensure records.

Evolving Ethical Considerations for Psychologists Using Electronic Communications

Joseph L. French, Ed.D.

At its June 1998 meeting the State Board of Psychology adopted the statement which follows to provide guidance to psychologists using electronic communications.

The nature of other than face to face contacts between a client and therapist is not new. Use of telephones for purposes such as educational information, suicide hot lines, or brief crisis contact and referral are reasonably well established. The use of the telephone or electronic devices for regular on going therapies is another matter.

Neither the Pennsylvania Psychology Board Code of Ethics nor the APA Ethical Code is specific with regard to telephone therapy or teleconferencing or any electronically provided services as such and has no rules prohibiting such services. Complaints regarding such matters will be addressed on a case by case basis.

In addition to following the Pennsylvania Regulation Section 41.61, it is recommended that psychologists be guided by APA standards particularly 1.04c, Boundaries of Competence which indicates that "In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect patients, clients, students, research participants and others from harm."

Other relevant APA standards include:

Assessment (2.01 - 2.10), Therapy (4.01 - 4.09 especially 4.01 Structuring the Relationship and 4.02 Informed consent to Therapy), and Confidentiality (5.01 - 5.11).

Within the APA General Standards, those with particular relevance are:

1.03 Professional and Scientific Relationship;

1.04 (a, b, and c), Boundaries of Competence;

1.06 Basis for Scientific and Professional Judgments;

1.07(a) Describing the Nature and Results of Psychological Services;

1.14 Avoiding Harm; and

1.25 Fees and Financial Arrangements.

Standards under Advertising, particularly 3.01-3.03 are relevant also.

A FEW FACTS ABOUT ELECTRONIC COMMUNICATIONS

Communicating by computer is a common, natural, and fully accepted means of communicating. There are, however, problems associated with its use:

- E-mail messages are **NOT** private communications between the sender and the designated receiver.
- In counseling over the internet, neither the psychologist nor the client knows who is typing.
- A hacker, a family member, or anyone with physical or electronic access to the psychologist's computer system can break into client files and destroy, and/or post "confidential" data.
- Anyone with physical or electronic access to a client's computer can break into his/her files and change or enter information.
- Anyone with physical or electronic access to the server between the psychologist's terminal and his/her client's terminal can read and print or forward messages to other parties from both parties (unless they are successfully encrypted).

- A computer operator working at a "dumb" terminal (i.e., storing information and transmitting messages from a server to a mainframe) can provide a hard copy of memos/messages to another party (i.e., those not identified as sender or receiver).
- When on-line it is not easy to accurately determine a potential client's age, ethnicity, cultural background, or whether she/he is receiving treatment from someone else.
- Several years after messages have been "deleted" from computers, technicians can obtain and decode digitized back up from the hard drive.
- Messages (documents) on computers in hospitals, agencies, firms or other settings are owned, not as sole possession data of the author, by the purchaser of the computer.

REMEMBER ALSO:

- 1 A psychologist "hearing" something from a client "on-line" resulting in a "duty to warn" a third party, has the duty to warn.
- 2 As an on-line service provider, a psychologist can be classified as a "publisher" and have liabilities of libel; slander; defamation; violation of privacy; unfair competition; or infringement of copyright, title or slogan.
- 3 Use of the internet to sell consultation directly to clients (e.g., about ways for a parent to manage a child's threatening behavior) is not prohibited under PA statutes.
- 4 Use of a professional prepared web page to market psychological services and other related services is not prohibited by PA statutes.

Frequently Asked Questions

Alex M. Siegel, J.D., Ph.D.

Q: I recently took a six hour ethics workshop for continuing education credit. Can I carry three of those continuing education ethics credits over to the next biennium?

A: According to Section 41.59 (b) of the Psychology Practice Act, a psychologist can carry up to 10 contact hours in excess of the 30 from the preceding biennium period. The three additional contact hours in ethics may be carried over if it is in addition to the 30 required. It cannot be used to fulfill the next biennium's requirement of having a least three contact hours in ethical issues.

Q: Currently I am employed as a full time psychologist in a hospital. I also rent an office from a psychologist to see private patients unrelated to my work in the hospital. I placed a copy of my license in my office at the hospital. Do I need to have a copy of my license hanging in the private practice office in which I rent space?

