

BOARD OF PSYCHOLOGICAL EXAMINERS
MARCH 7, 2005
PUBLIC AGENDA MEETING 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 9:54 A.M. by Victoria Jeffers, Ph.D., Board Chair.

PRESENT:

Victoria W. Jeffers, Ph.D., Chair
Mark Glat, Psy.D., Vice Chair
Kenneth G. Roy, Ed.D.
T. Stephen Patterson, Ph.D., Government Member
Carole M. Harper, MA., RN, Public Member, Secretary
Kenneth A. Leight, Ph.D.
Jeffrey H. Tindall, Ph.D.

ABSENT:

Keith D. Cicerone, Ph.D.

ALSO ATTENDING:

Carmen A. Rodriguez, Deputy Attorney General, Counsel to Board
Elaine L. DeMars, Managing Executive Director
Wanda Y. Ginn, Secretarial Assistant
Carmella Volz, Assistant to the Executive Director

CLOSED SESSION AND RETURN TO OPEN SESSION

The Board voted unanimously to go into closed session for discussion of the oral examinations.

The Board returned to open session.

CREDENTIAL COMMITTEE REPORTS:

TEMPORARY PERMIT—NOT TO EXCEED THREE YEARS

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

Michelle Zukerman, Psy.D.
Evan Kroll, Ph.D.
Maureen Solow, Psy.D.
Michele Cannata, Psy.D.
Robert Vernon, Ph.D.

TEMPORARY PERMIT—NOT TO EXCEED ONE YEAR

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

Anne Farrar-Anton, Psy.D.

Sandra Juriga, Ph.D.
Elvia Valencia, Psy.D.

LICENSED BY EXAMINATION

Upon motion made by Dr. Leight and seconded by Dr. Patterson, the Board determined that the following candidates have satisfied the requirements for licensure. Voting in favor of the motion: all.

Laura S. Rogers, Ed.D.
Joanne McNamara, Ph.D.
Scott Salvatore, Psy.D.

FAILURE OF EXAMINATION

Upon motion made by Dr. Leight and seconded by Dr. Patterson, the Board determined that the following candidate did not meet the requirements for licensure. Voting in favor of the motion: all.

Tara Brandwein, Psy.D.

CORRESPONDENCE

Nancy Hamilton, Psy.D.

Dr. Hamilton wrote requesting an extension of the 90-day limit to submit her work sample for the oral examination. Dr. Hamilton stated that because of a personal health issue, she was not able to begin the preparation process of her work sample. Upon motion made and seconded, the Board vote to grant Dr. Hamilton an additional 90 days to submit her work sample for the oral examination. Voting in favor of the motion: all.

Richard F. Coco, Ph.D.

Dr. Coco wrote requesting an extension of his three-year temporary permit that expired on March 5, 2005. Dr. Coco stated that because of a series of personal and family illnesses, he has not been able to submit his second work sample for the oral examination. Upon motion made and seconded, the Board voted to extend Dr. Coco's permit for an additional year, expiring on March 5, 2006, contingent upon his submitting his work sample within 30 days of March 7 to the Board office. Voting in favor of the motion: all.

Dan W. Baugess, Ph.D.

Dr. Baugess wrote requesting an extension of his three-year temporary permit that expires on March 28, 2005. Dr. Baugess stated that he has just completed his supervision hours and will begin preparing himself to take the EPPP written examination. Dr. Baugess further stated that the extension of his permit would permit him to take the written and oral examinations. Upon motion made and seconded, the Board voted to extend Dr. Baugess's permit for an additional year, expiring on March 28, 2006. Voting in favor of the motion: all.

Rose Turiano, Psy.D.

Dr. Turiano wrote requesting an extension of her three-year temporary permit that expired on March 1, 2005. Dr. Turiano stated that she expects to complete her post-doctoral supervision hours within the next six weeks and needs an extension of her permit to continue seeing her patients and for studying to take the EPPP written examination. Upon motion made and seconded, the Board voted to extend Dr. Turiano's permit for an additional year, expiring on March 1, 2006. Voting in favor of the motion: all.

Paul C. Furtaw, Psy.D.

Dr. Furtaw wrote requesting that the Board retroactively accept supervision hours he accrued at UMDNJ-SOM Developmental Disorders Program in Stratford, New Jersey, from January 2003 through August 2004, before the

issuance of his temporary permit on January 23, 2004. Dr. Furtaw stated that he was under the impression that he did not need a permit because he was in an exempt setting. Therefore, he thought he was not required to get pre-approval of his supervisor at the site. Upon motion made and seconded, the Board voted to accept the supervision hours Dr. Furtaw accrued before the issuance of his temporary permit, provided that the hours are properly documented by the supervisor. Voting in favor of the motion: all.

