



Vermont Board of Psychological Examiners  
Newsletter

VPEN



Volume 1 November 2002

**MESSAGE FROM THE CHAIR**

The Vermont Board of Psychological Examiners is pleased to present the first of what we hope will be an ongoing series of newsletters. The purpose of establishing *The Vermont Psychological Examiner's Newsletter (VPEN)* is to provide licensees with information about standards and changes in regulation of the profession of psychology within the state of Vermont. In addition we will be providing a description of how the Board functions both in the licensing of professional psychologists and in the handling of disciplinary cases. We will report recent disciplinary actions, provide reminders regarding continuing education requirements and present updates from the Association of State and Provincial Psychology Boards, (ASPPB). We also hope to supply helpful techniques to licensees regarding the maintenance of ethical and prudent standards within their individual practices.

**History of Regulation**

Regulation of the practice of psychology in Vermont began twenty-six years ago. The initial impetus came from American Psychological Association (APA) which was encouraging all states to enact legislation to regulate the profession. The national trend toward regulation of the profession caught the attention of members of VPA who began to lobby for such legislation here in Vermont. There were numerous obstacles unique to this state that needed to be addressed before legislation could be enacted. The most controversial issue was the licensing of psychologists at the master level. Some argued that because Vermont was primarily a rural state, limiting licensure to doctoral level clinicians meant that the rural populations would not be served. Others, including APA, were adamantly opposed to allowing master level psychologists to practice independently. Despite these hurdles, legislation aimed at regulation of the practice of psychology was enacted in 1975 and did allow for independent licensure at both the doctorate and master levels. Since then the original statutes and rules have undergone numerous changes. These modifications reflect the ways in which our profession has evolved over the past quarter of a century.

We continue to be one of two jurisdictions that licenses master's level psychologists for independent practice, the other being West Virginia.

**Governor**  
The Honorable Howard Dean

**Secretary of State**  
Deborah L. Markowitz

**Office of Professional Regulation**  
Jessica G. Porter, Esq., Director

**Members of the Board**  
Barbara Van Drimmelen, Psy.D., Chair  
Maxie S. Ewins, Vice-Chair  
Kathleen Smith, Secretary  
William L. Cunningham, Ph.D.  
Steve Lewis, Psy.D.

**Board Staff**  
Rita Knapp, Division Administrator  
Peggy Atkins, Board Administrator  
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The most recent revision of the Vermont Statute became effective on July 1, 2000. The Rules were subsequently revised to reflect the changes in the Statutes and became effective in June 2001.

### Structure

The Psychology Board is under the direction of the Office of Professional Regulation (OPR), which in turn is under the direction of the Secretary of State. OPR regulates 39 professions within the state of Vermont and provides each Board with access to investigators, case management, legislative counsel, and office support. The Board itself is comprised of five members who are appointed by the governor, three from the profession of psychology and two from the public sector. *The Board of Psychological Examiners Laws and Rules* provide the strict guidelines for making decisions regarding licensure and complaints. A copy of these regulations was sent out to every licensee in January of this year and is included in the application packet sent to prospective licensees.

### Meetings

The Board holds meetings, which are open to the public, on the second Friday of each month. The agenda reflects our mandate to protect the public by assuring that each psychologist seeking licensure in Vermont meets the criteria of education and experience as outlined in the Laws and Rules, and by enforcing standards for the competent and ethical practice of psychology when a complaint has been made. Typically at each meeting we carefully review documentation sent in by candidates wishing to be licensed, hear disciplinary cases, review requests for approval for continuing education, and respond to written correspondence. We have also been active in encouraging our licensees to become better acquainted with the Laws and Rules. Both the Jurisprudence Exam and the initiation of this newsletter are examples of our efforts.