A: A licensed psychologist should display or hang his/her license in each office in which he/she sees patients. This enables the patients/clients to know that the clinician with whom they are working is a licensed psychologist. The wall certificate and the wallet size license documents are the only evidence of a valid, current licensure. Duplicate license can be requested from the Bureau of Professional and Occupational Affairs so they can be hung in each office in which you see patients. (Submit a \$5 fee made payable to the" Commonwealth of PA" and written request to: State Board of Psychology, P.O. Box 2649, Harrisburg, PA 17105)

Q: Recently a friend told me that I cannot identify myself as licensed, clinical psychologist. Is that correct?

A: According to Section 41.11 (b) of the Psychology Practice Act, only the holder of a current license shall have the right and privilege of using the title" psychologist" and of "practicing psychology". The licensure in the Commonwealth of Pennsylvania is a generic license for psychologists. It is not a specific license which licenses "clinical psychologist" or "counseling psychologist". It would therefore be misleading to the public if a psychologist

used the term "licensed clinical psychologist". A preferable title may be "psychologist" or "licensed psychologist". It is also permissible to call oneself a clinical psychologist if one has appropriate education and training to support that title from a program publically recognized for that specialty. If a psychologist chooses to use the phrase "clinical psychologist" it should not be written as "licensed clinical psychologist". As indicated above, that would be misleading to the public.

Q: Often I am confused as to whether to follow the American Psychological Association Code of Conduct or follow the Code of Ethics which is part of the Professional Psychology Practice Act and Regulations in the Commonwealth of Pennsylvania.

A: As a licensed psychologist in the Commonwealth of Pennsylvania it is incumbent upon the psychologist to follow the rules and regulations of the Professional Practice Act of the Commonwealth of Pennsylvania. Therefore, the psychologist should follow the Code of Ethics that are part of the Professional Psychologists Practice Act. It is also incumbent upon the competent psychologist practicing in the Commonwealth of Pennsylvania to follow the American Psychological Association Code of Conduct. Therefore, the psychologist should follow and abide by both sets of ethics. Fortunately for the psychologist there is a considerable amount of overlap in these two codes of ethics.

Q: Where can I get a copy of the Professional Psychology Practice Act and Regulations?

A: It can be obtained by writing to:

Pennsylvania State Board of Psychology
P.O. Box 2649
Harrisburg, PA 17105

Request: Title 49 Professional & Vocational Standards Chapter 41. State Board of Psychology

Q: I am just starting out in private practice and am unsure as to what is required to go into each patient's chart.

A: According to Section 41.57(b) of the Psychology Practice Act, "A psychologist shall maintain a legible record for each client/patient which includes, at a minimum:

- (1) The name and address of the client/patient and, if the client/patient is a minor, the names of the parents or the name of the legal guardian. If a minor's parents are separated, notation of legal custodial arrangements is required;
- (2) the presenting problem or purpose or diagnosis;
- (3) the fee arrangement;
- (4) the date and substance of each service contact;
- (5) test results or other evaluative results obtained and basic test data from which they were derived;
- (6) notation and results of formal consults with other providers;
- (7) a copy of all test or other evaluative reports prepared as part of the professional relationship; and
- (8) authorizations, if any, by the client/patient for release of records or information."

Q: How long am I required to maintain these professional records?

A: According to Section 41.57(d): "a psychologist shall assure that all data entries in professional records are maintained for at least five years after the last date of service was rendered. Records need not be destroyed after five years for a variety of reasons. A psychologist shall also abide by other legal requirements for record retention, even if longer periods of retention are required for other purposes".

Q: I was recently at a workshop where the presenter said that a psychologist has to make provisions in his/her will to ensure the confidentiality of records after his/her death. Is this correct?

A: According to Section 41.47 (e): "A psychologist shall provide for the confidential disposition of records, in the event of the psychologist's withdrawal from practice, incapacity or death". The presenter was correct in that psychologists should make provisions for the orderly transfer of their confidential records in the event of the above listed circumstances.

Disciplinary Actions

The following is a chronological listing of formal disciplinary or corrective measures taken by the board from Dec. 16, 1997, through Dec. 2, 1998. Each entry includes the name of the respondent; the respondent's license number; the respondent's city; the sanction imposed; a brief description of the basis for the disciplinary or corrective measure; the effective date of the disciplinary or corrective measure; and whether the measure was taken pursuant to an Adjudication and Order (A&O); a Consent Agreement and Order (C&O); Automatic Suspension (AS); or an Immediate Temporary Suspension (ITS).

