



SCOP

NEWSLETTER

Volume 4, Number 1

Missouri State Committee of Psychologists

April 1987

MEMBERS OF THE BOARD

Rose E. Boyarsky, Ph.D.
St. Louis
Chairperson

Roy C. Davis, D.Mn.
Kansas City
Secretary

Larry J. Bass, Ph.D.
Springfield
Member

Sara Ann Duncan
Kansas City
Public Member

David Edens, Ed.D.
Columbia
Member

Kenneth L. Russ, Ph.D.
St. Louis
Member

SCOP Newsletter Editor
Kenneth L. Russ, Ph.D.

CENTRAL OFFICE
Administrative Aide

Sue Wilson
Post Office Box 1335
Jefferson City, Missouri 65102

314-751-2334 ext. 161

Department of Economic Development
Division of Professional Registration

Letter from the Chairperson

By now, many of you are aware that SCOP has withdrawn the proposed revision of Chapter 337. This was done with a heavy heart, a good deal of pain and only after consultation with legislators, lobbyists and other interested parties. It is important that psychologists understand and know why the proposed revision was withdrawn.

Licensed Missouri psychologists number approximately 1300! Our legislators debate weighty and important issues that affect hundreds of thousands of their constituents. In order to make sure of their attention and energy for 1300 constituents, all 1300 of these psychologists, that is organized psychology in Missouri, must be strongly, firmly and unambivalently supportive of the legislation they want passed. This must be expressed by letters of support, appearances before hearing committees, phone calls to legislators, trips to Jefferson City, position papers by MOPA, media attention and so forth. Missouri Psychology must speak with one voice.

SCOP was well aware that many, if not most, Missouri psychologists supported the proposed revision. SCOP was also aware that the Missouri Psychological Association was not against the proposed revision. A letter from MOPA dated December 18, 1986, indicated, however that MOPA was only ambivalently supportive. Given that climate SCOP felt it had no choice, and its members unanimously decided to "pull" the bill, which was done on December 28th. Do we try again? Only if Missouri Psychology wants it! Let SCOP hear from you.

Rose E. Boyarsky, Ph.D.,
Chairperson

Intent to Promulgate Rules

At its meeting of February 14 and 15, 1987, the State Committee decided to publish in its newsletter and invite comments on the accompanying rules. It is strongly recommended that those who wish to comment consider review of those in the context of chapter 337, a copy of which is available from the State Committee. Comments should be received as soon as possible as the State Committee intends to promulgate these rules in the May 1987 *Missouri Register*. A planned hearing is currently set for these proposed rules on Friday, June 26, 1987, from 10:00 a.m. - 12:00 noon in Room 120A, State Capitol Building, Jefferson City, Missouri.

Proposed Rule Changes

4 CSR 235-1.010 State Committee of Psychologists. This amendment changes section (1).

PURPOSE: To remove wording no longer relevant and to remove nonsexist language.

(1) [(1) The five (5) members of the State Committee of Psychologists who are initially appointed shall meet within sixty (60) days of the appointment of the fifth member and at such first meeting shall select the chairman and the secretary of the committee. Thereafter,]The committee shall meet at the call of the [chairman] **chairperson** or by a notice signed by not less than three (3) members of the committee. The committee shall meet at least once during each calendar year and as frequently as the business of the committee requires. The committee shall, with the assistance of the [State Board of Registration for the Healing Arts] **Division of Professional Registration** and its staff, provide all application forms and maintain all records contemplated by [House Bill 255 of the Seventy-Ninth General Assembly] **chapter 337, RSMo** and shall make regular reports to the [board] **Division of Professional Registration** concerning the fulfillment of its functions and duties. The committee shall screen all applicants for licensure as psychologists and report to the director of the department, through the [board] **Division of Professional Registration**, concerning the qualifications of all applicants.

4 CSR 235-1.020 Fees. This amendment changes section (1) (E), (F) and (G).

PURPOSE: To clarify the meaning of the fees.

(E) [Endorsement] Transfer of Score Fee	\$25.00
(F) [Duplicate] Replacement of Wall-Hanging License Fee	\$10.00
(G) [Upgrade Wall-Hanging License] Recognition of Additional Degree Fee	\$30.00

4 CSR 235-1.040 Public Complaint Handling and Disposition Procedure. This amendment changes sections (1) and (4).

PURPOSE: To provide clarity in section (1) and to correct a typographical error in section (4).

