

**NEW JERSEY STATE BOARD OF PSYCHOLOGICAL EXAMINERS
MONDAY, JANUARY 5, 2009
PUBLIC SESSION MINUTES**

The general meeting of the New Jersey State Board of Psychological Examiners was held at the Board office, 124 Halsey Street, Newark, New Jersey. The meeting was called to order at 10:00 A.M.

PRESENT:

Nancy E. Friedman, Ph.D., Chair
Loretto A. Brickfield, Ph.D., Vice Chair
Alan M. Groveman, Ph.D., Secretary
Patricia A. Farrell, Ph.D. (left at 1:30 P.M.)
Kenneth G. Roy, Ed.D.

ABSENT:

T. Stephen Patterson, Ph.D., Government Member

ALSO ATTENDING:

J. Michael Walker, Executive Director
Carmen A. Rodriguez, Deputy Attorney General, Counsel to Board
Wanda Ginn, Administrative Staff

REVIEW OF MINUTES:

Upon motion made by Dr. Brickfield and seconded by Dr. Groveman, the Board approved the public session minutes of December 1, 2008, with corrections. Voting in favor: all.

CLOSED SESSION AND RETURN TO OPEN SESSION

Upon unanimous vote of all members present, the Board went into closed session for discussion of the oral examinations. The Board returned to open session.

CREDENTIAL COMMITTEE REPORT:

TEMPORARY PERMIT–NOT TO EXCEED THREE YEARS

The following candidates were unanimously approved for a three-year temporary permit for the supervised practice of psychology:

Cynthia Boyer, Psy.D.
Carolina Mendez, Ph.D.
Debra Paone, Ph.D.
Melissa Acquavella-Lightfoot, Psy.D.

TEMPORARY PERMIT–NOT TO EXCEED ONE YEAR

The following candidates were unanimously approved for a one-year temporary permit for the unsupervised practice of psychology:

Vera Roquemore, Ph.D.
Margo Hurewitz, Psy.D.

LICENSED BY EXAMINATION

Upon motion made by Dr. Brickfield and seconded by Dr. Groveman, the following candidates qualified for licensure. Voting in favor of the motion: all.

Ilana Rosenberg, Ph.D.
Robert J. White, Psy.D.
Bridget Taylor, Psy.D.
Tadd Campbell, Ph.D.
Cherie Spanier, Psy.D.
Michelle Hunt, Psy.D.
Daphna Roth, Ph.D.
George A. Zeo, Psy.D.

DEFERRAL OF EXAMINATION

Upon motion made by Dr. Brickfield and seconded by Dr. Groveman, the Board voted unanimously to defer final consideration of the oral examination of the following candidate pending submission and approval of a paper outlining the information a psychologist can share with a third-party payor (insurance company) under the Act Concerning the Disclosure of Patient Information by Psychologists (a.k.a. new Jersey Peer Review Law).

Heidi Keller, Ph.D.

CORRESPONDENCE

Melissa K. Wayne, Ph.D., TP #053-613

Dr. Wayne wrote requesting an extension of her three-year permit beyond the January 10, 2009 expiration date in order to accrue additional supervision hours, take the E.P.P.P. written exam, and take the oral exam. Dr. Wayne stated that due to her recent maternity leave and childcare constraints along with family obligations, she was only able to work two days per week. Upon motion made by Dr. Farrell and seconded by Dr. Groveman, the Board to extend Dr. Wayne's temporary permit for an additional year. Dr. Wayne's permit will now expire on January 10, 2010. Voting in favor of the motion: all.

Dryden Watner, Ph.D.

Dr. Watner wrote requesting an extension of the 90-day limit to submit her work sample for the oral examination. Dr. Watner stated that she gave birth in mid-October and has found that she does not have the time need to dedicate to completing the work sample at this time. Upon motion made by Dr. Groveman and seconded by Dr. Brickfield, the Board voted to grant Dr. Watner an additional six months from her January 30, 2009 due date to submit her work sample for the oral examination. Voting in favor of the motion: all.