Every effort has been made to ensure that the following information is correct. However, this information should not be relied upon without verification from the board office. It should be noted that the names of persons listed below may be similar to the names of persons who have not had disciplinary or corrective measures taken against them.

Please contact the board to verify these actions and their effective dates. Official confirmation of the current status of a license or registration can be obtained by writing to: State Board of Psychology, P.O. Box 2649, Harrisburg, PA 17105-2649.

CHARLES H. HARRINGTON, license no. **PS-002435-L**, of Grove City, OH, was indefinitely suspended based on disciplinary action taken in Ohio for having pled guilty to one count of interfering with civil rights, a misdemeanor of the first degree. (12-16-97) (A&O)

LONNIE COLE SAVAGE, license no. **PS-001543-L**, of Philadelphia, was indefinitely suspended for no less than two years for violating a lawful order of the board which was previously entered in a disciplinary proceeding. (12-16-97) (A&O)

KENNETH R. YANCEY, license no. **PS-005593-L**, of West Chester, Chester County, was revoked and assessed a \$7,000 civil penalty for engaging in a sexual relationship and a prohibited dual relationship with a client; unprofessional conduct; offering services which failed to meet professional standards; and exploiting the professional relationship between a psychologist and a client. (2-24-98) (A&O)

HAROLD PASCAL, license no. **PS-003172-L**, of East Stroudsburg, Monroe County, was reprimanded and required to complete a board approved course in patient confidentiality for releasing confidential patient information without a proper release. This course was required in addition to the mandatory continuing education requirements necessary for biennial license renewal. (3-30-98) (C&O)

DAVID J. JOHNSON, license no. **PS-006787-L**, of Erie, was automatically suspended for pleading no contest to two counts of violating the Drug Act, for knowingly and intentionally obtaining possession of controlled substances by misrepresentation, fraud, forgery, deception or subterfuge. (5-4-98) (AS)

BERNARD ALBERT, license no. **PS-000654-L**, of Ambler, Montgomery County, was assessed a \$1,000 civil penalty and placed on a two year probation, for his conviction of two counts of income tax evasion and two counts of filing false tax returns. (7-27-98) (C&O)

ROBERT L. ROMANO, license no. **PS-000046-L**, of Pittsburgh, Allegheny County, was assessed a \$1,000 civil penalty for failing to complete the required 30 contact hours of continuing education for the biennial renewal period Dec. 1, 1995 through Nov. 30, 1997, in that he only completed 22 hours of continuing education credits by the deadline. (7-27-98) (C&O)

JOHN J. GALLAGHER, license no. **PS-003770-L**, of Philadelphia, was indefinitely suspended for having a sexual relationship with a patient. (7-27-98) (C&O)

THOMAS W. LANE, license no. **PS-005998-L**, of Allentown, Lehigh County, was reprimanded and assessed a \$1,000 civil penalty for failing to complete the required 30 contact hours of continuing education credits for the biennial renewal period of Dec. 1, 1995 through Nov. 30, 1997, in that he only completed 14 hours of continuing education credits by the deadline. (8-24-98) (C&O)

DOLORES M. SARNO-KRISTOFITS, license no. **PS-003065-L**, of Perkasio, Bucks County, was suspended for two years and assessed a \$3,000 civil penalty. The board also ordered, as a condition to reinstatement, that she complete a course in ethics and continue to satisfy the continuing education requirements during her period of suspension. The board's action was based upon findings that she exploited her professional relationship with a client and engaged in unprofessional conduct by encouraging a client to obtain a companion card for her on the client's credit card account. Sarno-Kristofits was also found to have engaged in unprofessional conduct in connection with another client by failing to notify the mother of a child, who had shared legal custody, of her evaluation of the child and by failing to provide the mother with a copy of the evaluation. (9-17-98) (A&O)

JOHN P. FORD, license no. **PS-003101-L**, of Doylestown, Bucks County, was reprimanded and assessed a \$1,000 civil penalty for failing to complete the required 30 contact hours of continuing education credits for the biennial renewal period of Dec. 1, 1995 through Nov. 30, 1997, in that he only completed six hours of continuing education credits by the deadline. (10-19-98) (C&O)

LEONARD D. FITTS, license no. **PS-001493-L**, of Moorestown, NJ, was reprimanded and assessed a \$1,000 civil penalty for failing to complete the required 30 contact hours of continuing education for the biennial period Dec. 1, 1995 through Nov. 30, 1997, in that he did not complete any hours of continuing education credits by the deadline. (10-19-98) (C&O)

