

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON 11-3-97

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS
DOCKET NO.

In the Matter of)
)
JOHN E. ERMANIS, Ph.D.)
)
Applicant for License to)
Practice Psychology in the)
State of New Jersey)
_____)

Administrative Action
FINAL DECISION AND ORDER

This matter was opened to the New Jersey State Board of Psychological Examiners ("Board") upon receipt from John E. Ermanis, Ph.D. ("applicant"), of a request to the Board for reconsideration pursuant to N.J.A.C. 13:42-5.2 of the applicant's oral examination failure. The Board reviewed the record in this matter including the applicant's work sample (a client case study) submitted to the Board in advance of the oral examination, the oral examination audiotape, and the applicant's written request for reconsideration submitted in accordance with the examination review procedures at N.J.A.C. 13:42-5.2. The Board discussed the merits of the applicant's request for reconsideration of his oral examination failure at its regular Board meeting on July 22, 1996, and determined to grant the request for reconsideration. Thereafter, the Board designated a subcommittee to review the matter and to make a recommendation to the Board after conducting such inquiry or investigation as the subcommittee deemed necessary. On July 28, 1997, the subcommittee made recommendations to the Board in regard to the applicant's oral examination failure, and thereafter, the entire Board discussed the examination and placed

the matter to a vote. The Board's final decision and reasons are incorporated in this Order.

The Board set forth its original reasons for the applicant's oral examination failure in its notification letter dated January 29, 1996. Dr. Ermanis contested each of the reasons in his written request for reconsideration and claimed that there was a substantial and material error on the part of the examiners. In support of his position, the applicant cited material from his work sample and other sources from the literature in psychology. However, Dr. Ermanis provided no support for his position from the oral examination itself, and the reviewers found no support in the audiotape.

The first of the Board's reasons for the failure of this applicant was a weakness in understanding classical and operant conditioning techniques and principles, including the fact that there was no discussion of the shaping that was used. The Board next found an inadequate distinction between negative reinforcers and punishers. There was no discussion by the examinee of how the enumerated cognitive techniques were used in the patient's therapy; no discussion of covert processes; no theoretical discussion of the basis for the return of symptoms or substitution of one symptom for another; and no evidence of an ability to make an adequate diagnosis, including an inadequate discussion of the reasons for the original diagnosis of organic personality disorder and its substitute, obsessive compulsive disorder. In addition, there was no attempt at differential diagnoses, no consideration of psychotic

process although the term decompensation was used, and finally, the Board found an inadequate discussion of the ethical issues involved in the case.

Upon consideration of the recommendations of the members of the subcommittee charged with reconsidering the applicant's oral examination failure as well as a review and discussion of the entire record in this matter, the Board determined to sustain the oral examination failure, and further, found that the applicant failed to establish that there was a substantial and material error on the part of the examiners in that the applicant's position was not persuasive, and more important, was not supported by the record. The Board found that its reasons for the applicant's oral examination failure as set forth in its initial letter of January 29, 1996, were fully supported by its reconsideration for the following additional reasons:

It appears to the Board that a primary inadequacy in the applicant was his lack of ability to make an appropriate diagnosis. For example, the Axis I diagnosis of Social Phobia, Generalized, was made without sufficient assessment in that, other than observation, no personality/assessment instruments were utilized. This unstructured observation was not conducted using a behavior rating scale designed for diagnostic or quantification purposes, and therefore, it was prone to error. Similarly, the Obsessive Compulsive Disorder diagnosis was flawed because it, too, was based upon observations and not any formal personality assessment, including no assessment indicating the existence of aggressive

thoughts. Further, the applicant's hypothesis of anxiety was not supported by a systematic observation and assessment of the patient's social interaction. It also was clear that the applicant failed in the oral examination to explain any differential diagnoses.

The Board also found that the rejection of organic personality disorder based on the failure of an MRI or CAT scan to show significant abnormality does not necessarily mean that organicity was not involved. It would have been appropriate for the applicant to discuss the potential for referral for a neuropsychological evaluation in order to obtain a more complete clinical picture for an individual who was handicapped. Along the same lines, although the diagnosis of mild mental retardation applies in this case, there was no discussion or implication in the work sample or in the oral examination in terms of what it means to be in the lower 0.1 percentile of the population.

Accordingly, the Board continues to be persuaded that Dr. Ermanis fails to meet the threshold required by this Board for the independent practice of psychology. The applicant is eligible for reexamination and may submit a new work sample at any time so that the Board may schedule an oral examination with minimal delay.

For all of the above reasons, the Board found that the record does not support a finding of a substantial and material error on the part of the examiners.

THEREFORE, IT IS ON THIS 3^d DAY OF NOV. , 1997,

HEREBY ORDERED that, upon reconsideration in accordance with N.J.A.C. 13:42-5.2, the applicant's failure of the oral examination is hereby sustained.

Kenneth G. Roy, Ed.D.

Kenneth G. Roy, Ed.D.
Chair Person
State Board of Psychological Examiners