(1) The State Committee of Psychologists will receive and process each complaint made against any licensee, registrant of the committee, or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one [(1)] or more violations of the provisions of chapter 337, RSMo. Any member of the public or the profession, or any federal, state, or local official, may make and file a complaint with the committee. Complaints will be received from sources both within and without the state of Missouri and processed in the same manner as those originating within Missouri. No member of the State Committee of Psychologists may file a complaint with this committee while holding that office, unless that member is

excused from further committee deliberation or activity concerning the matters alleged within that complaint. The executive secretary or any committee staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(4) Each complaint received under this rule will be logged in a book maintained by the committee for that purpose. The log book will contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the committee or [informal] in formal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log book shall be a closed record of the committee.

4 CSR 235-1.050 Renewal of License. This amendment changes section (1).

PURPOSE: To change to nonsexist use of language.

(1) Failure of a licensee to receive the notice and application to renew [his] the license shall not excuse [him] the licensee from the requirement of section 337.030, RSMo to renew [his] the license.

4 CSR 235-2.020 Supervised Professional Experience. This amendment changes sections (2) and (8).

PURPOSE: To include wording erroneously omitted by printset in section (2) and to clarify the number of hours required for satisfactory professional experience in section (8).

(2) As applied to periods of supervised professional experience commencing before January 1, 1984, the phrase "satisfactory supervised professional experience in the general field of psychology" as used in section 337.020.2, RSMo, means post-degree training or practice of psychology in an organized health service training program or its psychological equivalent under the supervision of a licensed psychologist who is not a relative of the trainee. Professional experience which was gained by an applicant before September 28, 1977, will be deemed acceptable if such experience was supervised by a person, not a relative of the trainee, who would have been eligible for licensure at the time the supervision occurred. The psychological activities of the applicant shall be performed pursuant to the supervisor's order, control, and full professional responsibility. Reports prepared by the applicant during the period of the supervised professional experience should be cosigned by the supervisor. The supervisor shall maintain a continuing relationship with the applicant and [shall] must meet with the applicant a minimum of one hour per week in face to face individual supervision. Group supervision is not acceptable for supervised professional experience under this regulation. The supervisor must certify to the department that the applicant has complied with these requirements for supervised professional experience.

(8) [Minimum satisfactory professional experience is thirty (30) hours per week.] Acceptable supervised professional experience shall constitute a minimum of fifteen hundred (1500) hours of professional experience obtained within twenty-four (24) consecutive calendar months. In no case shall this experience be accumulated at the rate of less than twenty (20) hours per week nor more than fifty (50) hours per week.

4 CSR 235-2.030 Post Master's Degree [Level] [Satisfactory] Supervised Professional Experience. This amendment changes section (7).

PURPOSE: To clarify the number of hours required for satisfactory professional experience in section (7).

(7) [Minimum satisfactory professional experience is thirty (30) hours per week.] Acceptable supervised professional experience shall constitute a minimum of three thousand (3000) hours of professional experience obtained within sixty (60) consecutive calendar months. In no case shall this experience be accumulated at the rate of less than twenty (20) hours per week nor more than fifty (50) hours per week.

Note From Editor on this Issue

In this past year, on both a statewide and national basis, increased legislative and regulatory attention has been devoted to the activities and practices of not only health care professionals broadly defined, but also to the activities and practices of psychologists as a specific group. Such concerns cover a wide range of issues, such as:

- State and federal reporting requirements for hospitals and insurance companies as they pertain to instances of alleged malpractice.
- The allowability for the creation of “mixed” professional corporations and modification of the professional corporation act in Missouri.
- Attention to the practice act regulating psychologists in Missouri (Chapter 337).
- Attorney General’s office opinion concerning dissemination of information to the public regarding concluded AHC cases.

All of the above issues discussed elsewhere in this newsletter should be considered important for the consumers of psychological services as well as psychologists themselves in Missouri and have been of major concern to the State Committee in recent months. The Committee has decided to focus this issue on presentation of these issues to attempt to heighten the awareness of how these impinge on the activities of psychologists in Missouri. It should be noted that questions as to how such legal and regulatory factors may impact on any individual psychologist’s professional activities are best directed to counsel for that particular psychologist.

The State Committee and its newsletter editor sincerely hope that the information contained in this edition will serve to heighten such awareness of psychologists and the Missouri public as to the multiplicity of burgeoning legal and regulatory issues affecting the profession of psychology in our state.