Amelia Kaplan, Psy.D., TP #081-A388

Dr. Kaplan wrote requesting an extension of the 90-day limit to submit her work sample for the oral examination. Dr. Kaplan stated that she will be starting a new job at a group practice and would like to use a case from that setting. Upon motion made by Dr. Farrell and seconded by Dr. Roy, the Board voted to grant Dr. Kaplan an additional six months from her December 17, 2008 due date to submit her work sample for the oral examination. Voting in favor of the motion: all.

James W. Schroeder, Ph.D., #1387

Dr. Schroeder wrote asking if the Parole Board had the power to deny his treatment of a parolee. Upon motion made by Dr. Farrell and seconded by Dr. Roy, the Board voted to inform Dr. Schroeder that the

Parole Board can set its own requirements and that the matter is outside the Board's jurisdiction. Voting in favor of the motion: all.

Community Prevention Resources of Warren County, Inc.

The Board reviewed a letter from Mr. Cook, President of the Board of Trustees of the Community Prevention Resources of Warren County, Inc. concerning the job responsibilities of Janet Bloodgood, Ph.D. Mr. Cook indicated in his letter that Dr. Bloodgood's responsibilities include individual therapy, psychological assessments, and group therapy. Upon motion made by Dr. Groveman and seconded by Dr. Farrell, the Board seeks further information from Dr. Bloodgood as to what date she was hired and on what date she commenced providing the psychological services. Voting in favor of the motion: all.

Amy J. L. Baker, Ph.D.

Dr. Baker wrote requesting if, in the Board's opinion she is permitted to serve as an expert witness in legal cases related to her area of expertise, in light of the fact that she is not licensed in the State of New Jersey or any other state. Dr. Baker further stated that her career does not involve any clinical work. Upon motion made by Dr. Groveman and seconded by Dr. Farrell, the Board voted to inform Dr. Baker that the Courts determine whom they accept as their own expert witnesses. However, if selected by the Courts, she can not identify herself as a psychologist while acting as an expert witness. Voting in favor of the motion: all.

Jodi C. Krugman, DAG, Division of Law

DAG Krugman, counsel for the NJ State Board of Social Work Examiners, wrote regarding a request from a LCSW who wants to be trained in the administration and scoring of the MMPI test. The LCSW describes the examination as one used by mental health professionals in the evaluation of ovum donors and gestational carriers, and the course she wishes to take is open to all mental health professionals. DAG Krugman and the Board want to know if the administration and scoring of the MMPI test is limited to psychologists only. Upon motion made by Dr. Roy and seconded by Dr. Farrell, the Board voted to inform DAG Krugman that its regulations make no reference regarding the use, administration, and interpretation of the test. However, only licensed psychologists may use the term psychological or any other word derived from the word psychology in reports based on the MMPI as per N.J.S.A. 45:14B-5 Voting in favor of the motion: all.

COMMITTEE REPORTS:

Technology Committee

Dr. Groveman reported that he has begun examining the following topics of interest to the Board: record keeping, residency, telehealth, and supervision.

REPORT ON PERMIT CONFERENCES HELD ON 1-5-08-GROVEMAN

John Janko, Ph.D., TP #071-A358

Dr. Janko took and failed his oral examination administered on September 15, 2008 and is currently working under a one-year unsupervised temporary permit. Upon motion made by Dr. Groveman and seconded by Dr. Roy, the Board voted to extend Dr. Janko's one-year temporary permit (previously unsupervised), with supervision for an additional year if he wishes to have a permit, contingent upon his obtaining and submitting the required paperwork for Board approval. Dr. Janko was given twelve (12) days to do so. Voting in favor of the motion: all.

Ann Niles, Ph.D., TP #081-A377

Dr. Niles took and failed her oral examination administered on October 3, 2008 and is currently working

under a one-year unsupervised temporary permit. Upon motion made by Dr. Groveman and seconded by Dr. Roy, the Board voted to extend Dr. Niles's temporary permit for an additional year. Her permit will now expire on June 19, 2010. Additionally, the Board suggested to Dr. Niles that if she is not seeing patients privately, she may want to put her permit on "inactive" status. Voting in favor of the motion: all.