It is our wish that this newsletter will improve communication between the Board and licensees and will keep you informed about regulatory issues in the profession of psychology. We welcome anyone interested in attending our monthly meetings. If you have specific questions you would like to address to the Board, do not hesitate to contact us by regular mail or by e-mail (you may e-mail Peggy at [patkins@sec.state.vt.us](mailto:patkins@sec.state.vt.us)). We would welcome any suggestions of topics you would like addressed in this newsletter. Please also take time to visit our website at [www.vtprofessionals.org](http://www.vtprofessionals.org)

Barbara Van Drimmelen, Psy.D., Chair

## PUBLIC MEMBER PERSPECTIVE

Vermont Statutes state that on the five member Board of Psychological Examiners there "shall be two persons who are consumers" and unrelated to the practice of psychology. But why would the governor appoint a librarian and a budget analyst to serve on a regulatory board for licensed psychologists? Our broad professional experience and community service equip us to participate fully in the work of the Board. We can ask the practical questions and provide a public perspective as we, as a board, work through the issues and changes that affect the practice of psychology in Vermont. Admittedly, the acronyms baffled us during our first few months as public members of the Vermont Board of Psychological Examiners (VBPE). In the beginning we could barely distinguish between CPQ, CE, EPPP, APA. Now, years later, even ASPPB (Association of State and Provincial Boards) rolls off our tongues with ease as we discuss issues of mobility, computerized testing and codes of conduct.

Our mandate as a board is to protect the public, to have the public's safety and welfare at heart. How are we, as public members, involved in "protecting the public?" We participate fully in the careful and timely evaluation of applications for licensure, ongoing review of statutes, rules and regulations, drafting of new rules, investigation of complaints, and decisions concerning disciplinary action. All this could not be done without a team that works closely together and without the support of the OPR staff and administration. The work is both challenging and rewarding, and we are pleased to be a part of it.

Maxie Ewins and Kathleen Smith, Public Board Members

## FROM THE DIRECTOR

I personally want to acknowledge, and thank, the members of the Board of Psychological Examiners. These Vermonters graciously volunteer their time in service as board members.

Their contributions are crucial to the success of Vermont's professional regulatory programs. These volunteers and the staff of the Office of Professional Regulation are to be congratulated for their successful efforts toward timely processing of citizen complaints of unauthorized practice and unprofessional conduct.

Through their efforts, the Office continued to meet its goal of resolving citizen complaints of unauthorized practice and unprofessional conduct within an average of 12 months.

Jessica G. Porter, Director

## CONTINUING EDUCATION UPDATE

Continuing education is a mechanism for psychologists to remain abreast of the evolution of the knowledge base in the field of psychology and is required for license renewal. The intent is that the “public will benefit from the most current and effective standards of professional practice.”

**Ethics** Beginning with the renewal period of February, 2002, the Board of Psychological Examiners requires that at least six CE credits be “devoted to continuing education specifically addressed to professional ethics”. As a requirement for new licensees and as a one-time CE opportunity for existing licensees, the Board created a Jurisprudence Exam, a 40-item multiple-choice test. This exam can be obtained through the Secretary of State’s Office or online from the Board’s official website: <http://vtprofessionals.org>. Opportunities for completion of the ethics credits are available in other realms as well.

### CE credits are allowed in two separate categories.

**Category I** The purpose of Category I is to get the psychologist out of his or her office to attend formal education events, typically with a designated presenter. These also serve to provide an opportunity for interaction with other psychology professionals. Activities include conferences, workshops, seminars, lectures, invited speaker sessions and symposia. For license renewal, 60 CE credits are required over the course of the two-year cycle. At least 30 of the hours must be from Category I.

We recognize that there are many wonderful, invigorating and useful activities and experiences that foster one’s own spirituality, personal growth, self-in-role as a practicing psychologist, and that inform one’s psychotherapy practice. Some of these activities, however, may not be applicable as CE credits for psychologists. Category I credits must be “primarily psychological in nature” and the presenters of Category I credit opportunities should be “qualified psychologists or related mental health professionals.”