Kenneth L. Russ, Ph.D.,
Editor

Missouri Senate Bill 663 Malpractice Liability Limitation and Disciplinary Reporting

Senate Bill 663, passed last year, and arising from considerable discussion between committees of the Missouri Medical Association and Missouri Bar, impacts as well upon the practice of psychology in Missouri in several ways. Any individual psychologist interested in further details of how this may affect his or her individual situation should consult counsel.

SB663 defines a health care professional as “a physician or surgeon licensed under the provisions of chapter 334, RSMo, a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, a psychologist licensed under the provisions of chapter 337, RSMO, or a nurse licensed under the provisions of chapter 335, RSMo, while acting within the scope of practice.”

SB663 states that "beginning on January 1, 1987, the chief executive officer of any hospital or ambulatory surgical center, as such term is defined in section 197.200, RSMo, shall report to the appropriate health care professional licensing authority any disciplinary action against any health care professional or the voluntary resignation of any health care professional against whom any complaints or reports have been made which might have led to disciplinary action."

Additionally, 663 states that "upon request, the licensing authority may furnish a report of any disciplinary action received by it under the provisions of this section to any of the hospitals or ambulatory surgical centers required to report."

SB663 also focuses on possible limitations, stating that "in any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than three hundred fifty thousand dollars per occurrence for noneconomic damages from any one defendant...."

SB663 also states that "every insurer providing medical malpractice insurance to a Missouri health care provider and every health care provider who maintains professional liability coverage through a plan of self-insurance shall submit to the director of the division of insurance a report of all claims, both open claims filed during the reporting period and closed claims filed during the reporting period, for medical malpractice made against any of its Missouri insureds during the preceding three-month period."

There are many other sections detailed in section 663, and, as mentioned previously, the individual psychologist might wish to review this statute in full or contact their own counsel for this purpose. Furthermore, the Committee has just learned of federal legislation proposed by Henry Waxman, Congressman of California, and is currently reviewing any possible impact of such legislation on reporting requirements which might impinge on the work of the Committee.

New Professional Corporations Law

The following is largely but not totally derived from an article appearing in the October 1986 issue of *Missouri Medicine*, permission for which was granted by its editor. SCOP would like to thank Susan Gold for such permission.

Effective August 13, 1986, the professional corporations (P. C.) law in Missouri became governed by House Bill No. 1230 (H.B. 1230). Here is a brief overview of the new P.C. statute. Any psychologist presently incorporated or planning to do so should contact legal counsel to determine the new statute's effect on their P.C.

- * Under H.B. 1230, a P.C. can be formed by one or more individuals licensed in Missouri to practice one of 11 enumerated professional services. A P.C. may offer the services of more than one profession. Two or more persons practicing different professions may incorporate provided their respective licensing authorities permit this. Therefore, for example, a psychologist and a dentist, could form a P.C.

- * Except for the secretary, all officers and directors must be "qualified persons," someone who is capable of legally holding share of stock issued by the P.C. These individuals must also be licensed professionally in the U.S. to practice the service permitted in the articles of incorporation of the P.C. Other Missouri P.C.s as well as foreign P.C.s (those P.C.s organized in another state) may also hold shares in a Missouri P.C.

- * Stock ownership restrictions will be reviewed when an existing shareholder dies or if a shareholder loses board certification.

- * Should an "unqualified person" acquire shares, these may be sold or otherwise transferred to a person who is eligible to hold them under the Act. If an "unqualified person" does not transfer the shares, the P.C. must repurchase them.

- * P.C.s may merge or consolidate with other corporations. The resulting corporation may operate under the P.C. statute only if it meets all the provisions of H.B. 1230.

- * In general, transactions involving share of stock in a Missouri P.C. are not governed by state securities law.

- * Missouri P.C.s may engage in business practices allowed by the Missouri General Business Corporation Law, Chapter 351 RSMo, provided the activity is allowed in the articles of incorporation.

- * The name of a Missouri P.C. must include either the words "professional corporation" or the abbreviation "P.C." Existing P.C.s needing to modify their names to comply with the Act will have the \$20 fee waived if the name change is done before August 13, 1987.

- * Any person involved in conduct constituting malpractice is personally liable for any damages caused. The P.C. is liable for acts of its employees committed in the scope and course of employment. However, no shareholder will be liable for employee malpractice unless the shareholder participated with the employee or was negligent in appointing or supervising the employee.

Committee Begins Publishing AHC Case Decisions

Beginning with this issue, and in concert with desires expressed by organized psychology in Missouri as well as consequent to Attorney General advice as to the public availability of this information, the Committee plans to publish on a regular basis decisions made about either finalized disciplinary decisions or licensing decisions which were made following review by the Administrative Hearing Commission. The Committee firmly believes that availability of this information serves the best interests of both the public in Missouri as well as psychologists in our state.