Angela Clack, Psy.D., TP #043-460/Ellen Zupkus, Ph.D., supervisor (present)

Dr. Clack took and failed the E.P.P.P. written examination taken on November 6, 2008 and is currently working under a three-year supervised temporary permit. Upon motion made by Dr. Groveman and seconded by Dr. Roy, the Board voted to extend Dr. Clack's temporary permit for an additional year, contingent upon her taking the E.P.P.P. written examination on or before May 31, 2009. Her permit will now expire on December 2, 2009. Voting in favor of the motion: all.

REVIEW OF EXEMPTION NOTICE FORMS (RENEWAL)

Preferred Behavioral Health of New Jersey

The Board reviewed a continuation of exemption status request from Michael Blatt.

Pursuant to the provisions of N.J.S.A. 45:14B-6 (a)3, after review of the information provided in the continuation request, and upon motion made by Dr. Farrell and seconded by Dr. Roy, the Board determined that Preferred Behavioral Health of New Jersey continues to qualify as an exempt facility. Mr. Blatt will be reminded that, in order to continue exempt status, the agency is required to confirm annually that it continues to meet the qualifications for exempt status. Voting in favor of the motion: all.

Community Prevention Resources of Warren County, Inc

The Board reviewed a continuation of exemption status request from Janet H. Bloodgood, Ph.D. Pursuant to the provisions of N.J.S.A. 45:14B-6 (a)3, after review of the information provided in the continuation request, and upon motion made by Dr. Farrell and seconded by Dr. Roy, the Board determined that Community Prevention Resources of Warren County, Inc. continues to qualify as an exempt facility. Dr. Bloodgood will be reminded that, in order to continue exempt status, the agency is required to confirm annually that it continues to meet the qualifications for exempt status. Voting in favor of the motion: all.

AHS Hospital Corporation; Morristown Memorial Hospital; Atlantic Behavioral Health

The Board reviewed a continuation of exemption status request from Thomas Rosamilia.

Pursuant to the provisions of N.J.S.A. 45:14B-6 (a)3, after review of the information provided in the continuation request, and upon motion made by Dr. Farrell and seconded by Dr. Roy, the Board determined that AHS Hospital Corporation; Morristown Memorial Hospital; Atlantic Behavioral Health continues to qualify as an exempt facility. Mr. Rosamilia will be reminded that, in order to continue exempt status, the agency is required to confirm annually that it continues to meet the qualifications for exempt status. Voting in favor of the motion: all.

Christian Health Care Center

The Board reviewed a continuation of exemption status request from Joanne Reilly.

Pursuant to the provisions of N.J.S.A. 45:14B-6 (a)3, after review of the information provided in the continuation request, and upon motion made by Dr. Farrell and seconded by Dr. Roy, the Board determined that because Christian Health Care Center does not employ any licensed psychologists, it does not qualify as an exempt facility. Voting in favor of the motion: all.

Center for Evaluation & Counseling, Inc.

The Board reviewed a continuation of exemption status request from Margaret Pittaluga.

Pursuant to the provisions of N.J.S.A. 45:14B-6 (a)3, after review of the information provided in the continuation request, and upon motion made by Dr. Farrell and seconded by Dr. Roy, the Board determined that Center for Evaluation & Counseling, Inc. continues to qualify as an exempt facility. Ms. Pittaluga will be reminded that, in order to continue exempt status, the agency is required to confirm annually that it continues to meet the qualifications for exempt status. Additionally, Ms. Pittaluga was advised that the agency must not use the term "psychologist" as part of job titles for staff who are not licensed by the Board. Voting in favor of the motion: all.