Carly Gerber Orenstein, Psy.D.

Dr. Orenstein wrote requesting that the Board retroactively accept supervision hours she accrued at Rockaway Valley School system prior to the issuance of her temporary permit on October 13, 2005. Upon motion made and seconded, the Board voted to accept the supervision hours Dr. Orenstein accrued before the issuance of her temporary permit, provided that the hours are properly documented by the supervisor. Voting in favor of the motion: all.

Kevin Brennan, Psy.D.

Dr. Brennan wrote requesting that the Board retroactively accept supervision hours he accrued since October 2004 prior to the issuance of his temporary permit on March 18, 2005. Upon motion made and seconded, the Board voted to accept the supervision hours Dr. Brennan accrued before the issuance of his temporary permit, provided that the hours are properly documented by the supervisor. Voting in favor of the motion: all.

Review of Fiscal Year 2005 Budge Report (1st Half)

The Board reviewed and accepted as informational, the 2005 Fiscal Budget Report prepared by the Division Budget Analyst.

Michael Libertazzo, Ed.D., #2370

Dr. Libertazzo wrote inquiring whether the practice of "parent coordination" falls under the jurisdiction of functioning as a licensed psychologist. Upon motion made and seconded, the Board voted to inform Dr. Libertazzo that it does not provide legal counsel to licensees. However, the Board informed Dr. Libertazzo that he should use his professional judgment or seek legal counsel if he wants to know the legal ramifications. Additionally, the Board voted to grant Dr. Libertazzo's request for a waiver to not include his address in the yellow pages pursuant N.J.A.C. 13:42-9.4 (a) (b) of the Board's regulations. Voting in favor of the motion: all.

Susan C. Esquilin, Ph.D., #1748

Dr. Esquilin wrote expressing her concerns with regard to length of time it is taking to schedule a candidate's oral examination. Upon motion made and seconded, the Board voted to thank Dr. Esquilin for conveying her concerns and to inform her that the Board is considering alternatives for the scheduling of oral exams to decrease the waiting time. The Board further advised Dr. Esquilin that each person should direct their concerns in writing to the Board office. Voting in favor of the motion: all.

Lew Gantwerk, Psy.D., #2318

Dr. Gantwerk wrote requesting that he be permitted to supervise five (5) individuals in a "group supervision" to address only issues which would focus on school related issues. Dr. Gantwerk stated that the five individuals are currently being supervised by licensed psychologists approved by the Board on permit, accruing their post-doctoral supervision hours for licensure. Upon motion made by Dr. Tindall and seconded by Dr. Glat, the Board voted to approve the "group supervision" plan as outlined by Dr. Gantwerk. The Board further advised Dr. Gantwerk that this exception pursuant to N.J.A.C. 13:42-4.4(b) is for the five individuals that he identified as being in the group, that is granted pursuant to N.J.A.C 13-42-4.4. Voting in favor of the motion: all.

Richard Cevasco, Ed.D., #3278

Dr. Cevasco wrote to clarify his understanding of the basis for University of Medicine and Dentistry of New Jersey should be considered an exempt setting. Dr. Cevasco stated that there seems to be some confusion about the exempt status of UCHC and the hiring of permit level clinicians. Dr. Cevasco stated that prior to 1996 the NJ Department of Corrections was considered an exempt setting because they utilize employed state employees to provide mental health services. The State has decided to return to this system using UMDNJ employees to function in this capacity. Upon motion made by Dr. Roy and second by Dr. Tindall, the Board voted to inform Dr. Cevasco that the University of Behavioral Health Care University Correctional Health Care must demonstrate whether they are a state entity or a nonprofit corporation which must supply information as required by N.J.A.C. 13:42-1.3. Voting in favor of the motion: all. Joel F. McClough, Ph.D.

Dr. McClough wrote requesting permission to provide clinical services in the State of New Jersey, as part of a clinical research project being conducted by the Child Study Center of the New York University School of Medicine. Upon motion made by Dr. Patterson and seconded by Dr. Tindall, the Board voted to inform Dr. McClough that before it can make a determination as to whether the program, which includes the offering and providing of psychotherapy to individuals in New Jersey, is in violation of N.J.S.A. 45:14B-1 et. seq. the following information is required:

-A copy of the complete protocol materials provided to IRB for approval of this research project; this should include treatment protocols, human subject approvals, research design documentation and any pertinent literature concerning this project. -A list of the names and addresses and license numbers, if applicable, of the New York licensed psychologists and the research assistants providing the psychological services to the individuals who make up the study. Voting in favor of the motion: all.

DISCIPLINARY MATTERS

Fred Gross, Psy.D., #3020

Dr. Gross requested written notification from the Board to confirm his complete satisfaction of the terms of the consent order entered into on February 18, 2005. Upon motion made by Dr. Roy and seconded by Dr. Patterson, the Board directed the office staff to schedule Dr. Gross to appear before the full Board at its April 4, 2005 meeting. Voting in favor of the motion: all.

