BEFORE THE MISSORUI STATE COMMITTEE OF PSYCHOLOGISTS

In the matter of the Application of	)
	)
SALLY CRUMB,	)
Applicant.	)
	)

ORDER OF THE MISSOURI STATE COMMITTEE OF PSYCHOLOGISTS ISSUING A PROBATIONARY BEHAVIOR ANALYST LICENSE TO SALLY CRUMB

The Missouri State Committee of Psychologists ("Committee") hereby issues its **ORDER** granting a **BHAVIOR ANALYST LICENSE** to Sally Crumb ("Crumb"), License No. (2013037878) **subject to THREE (3) YEARS PROBATION under terms and conditions described below,** pursuant to the provisions of § 324.038, RSMo.[1] As set forth in § 324.038.2, RSMo, Crumb may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Committee's decision to issue a probated license. Such written request must be filed with the Administrative Hearing Commission within 30 days of delivery or mailing of this Order of the Committee. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman State Office Building, Room 640, Jefferson City, Missouri 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Committee's decision shall be considered waived. Should Crumb file a written request of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.

Based on the foregoing, the Committee hereby states:

[1] All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

I.

FINDINGS OF FACT

1. The Committee is an agency of the State of Missouri created and established pursuant to § 332.021, RSMo, for the purpose of executing and enforcing the provisions of §§ 337.010 through 337.045, RSMo.

2. Sally Crumb, Licensee, currently resides at 14360 County Road 408, Amazonia, Missouri 64421.

3. On or about September 30, 2012, Crumb received certification from the Behavior Analyst Certification Board ("BACB").

4. The BACB is a non-profit 501(c)(3) entity that issues a certification to behavior analysts and assistant behavior analysts. A certification is a necessary requirement for licensure by the Committee.

5. Following certification, Crumb had no formal contract for supervision of her provision of behavior analyst services.

6. On or about May 1, 2013, Crumb applied to the Committee for licensure as a behavior analyst.

7. On September 10, 2013, Crumb appeared before the Committee regarding her application for licensure. Crumb indicated the following to the Committee:

   a. Once Crumb finished her 1500 hours of supervised work, she was in contact with her supervisor less frequently at a frequency of probably once a month;

   b. After receiving her certification from BACB, Crumb provided services as a certified behavioral analyst to the Department of Mental Health, the First

Steps program within the Department of Elementary and Secondary Education and to a few private families;

c. After Crumb received her certification from BACB, she represented herself only as a certified behavioral analyst and not as a licensed behavioral analyst;

d. After Crumb received her certification from BACB, Crumb provided behavioral analyst services for which a license is required, while not under supervision and without a license from the Committee; and

e. Crumb's delay in applying to the Committee for a license, from September 30, 2012 to May 1, 2013 was due to personal reasons of Crumb.

II.

CONCLUSIONS OF LAW

8. The Committee has authority to deny or refuse a license application pursuant to § 337.330.1, RSMo, which provides:

> The committee may refuse to issue any license required under this chapter for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

9. The Committee has cause to deny or refuse Crumb's application for a behavior analyst license pursuant to § 337.330.2, RSMo, which provides:

> 2. The committee may cause a complaint to be filed with the administrative hearing commission, as provided by chapter 621, against any holder of any license required by this chapter or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:
> . . .

> (6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.300 to 337.345, or of any lawful rule adopted thereunder;
> . . .
>
> (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 337.300 to 337.345 who is not registered and currently eligible to practice as provided in sections 337.300 to 337.345[.]

10. As a result of Crumb's conduct of providing behavioral analyst services for which a license from the Committee is required, without having first obtained such license from the Committee, the Committee has cause to deny or refuse Crumb's application for a behavior analyst license pursuant to §§ 337.330.1 and 337.330.2(6) and (10), RSMo.