TIMOTHY E. RING, license no. **PS-006296-L**, of Reading, Berks County, was reprimanded and assessed a \$1,000 civil penalty for failing to complete the required 30 contact hours of continuing education for the biennial renewal period Dec. 1, 1995 through Nov. 30, 1997, in that he only completed 18 hours of continuing education credits by the deadline. (10-19-98) (C&O)

LESLIE A. PEPITONE, license no. **PS-003556-L**, of Broomall, Delaware County, was reprimanded; assessed a \$1,000 civil penalty; and ordered to complete continuing education, for failing to complete the required 30 contact hours of continuing education for the biennial period Dec. 1, 1995 through Nov. 30, 1997, in that she did not complete any hours of continuing education credits by the deadline. (10-19-98) (C&O)

PETER J. FILICETTI, license no. **PS-000324-L**, of Dresher, Montgomery County, was assessed a \$1,000 civil penalty, for failing to complete the required 30 contact hours of continuing education for the biennial period Dec. 1, 1995 through Nov. 30, 1997, in that he only completed 22.5 hours of continuing education credits by the deadline. (10-19-98) (C&O)

ROSANNE B. MCGINN, license no. **PS-006149-L**, of Macungie, Lehigh County, was assessed a \$1,000 civil penalty for failing to complete the required 30 contact hours of continuing education for the biennial period Dec. 1, 1995 through Nov. 30, 1997, in that she only completed 25 hours of continuing education credits by the deadline. (10-19-98) (C&O)

WENDY WHITE, license no. **PS-004979-L**, of Narberth, Montgomery County, was assessed a \$1,000 civil penalty, for failing to complete the required 30 contact hours of continuing education for the biennial period Dec. 1, 1995 through Nov. 30, 1997, in that she only completed 26.5 hours of continuing education credits by the deadline. (10-19-98) (C&O)

ANTONIA SCARLATA, license no. **PS-003331-L**, of Pittsburgh, Allegheny County, was reprimanded and assessed a \$1,000 civil penalty, for failing to complete the required 30 contact hours of continuing education for the biennial period Dec. 1, 1995 through Nov. 30, 1997, in that he only completed 17 hours of continuing education credits by the deadline. (10-19-98) (C&O)

VIRGINIA HAMMOND, license no. **PS-002836-L**, of Bryn Mawr, Montgomery County, was reprimanded and assessed a \$1,000 civil penalty, for failing to complete the required 30 contact hours of continuing education credits for the biennial renewal period of Dec. 1, 1995 through Nov. 30, 1997, in that she only completed 7 hours of continuing education credits by the deadline. (10-19-98) (C&O)

BATSHEVA BEN AMOS, of Philadelphia, was assessed a \$200 civil penalty for failing to complete required continuing education courses. (12-2-98) (A&O)

Custody Evaluation Guidelines

Henry M. Weeks, Ph.D.

Psychologists who conduct custody evaluations have asked what defines competent clinical practice in this area. The uncertainty derives from: (a) the growing state of the art; (b) the interface between legal and clinical requirements; (c) different jurisdictions having different standards; (d) the clinician's dilemma of balancing economy vs. clinical efficacy in deciding how much information is necessary and sufficient; and (e) deciding to establish reliability and validity while compiling different, and at times conflicting, perceptions and data.

In Pennsylvania there are no statutory or regulatory rules to define what is a competent child custody evaluation. The practitioners can rely on ethical principles of practice in the Licensing Regulations and in American Psychological Association Publications to guide their practices.

General principles for engaging in the independent practice of child custody evaluation include:

1. Obtain specific education, training and practical experience supervised by psychologists trained in child custody work.
2. Maintain awareness of current theories, techniques and standards of practice and be able to explain why your practice does/does not reflect current procedures.
3. Advise consumers, peers, referral sources, attorneys and insuring bodies about the scope of your practice.
4. Maintain client accessibility to written office policies about your scope and limits of practice, fees and payment options, records, informed consent agreement, client's rights, confidentiality, complaint process and conflict resolution methods.
5. Know current legal elements which affect your area of practice including statutes and case law on custody, divorce, parental authority and duties, expert testimony and court procedures.
6. Review with colleagues who practice the same specialty and documenting your consultations, once you identify areas of concern.
7. Explain your written report to clients and officers of the court in language they understand. Check for understanding as you finish your explanation.