Brockhaus Decision, Case No. PS-83-0327

Following a complaint filed on April 13, 1983, and a formal Amended Complaint filed on June 2, 1983, by the petitioner, Joyce Brockhaus, Ph.D., a hearing was held before the Administrative Hearing Commission to determine whether she was entitled under the law to be examined upon her qualifications for licensure as a psychologist in this state. The petitioner had been denied to sit by the Committee because she did not have one year of satisfactory supervised professional experience in the general field of psychology, as defined by Rule 4 CSR 235-2.010, and because her doctorate was not from a program of studies the content of which was primarily psychological. The hearing was held on November 9, 1983.

In the Findings of Fact, Conclusions of Law and Decision issued by the Administrative Hearing Commission on January 17, 1985, the Commission noted that the petitioner had received a doctorate in counselor education in December, 1976, from St. Louis University, was licensed as a registered professional nurse, and at the time of the hearing was employed as a clinical specialist in child psychology at St. Louis

Children's Hospital. None of the petitioner's degrees of A.D.N., B.S.N., M.S.N. or Ph.D. had been awarded through the department of psychology of the awarding institution, none of the courses had been taken within the university's department of psychology, and none of the degree programs taken by her were determined by the awarding institution to be programs of studies the contents of which were primarily psychological. In particular, the Commission found that the, "petitioner has failed to show that her Ph.D. in counselor education should have been or could have been characterized by the awarding institution as a graduate degree in psychology. By characterizing petitioner's doctoral degree as being in Counselor Education, the university evidenced a determination that the program of studies taken by petitioner was primarily in the field of education." The petitioner, therefore, failed to sustain her burden of proving, under section 337.020.2(a) and the prior decisions of this Commission, that she had the requisite educational training required of licensed psychologists. The program of studies leading to the petitioner's Ph.D. degree in counselor education from the Department of Education, St. Louis University was, therefore, not primarily psychological in nature, and was not designed or intended to educate and train people to be professional psychologists.

Post-degree experience relied upon by the petitioner was done as a member of an advanced group training program in marriage and family therapy, work done with the supervisor was between June and October, 1982, on an individual basis, and the activities performed by petitioner in her private practice as a counselor were not performed "in an organized health service training program or its psychological equivalent."

Petitioner was also found to not meet the quantitative or qualitative components of the experience requirement and did not, therefore, carry her burden of proving that she is "under the law... entitled to examination for licensure."

The Commission's decisions were appealed by the petitioner, but its findings were sustained on appeal on February 10, 1987 in the St. Louis County Circuit Court.

SCOP Election of Officers

At a regularly scheduled meeting on February 14 and 15, 1987, at the Alameda Plaza Hotel in Kansas City, the State Committee held its annual election of officers for 1987. Re-elected to office of Chairperson was Dr. Rose E. Boyarsky of St. Louis and elected to the office of Secretary was Dr. Roy C. Davis of Kansas City. Both were elected by a unanimous vote of all Committee members.

Dates to Remember

Next PES Psychology Exams

April 10, 1987
Columbia, MO

October 23, 1987
Jefferson City, MO

Next SCOP Board Meetings

April 25 and 26, 1987
Springfield, MO

June 26, 27 and 28, 1987
Lake Ozark, MO

NEWLY LICENSED PSYCHOLOGISTS

October 10, 1986 -- Examination

Linda Carpenter, Ph.D.
Teresa Deshields, Ph.D.
Edwin Dunn, Ph.D.
Jeanne Earnest, M.S.
Barry K. Hughes, Ph.D.
Diane Jamieson, Ph.D.
Michael Lubbers, Ph.D.
Melvin Miller, M.A.
Raymond W. O'Brien, Ph.D.
Jared Pingleton, Psy.D.
Linda Ross, Ph.D.
John Thekkedam, Ph.D.
John Toppins, M.A.
Craig Voorhees, M.A.
Charles Wolf, Ph.D.

No. Taking Exam 22
No. Passing 16
National Exam Mean 142

1986 - Reciprocity

Rexford Burnette, Ph.D.

1986 - Endorsement of Score

George DeRoeck, Psy.D.
Bill Geis, Ph.D.
Richard Hale, M.A.
Kelley, Michael, M.S.
Janice Myers, Ph.D.
Justin Vana, Psy.D.

State Committee of Psychologists
Post Office Box 1335
Jefferson City, Missouri 65102
Phone: (314) 751-2334