11. As an alternative to refusing to issue a license, the Committee may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, RSMo, which provides:

> Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

12. The Committee issues this Order in lieu of denial of Crumb's application for a behavior analyst license. The Committee has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

13. Based on the foregoing, Sally Crumb, is granted a behavior analyst license, which is hereby placed on **PROBATION** for a period of **three (3) years** from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

14. During the aforementioned probation, Crumb shall be entitled to present herself and serve as a licensed behavior analyst subject to the following terms and conditions:

SPECIFIC REQUIREMENTS

a. Licensee shall not supervise any individual in training for his or her certification from the BACB or any assistant behavior analysts. Licensee shall only be entitled to supervise line therapists.

b. Licensee's practice as a licensed behavior analyst shall be supervised in the same manner as required for obtaining supervision hours toward certification with the BACB. Within twenty (20) business days of the effective date of this Order, Licensee shall submit to the Committee a list of no less than three (3) proposed supervisors to supervise Crumb's practice as a licensed behavior analyst. The Committee may approve a supervisor from this list or may require a second list of three (3) supervisors which the licensee shall submit within twenty (20) business days of the Committee's request. If Licensee has failed to secure a supervisor approved by the Committee within twenty (20) business days from the effective date of this Order, Licensee shall cease practicing as a behavior analyst until a supervisor is secured. Licensee shall be responsible for payment of any costs associated with the supervision.

c. In the event that Licensee's Committee approved supervisor become unable or decides not to continue serving in his/her capacity as supervisor, or otherwise ceases to serve as supervisor during the period of probation, then Licensee shall:

    i. Within three (3) business days of being notified of the supervisor's inability or decision not to continue serving as the monitoring psychologist, advise the Committee in writing that she is needing to secure a supervisor and the reason for such change; and

    ii. Within twenty (20) business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor, secure a supervisor pursuant to and in accordance with the terms and conditions set forth in this agreement. After twenty (2) business days, the Licensee shall not practice if she has not secured a supervisor approved by the Committee.

d. Licensee must give the Committee or its representatives permission to review Licensee's personal treatment or medical records.

e. Every three (3) months, Licensee's supervisor must report in writing directly to the Committee on Licensee's compliance with this agreement. Reports must be received before March 1, June 1, September 1 and December 1 of each year. It is Licensee's responsibility to ensure that these reports are provided by the supervisor to the Committee in a timely manner.

f. Every three (3) months, Licensee must provide in writing to the Committee periodic reports of Licensee's compliance with this agreement. Reports must be received before March 1, June 1, September 1 and December 1 of each year. Each report shall include a current list of any and all staff working with or for Licensee.

g. Licensee shall submit, or effectuate the submission of, all reports to the State Committee of Psychologists, P.O. Box 1335, Jefferson City, Missouri 65102.

h. Licensee must immediately provide a copy of this Order to each of her existing clients and to every new client obtained during the probation period.

GENERAL REQUIREMENTS

i. Licensee must keep the Committee apprised at all times, in writing, of Licensee's current home and work addresses and telephone numbers.

j. Licensee is required to pay to the Committee in a timely fashion, all requisite fees required by law to renew and keep current Licensee's behavior analyst license in Missouri.

k. Licensee is required to comply with all provisions of §§ 337.010 through 337.345, RSMo, all applicable federal and state drug laws, rules and regulations, and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

l. At Licensee's expense, Licensee must agree to meet with the Committee or the Committee's designees at reasonable intervals as may be designated by the Committee or as otherwise requested by the Committee or its designees, including any unannounced visits. Licensee shall be open, receptive and cooperative with the Committee and its designees.

15. Upon expiration of the probation period, the Licensee's license as a behavior analyst in Missouri shall be removed from probation provided all provisions of this agreement and all other requirements of law have been satisfied.

16. This Order does not bind the Committee or restrict the remedies available to the Committee concerning any violation by Licensee of the terms and conditions of this Order, Chapter 337, RSMo, or the regulations promulgated thereunder.

17. If the Committee determines that the Licensee has violated a term or condition of her probation, or has otherwise failed to comply with the provisions of Chapter 337, RSMo, which violation would be actionable in a proceeding before the Committee or the Administrative Hearing Commission or a Circuit Court, the Committee may elect to pursue any lawful remedies or procedures afforded to it, and is not bound by this agreement and its selection of remedies concerning such violation.

18. The Committee will maintain this Order as an open record of the Committee as provided in Chapters 337, 324 and 610, RSMo.

SO ORDERED, EFFECTIVE THIS 10th DAY OF OCTOBER, 2013.

MISSOURI STATE COMMITTEE OF PSYCHOLOGISTS

Pamela Groose

Pamela Groose, Executive Director