Marshall Levine, Ph.D., #1139

Dr. Levine wrote requesting that the Board provide the Department of Banking & Insurance with a letter indicating his current licensure status. Dr. Levine stated that in order to supplement his private practice income, he is trying to obtain a license from the Insurance Department so that he can represent a Health Insurance Master Agent. Upon motion made and seconded, the Board directed the Board staff to call Mr. McDougal at the Department of Banking & Insurance to inquire about Dr. Levine's request. Voting in favor of the motion: all.

George Ackley, Ph.D., #3028

Administrative Action Consent Order was filed with the Board of Psychological Examiners on February 7, 2005.

David Watral, Ph.D., #1854

Administrative Action Consent Order for Temporary Surrender of Licensed was filed with the Board of Psychological Examiners on February 7, 2005.

REVIEW OF EXEMPTION NOTICE FORM

Center for Evaluation and Counseling

The Board reviewed an exemption notice form submitted by Margaret Pittaluga, MSW., LCSW for continued exemption at the Center for Evaluation and Counseling located in Morristown and Newton, New Jersey. Upon

motion made by Dr. Glat and seconded by Ms. Harper, the Board requested that the Board staff request a breakdown of grants and services from Ms. Pittaluga. Voting in favor of the motion: all.

REVIEW OF PROPOSED REGULATION CHANGE TO N.J.A.C. 13:42-6.1

Upon motion made by Dr. Tindall and seconded by Dr. Roy, the Board, after reviewing N.J.A.C. 13:42-6.1 Board Fees, voted to approved the removal such as set forth in N.J.A.C. 13:42-6.1(a) 2, written exam fee of \$350.00, N.J.A.C. 13:42-6.1(a) 5ii, over 30 days late fee of \$150.00 and modify the oral exam fee. Voting in favor of the motion: all.

REVIEW OF LEGISLATIVE BILL

Assembly, No. 1841—allows school psychologists to treat individuals in the private sector; provides for health benefits coverage for those additional psychological services.

Upon motion made by Dr. Patterson and seconded by Dr. Glat, the Board found that this bill would allow school psychologists to treat certain individuals in the private sector. The proposal in paragraph 10 amends the provision of the Practicing Psychology Licensing Act at N.J.S.A. 45:14B-6(g) to permit a person who is not a licensed psychologist but who is certified as a school psychologist by the State Department of Education to engage in the activities of a licensed psychologist in providing psychological services to a person 23 years of age or under.

Following review of the proposed legislation, the Board found that consumers, specifically vulnerable children and young adults, will be put at risk by the proposed legislation because it extends the psychological services a school psychologists may provide into areas where they have not been trained and does not specify or require additional training to remedy this.

The Board noted that this exemption does not define "psychological services," and appears to expand the scope of services provided by a school psychologist to include all psychological services. Currently, school psychologists are trained to administer and interpret psychological tests, the focus of which is to determine a given child's obstacles to learning. The criteria for assessment in the public schools rests on educational difficulties. Although the school psychologist has some training in counseling, there is little if any training in treatment beyond behavior in the school setting. School psychologists are not trained to treat such things as fire-setting, physical or sexual abuse, substance abuse, obsessive compulsive disorder, suicidality, depression or anxiety disorders: they are simply trained to identify them. This bill would allow them to provide treatment for these disorders.

The statute does not set forth any training requirements for the school psychologist to become competent in clinical management, diagnosis, or treatment of the mentally ill child: the school psychologists are trained in "counseling" rather than "therapy." In other words, this bill would give the school psychologist the legal right to treat mentally ill children and young adults without specifying additional training beyond the minimal counseling training required of the school psychology certification.

In addition, as currently crafted, the bill allows school psychologists to establish a treatment relationship with children and young adults but prohibits them from promising 24-hour or on-call service. The bill therefore restricts the practice and creates an unreasonable obstacle to effective treatment.

Moreover the bill refers to the State Department of Education as the certifying body. The Board's position is that the mission of the State Department of Education does not include the certification of psychologists: they know about education, not mental illness. In addition, the bill neither includes a mechanism for review of the standards of practice of the school psychologist nor does it create an avenue for the consumer to register complaints. If something goes wrong, there is no one for the consumer to go to for redress.

The exemptions proposed in this bill appear to be intended to bypass current law, N.J.S.A. 45:14B-(6), enacted to provide protection of the public.

All in favor of the motion: all.

APPROVED BY:

Respectfully Submitted,

Date: Victoria W. Jeffers, Ph.D.
Chair

Carole M. Harper, MA., RN.
Secretary