**Category II** Category II credits are those educational activities that include individualized learning, independent study, APA-approved home study programs, supervision, case consultation with other psychologists, and individualized preparation for presentations that are primarily psychological in nature. There is no minimum for number of credits in this category that are required for licensure renewal.

The only exception to the current distinction between Category I and Category II credits is the Jurisprudence Exam, which is currently being accepted as either Category I or Category II credits, as stated in the Board of Psychological Examiners Laws and Rules. Beginning in the next cycle of CE credits, in 2004, the Jurisprudence Exam will qualify for Category II credits only, and will be available only to those who have never passed it.

### Tracking Credits

As with other licensed professions within the state, the Board of Psychological Examiners, through the Office of Professional Regulation, is creating a modified system for tracking CE credits. New CE record keeping forms will soon be available. Licensees will be required to list all CE credits by category and the number of hours on the new form, which will be sent with your renewal form. It will no longer be necessary to submit documentation of CE credits prior to renewal. However, it is important for all licensees to maintain documentation individually for four years for audit purposes. If a licensed psychologist is audited, instructions for the submission of documentation will be provided by the Board, and the documentation will then be reviewed by the Board.

Steve Lewis, Psy.D., Board Member

## CASE BY CASE

One of the most important functions of the Board is to hear cases and when appropriate take disciplinary action against a licensee found guilty of unprofessional conduct. Prior to 1999, evidence of gross or repeated misconduct defined unprofessional conduct. Currently, a single act of simple negligence and/or a violation of either APA or ASPPB code of ethics constitute unprofessional conduct. References to examples of specific misconduct are presented in the sections 3016 (Page 5) and 129a (Title 3, Chapter 5, Page 7) in the 2001 copy of the Board of Psychological Examiners Laws and Rules the “yellow book.”

As of FY 2001, Vermont has over 500 licensed psychologists with nearly an equal number of resident masters level and doctoral level licensees.

### Vermont Licensed Psychologists as of FY 2001:

	<u>Resident</u>	<u>Nonresident</u>	<u>Total</u>
Psychologist, M.A.	202	12	214
Psychologist, Ph.D.	270	80	350
<b>Total</b>	<b>472</b>	<b>92</b>	<b>564</b>

The number of new complaints that the Board has received over the last six years has varied in number, type, and disposition.

### New cases received during fiscal year:

	1996	1997	1998	1999	2000	2001
<b>Total</b>	25	6	15	12	13	7
Cases closed Without disciplinary action	10	15	11	16	18	11
Cases with disciplinary action	5	2	0	3	1	1

The average time to closure (from complaint filing to resolution) has also varied over the last 25 years and a major effort is made to review and to process cases in a timely manner.

Time Frame	Years to Closure
1975–1979	5.12
1980–1984	1.26
1985–1989	1.25
1990–1994	1.66
1995–1999	0.85

Many complaints received by the Board are closed without sanctions. There is currently one psychologist under sanction by the board. From 1975 to 1999 the total number of cases handled by the Board was 192. Twenty-two distinct categories of complaints have been tracked since 1975, and the nine types of complaints most frequently handled by the Board are the following: malpractice (57); false reports—making or filing (29); nonsexual ethics violation (27); breach of confidentiality (26); improper record management (22); boundary violation—sexual (19); fraudulent billing (19); undo influence for financial gain (13); and, physical or emotional abuse (13). When the sanctions are imposed by the Board in response to a complaint, they have included one or more of the following types of sanctions imposed (between 1990-1999):

Sanctions	1990-1994	1995-1999
Warning	5	2
Reprimand	0	0
Restriction	2	1
Suspension	6	3
Revocation	8	1
Education	7	2
Supervision	6	5
Treatment	5	2
Closed without action	62	53
<b>Total</b>	<b>101</b>	<b>68</b>