OPEN DISCIPLINARY MATTER

Marsha Kleinman, Psy.D., #2319

The Board of Psychological Examiners (the "Board") received correspondence on December 22, 2008 from the Respondent, Marsha Kleinman for interlocutory review and reversal of the December 11, 2008 Order Denying Summary Decision issued by the Honorable Joseph Paone, Administrative Law Judge. The letter submitted by Mr. Kern, Respondent's attorney also requested interlocutory review and reversal of the oral decision made by Judge Paone on December 8, 2008 finding that the answers provided by the State to the Respondent's interrogatories were "adequate." Because the Board was not in session and N.J.A.C. 1:14.10 provides for tight time frames for responses to interlocutory reviews the matter was referred to the Board Chair, Nancy Friedman, Ph.D., for review and consideration of the request for interlocutory review. After review of the submissions, the Chair determined that the request for interlocutory review of the Order Denying Summary Decision be denied as well as the request for the review and reversal of the OAL's decision for the reasons set forth in her letter dated January 2, 2009. This matter was placed on the Board's on January 5, 2009 agenda for ratification of the Chair's decision.

A motion was made by Dr. Roy and seconded by Dr. Groveman to go into executive session to discuss the legal issues raised in the motion submitted to the Board. After a review and deliberation of the issues raised in this request the Board returned to Open Session to report its decision.

Upon motion by Dr. Roy, seconded by Dr. Groveman the Board voted to ratify the Chair's decision to deny the request for interlocutory review and reversal of the ALJ's Order Denying Summary Decision and the request for interlocutory review and reversal of the discovery motion. The Board's review and discussion of the submissions included the December 22, 2008 correspondence from the Respondent, the Respondent's September 4, 2008 Motion to Dismiss the first five counts of the Amended Administrative Complaint(Exhibit A with additional attachments B-T), the reply brief submitted by DAG Siobhan Krier on October 21, 2008 and a corrected copy of the State's opposition filed on October 23, 2008 (Exhibits B and C), the October 30, 2008 letter from the respondent to Judge Paone pointing out the differences between the two reports (Exhibit D), the November 4, 2008 reply to the State's opposition brief (Exhibit E), and a sur-reply filed by the State on November 4, 2008 (Exhibit F). Also reviewed were the State's Motion papers dated November 24, 2008 requesting that the answers to Respondent's interrogatories be found adequate (Exhibit H), Respondent's opposition filed on December 4, 2008 (Exhibit I), letters from the State dated December 23, 2008 taking no position on the request for interlocutory review and dated December 29, 2008 advising the Board that the Order concerning the ALJ's ruling on the discovery motion was pending and the January 2,

2009 letter which the Chair of the Board, Dr. Friedman, directed Executive Director J. Michael Walker to write denying the requests for interlocutory review for the reasons set forth therein.

The Board recognized that requests for interlocutory review are determined with consideration of the strong public policy against piecemeal adjudications. It is also noted the NJ Supreme Court's finding that interlocutory review in administrative cases is to be granted only sparingly and in exceptional cases. It ratified the Chair's conclusion that no showing of extraordinary circumstances sufficient to warrant

interlocutory review were presented. In its review of the ALJ's Summary Decision the Board noted the absence of New Jersey cases dealing directly with whether absolute immunity insulated a court appointed expert. The Board noted that case law reflected that the immunity privilege did not insulate attorney or judges from disciplinary proceedings. It too reviewed Respondent's argument that her court appointment rendered her an "agent of the court" and as such it was the Court that had the authority to take action against her had the Court found her conduct to be improper. The Board agreed with the ALJ and the Chair's conclusions that respondent's argument presumed that the Courts have the expertise and knowledge to hold an expert witness accountable to the standards of practice and the authority to take action. The Board further agreed with the conclusion that "absolving such a witness from any professional responsibility or accountability promotes no benefit to either the court or the public." The Board's review of the issues regarding the request for interlocutory review of the ALJ's decision regarding discovery supported the Chair's conclusion that absent extraordinary circumstances, which were not presented, there is no necessity for interlocutory review at this time. It also concurred with the Chair's review that the answers to Respondent's interrogatories supplied by the State appeared to be responsive to the questions and to satisfy the OAL rules and the Court rules in accord with the ALJ's oral ruling. Voting in favor of the motion: all.

Respectfully submitted, _____ Alan M. Groveman, Ph.D. Secretary APPROVED
BY: _____ Date: Nancy E. Friedman, Ph.D. Chair