Specific steps in child custody evaluations include:

1. Orient all parties equally to what they can realistically expect. A written plan/agreement can be used to clarify the: (a) purpose; (b) legal limits; (c) procedures; (d) custodial arrangements; (e) professional credentials; (f) report distribution and control; (g) confidentiality issues; (h) costs and payment agreements; (i) mutual responsibilities of the parties; and (j) informed written consent to proceed with the evaluation.
2. Avoid multiple relationships or roles. If a prior incidental relationship exists, however insignificant, discuss it with each party and their attorneys to avoid the appearance or substantive compromise of objectivity. Document agreement to proceed.
3. If pre-evaluation information meetings or phone conversations are held, offer similar meetings to all current and potential caretakers.
4. Base your evaluations on interviews of parents, children and collateral sources as well as on home visits and appropriate tests. At a minimum address:
 - a. The unique social, physical, spiritual and mental needs of the children;
 - b. the ability of each parent to know and care for each child's unique needs and to promote development of the child with a stable and supportive home; and
 - c. the ability of each parent to maintain a positive productive relationship between parents, caretakers and children and to support the child relationship with others significant to his/her life.
5. Evaluators with less than two years experience should seek ongoing supervision and consultation on each case from a practitioner with specialty training in child custody.
6. In your report, discuss how specific factors such as neglect, abuse, domestic violence drug or alcohol uses and physical or mental health affect the parties involved.
7. Objectively report procedures and findings to explain how the needs of the children fit with the capabilities of the contesting parents so that the best interest of the child is enhanced.

Some Common Reminders:

1. Work always first for the best interest of the child.
2. Orient all parties with the same information. Avoid communications with only one parent/attorney on substantive issues. Significant communications are shared with all parties, and attorneys are sent written follow-up.
3. Maintain objectivity, neutrality and impartiality. Avoid any semblance of partisanship (i.e. where and with whom you sit at the hearing).
4. Be aware of your own biases regarding gender, sexual preference, race, ethnic background, religion, mental illness, socioeconomic status and cultural factors.
5. Avoid becoming the judge, a decider or an advocate. Maintain your professional expertise and stick with data.
6. Gather data from multiple sources to build corroboration or expose conflicting information regarding parental skills and children's needs.
7. Quality, quantity and competency of services are not limited by fees.
8. Make sure children understand what is happening and the limits of confidentiality.
9. Be able to explain, if asked, your experience, training and current knowledge of child and adult psycho-pathology, family dynamics, social and cultural factors, issues of divorce, current psychological aspects of custody determinations, standards of practice and the legal requirements of custody.
10. Always assess all parties involved. If, however, one sided evaluations must be done — NO recommendations about custody are to be offered nor comments made about the absent party.
11. Impartial reports should integrate multiple factors rather than focus upon a single factor. Integration of the findings regarding the fit between the child's needs and the parental abilities to meet those needs includes consideration of parental strengths and weaknesses in parenting skills — abilities to share the children, to work together and to help the child develop.
12. Do not harm.

Conducting Business with Clients/Ex-Clients

Gerrian M. Bobrowsky, Ph.D. and Yvonne E. Keairns, Ph.D.

The position of the State Board of Psychology regarding psychologists conducting business with clients is definitely stated in the Pennsylvania Code, Rules and Regulations. In Principle 6, welfare of the consumer (b), the regulations state:

Psychologists are continually cognizant of their own needs and their inherently powerful position vis-a-vis clients, students and subordinates, in order to avoid exploiting their trust and dependency. Psychologists make every effort to avoid dual relationships with clients or relationships which might impair their professional judgment or increase the risk of exploitation.

If a psychologist is working in a professional capacity, conducting business with a current client constitutes a dual relationship. The psychologist must determine if the relationship increases the risk of exploitation and/or might impair his or her professional judgment.

Critical to conducting business with a former client is once again for the psychologist to establish that he or she can avoid risk of impaired judgment or exploitation. The burden of proof always rests with the psychologist and not the client.

Determination of when a client becomes an ex-client is not definitive in the law. However, a two year period following the termination session is suggested as a guiding principle.

Change of Name and/or Address Reminder

To ensure receipt of a renewal notice or important information from the board, licensees must contact the board office with any changes in name or address. Name changes require a copy of a court order, marriage certificate, divorce decree or other official document.

Send changes to:

State Board of Psychology
P.O. Box 2649
Harrisburg, PA 17105-2649

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