William Cunningham, Ph.D., Board Member

**A CLOSER LOOK**

		Fiscal Year
<b>LICENSED PSYCHOLOGISTS</b>	<b>534</b>	<b>564</b>
Doctoral	322	350
Masters	212	214
<b>COMPLAINTS RECEIVED</b>	<b>12</b>	<b>7</b>
# Against Unlicensed Individuals	0	1
# Against Licensed Psychologists	12	6
<u>Education Level</u>		
Doctoral Degree	8	6
Masters Degree	4	1
<u>Gender</u>		
Male	8	4
Female	4	3
<u>Complaint Category</u>		
Malpractice	9	5
Boundary Violation - Sexual	1	
Misleading Advertising	1	1
Practice without a License		1
Breach of Confidentiality	1	
<b>CLOSED WITHOUT SANCTION</b>	<b>11</b>	<b>7</b>

Kathleen Smith, Public Board Member

## INTRODUCTION TO ASPPB

ASPPB, the Association of State and Provincial Psychology Boards, oversees the regulation of the field of psychology within the United States and in Canada. The mission of the ASPPB, which was formed in 1961, “is to assist member boards in protecting the public.” This is accomplished through the following:

- C Credentialing, examinations and assessment . . .
- C Ethics and discipline . . .
- C Regulatory, professional, and legislative issues . . .
- C Mutual recognition of standards . . .
- C Professional relations . . .

Vermont has recently been well represented within ASPPB. Mary Willmuth, Ph.D. of Burlington, has served a term as the President of ASPPB. As of the recent Annual Meeting, she transitioned from the role of President to that of Past-President. Dr. Willmuth will continue to participate actively on the Board of ASPPB in the latter role.

### **EPPP Exam**

ASPPB creates and maintains the Examination for Professional Practice in Psychology (EPPP), which is required for licensure. The EPPP consists of 225 test items in a multiple-choice format. The ASPPB maintains ongoing research and development to maintain the validity and legal defensibility of the EPPP. The EPPP is available and administered by computer through a network of Prometric Testing Centers (PES) throughout the United States and Canada, including Vermont site in Williston. Testing is administered on a continuous basis. From the time an examinee calls to make an appointment, scheduling to sit for the exam should take place within three weeks. Results are then received from PES within four to six weeks.

### **Mobility**

ASPPB has instituted the Certificate of Professional Qualification in Psychology (CPQ), a standard to provide mobility for psychologists to relocate and become licensed in other states or provinces. Within the CPQ process, psychologists meet a set of specific criteria that satisfy core requirements for licensure. ASPPB banks and certifies a licensed psychologist’s credentials, including education, supervised experiences, EPPP examination scores, as well as an oral examination. Once a psychologist obtains the CPQ, they are eligible in any jurisdiction whose statute specifically allows for acceptance of CPQ in lieu of the full application. There are currently 20 states (including Vermont), the District of Columbia, and six Canadian provinces that

accept the CPQ. Nine additional states and one province are currently in the process of accepting the CPQ. More information about the CPQ can be found at: <http://asppb.org>, or from the offices of ASPPB, located at: PO Box 241245, Montgomery, AL 36124-1245.

### **Code of Conduct**

The ASPPB also publishes a Code of Conduct. In 2001, this code was incorporated into the Vermont law, which governs the practice of psychology (see “Yellow Book”). At the same time, the APA Ethical Principles were, in a similar fashion, incorporated into Vermont law. Licensed psychologists must adhere to the ASPPB Code of Conduct and to the APA Ethical Principles in the practice of psychology. A revised edition of the ASPPB Code of Conduct was amended and adopted in June, 2001. This supercedes the edition published in the most recent Board of Psychological Examiners Laws and Rules booklet. A copy of this most recent edition may be obtained either from ASPPB’s main office or from the ASPPB website.

### Other Activities

Additional activities of the ASPPB include:

- C Providing legal resources for professional liability.
- C Maintaining liaisons with the American Board of Professional Psychology, the American Psychological Association, the Association of Psychology Postdoctoral & Internship Centers, the Canadian Psychological Association, and the Canadian Register of Health Services Providers, among others.
- C Participating in the International Congress on Licensure, Certification and Credentialing of Psychologists. (The First International Congress was hosted by ASPPB in 1995, and included participants from at least 24 countries. The Second International Congress was held in 2000, and the Third International Congress, in 2004, will likely take place in Canada.)
- C Providing additional publications regarding such topics as licensing and certification requirements, the EPPP, liability in mental health practice, ethical dilemmas for psychologists, continuing education, prescriptive authority guidelines, and supervision guidelines.

### Meetings

ASPPB holds both annual business meetings and a midwinter meetings. This year's annual meeting of state and provincial delegates, in October, 2002, was in Point Clear, Alabama. The mid-winter meeting will be in San Antonio, Texas in February, 2003. In future editions of the newsletter, reports will include the proceedings of ASPPB meetings.

## DID YOU KNOW?

We hope to use this newsletter to communicate encouragement from the Board for sound professional practice of the many well-trained, compassionate and ethical psychologists. In the Board's efforts to provide updated information sometimes reminders can be helpful—so, check out these:

- C The disclosure of professional information to clients needs to be done by the third session.
- C In your advertising (business cards, signage, yellow pages, etc.) include the type of licensure (e.g. psychologist-master/psychologist-doctorate).
- C As of 2002, six hours of continuing education credits in ethics need to be obtained for licensure renewal. These credits currently can be earned in either Category I or Category II
- C Clinical supervision (peer and/or supervisor-supervisee) is eligible for Category II CE credit.
- C As of January 01, 2003, APA approved at-home study courses qualify for Category II CE credit.
- C Clinical records need to be retained for a period of “not less than five years” (ASPPB Code of Ethics).
- C When a complaint is filed against a psychologist, the confidentiality of the complainant's records are waived for the purposes of the investigation by the Board.

## HIPAA! --- ALERT --- HIPAA!

### Health Insurance Portability and Accountability Act

Hopefully, all readers of the current issue of the newsletter are aware that the first deadline for HIPAA, October 16, 2002, has come and gone. That deadline was to request an extension for the portability aspect of HIPAA compliance.

HIPAA played a major role in presentations at the recent ASPPB annual meeting. It was clear that all psychologists need to become aware of the HIPAA guidelines and to take steps to become HIPAA compliant. The APA and VPA have disseminated information and will continue to provide training in HIPAA compliance issues.

All licensees are urged to obtain the necessary information, and to understand the process in order to become compliant before deadlines. The appropriate websites include: <http://www.cms.hhs.gov/hipaa> and <http://www.hipaadvisory.com>.

The Board congratulates and welcomes the new psychologists licensed during calendar year 2002.

**New Licensees**

Stephen Michael Broer Psy.D.  
Leslie Susan Bryant, Ph.D.  
Katie A. Cate, M.A.  
Kimberly E. Corley, M.A.  
Mark D. Cunningham, Ph.D.  
Helen E. Daly, Psy.D.  
Nancy Hodgkins, Psy.D.  
Deborah E. Iazzo, Ph.D.  
Karen Lynn Kurrle, M.A.

Frances M. Lafferty, Psy.D.  
Rhea Margaret McKay, Ph.D.  
Anna Marie Myers, Ph.D.  
Anne Kimball Pike, Psy.D.  
Linda Vieth Rosenblad, Ph.D.  
Debra Anne Sobol, Ph.D.  
Miriam F. Stoll, Ph.D.  
Alexandra H. Thomsen, Ph.D.

Board meetings begin at 9:00 a.m. All of the meetings listed are held at the Secretary of State's Office located at 26 Terrace Street, in Montpelier.

**2003 Meeting  
Schedule**

January 10  
February 14  
March 14  
April 11

May 9  
June 13  
July 11  
August 8

September 12  
October 10  
November 14  
December 12

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