

Revised
AGENDA
BOARD OF PSYCHOLOGY
NOVEMBER 10, 2015- BOARD ROOM 1

10:00 a.m.

CALL TO ORDER–Herbert Stewart, Ph.D., Chair

- Ordering of Agenda
- Public Comment
- Approval of August 25, 2015 Minutes

DHP DIRECTOR’S REPORT- David E. Brown, DC

EXECUTIVE DIRECTOR’S REPORT – Jaime Hoyle, Esq.

LEGISLATIVE UPDATE & REGULATORY REPORT- Elaine Yeatts

DISCIPLINARY CASE UPDATE – Jennifer Lang

BOARD OFFICE UPDATE - Deborah Harris

BOARD COUNSEL UPDATE – Jim Rutkowski, Esq.

COMMITTEE REPORTS:

- Board of Health Professions –Virginia VanDeWater, Ed.D.-No Report
- Regulatory Committee – Herbert Stewart Ph.D.
- ASPPB conference highlights – Herb Stewart, Ph.D., William Hathaway, Ph.D.
Jaime Hoyle, Esq.

NEW BUSINESS:

- Sanction Reference Points Update – Neal Kauder
- Amendments to regulations for one-time fee reduction – Elaine Yeatts
- APA & The Hoffman Report – Jaime Hoyle, Esq., Herbert Stewart, Ph.D.
- Discussion on Applied Psychologist requirements

OLD BUSINESS:

- Medicaid reimbursement for unlicensed providers under supervision – Jaime Hoyle, Esq.

ADJOURN:

**Virginia Board of Psychology
Quarterly Board Meeting
Draft Minutes
August 25, 2015**

Call to Order

Virginia Van de Water Ed. D., Chair, called the meeting to order at 10:10 a.m. on August 25, 2015, Board Room 2, at the Department of Health Professions (DHP) at 9960 Mayland Drive, Richmond, Virginia. She read aloud the DHP mission statement to emphasize the board's responsibility in rendering its decisions that day.

Ordering of Agenda

The agenda was accepted as presented.

Attendance

Board Members Present

Virginia Van de Water, Ed.D. Chair
Thomas Ryan, Ph.D.
Herbert Stewart, Ph.D.
Russell Leonard, Ph.D.
James Werth, Ph.D. ABPP
Barbara Peery, Ph.D., Citizen Member

Board Members Absent:

Bill Hathaway, Ph.D.
Giordana de Altin Poplilek, Psy.D.

Staff Present:

Jaime Hoyle, Acting Executive Director, DHP Deputy Director
Jim Rutkowski, Asst. Atty. General, Board Counsel
Elaine Yeatts, DHP Senior Policy Analyst
Jennifer Lang, Deputy Executive Director
Deborah Harris, Licensing Manager
Dr. David Brown, DC, DHP Director

Approval of Minutes

The minutes of the May 19, 2015 minutes were approved as written. (See Reg. Update) During the regulatory update, Dr. Werth discovered a mistake in the May 19, 2015 minutes. At that time, a motion, seconded and a unanimous vote was taken to rescind

the vote to approve the minutes. A motion, seconded and a unanimous vote then was taken and approved to amend the minutes. A motion was seconded and voted unanimously to accept the amended minutes.

Public Comment

Jennifer Morgan, Psy.D, VPA/VACP liaison, updated the Board about Clinical Psychology (VACP) Conversation Hour which will be held next Spring.

Director's Report

Dr. Brown reported that the Prescription Drug Taskforce will be wrapping up in October as it has been in full force for almost a year. He reported that data shows that many prescription drug overdoses are not the result of taking the medication illicitly. Some are overdosing on what has been legally prescribed to them. The highest rate of overdoses on prescription drugs are the ages of 45-60. This tells us that there needs to be more aftercare from our practitioners possibly offering educational programs to keep abreast of techniques. Dr. Brown also discussed the HPMP Citizen Advocacy audit. The Citizen Advocacy Center audited the performance and efficiencies of the HPMP program and DHP's response will be forthcoming. Dr. Brown also mentioned two meetings at DHP in the upcoming months. Board Member Development Day, for new and current board members to discuss the disciplinary process, is scheduled for September 28th. Board member orientation, for new board appointees, is scheduled for October 16th.

Executive Director's Report

Jaime Hoyle, Acting Executive Director reported to the Board some changes with the Behavioral Sciences Boards. She stated that a new licensing manager for the Board of Counseling has been hired. Next, DHP will be advertising for two positions: one a licensing specialist (administrative assistant) for the Board of Counseling, and the other, a Discipline Specialist to help Jennifer Lang, the Deputy Director. Also, the Executive Director position was posted and closed just last week. The interview process will be beginning soon.

Also, she shared that the Boards are going green by scanning documents rather than microfilming. We also will be getting laptops for Board members to use during the Board meetings rather than printing the documentation to mail out or present at the board meeting. Some other changes include the agency's new database, MLO. Next board meeting will include the President of Visual Research, Inc., Neil Kauder, who conducted the audit for all of the Boards at DHP to determine if the Sanctioning Referencing Points need to be updated. He will discuss recommended changes to the sanctioning reference points system for the Board of Psychology. We will also discuss

how the HPMP process works at our next board meeting. There still has not been any update on new board members. We should hear soon about 2 new appointments.

Legislative & Regulatory Update

Elaine Yeatts, Sr. Policy Analyst reported on two bills that will change our regulations. The first is the Continuing Education Carryover bill which became effective July 1st, and will need to be added into regulation. Seven continuing education units can be carried over from 2016 and can be used towards the June, 2017 renewal. It will be the licensee's responsibility to maintain the carried over CE's for the year in which they will be used, in case of a random audit. After a motion and seconded, the board voted and adopted the CE carryover proposed regulation by a unanimous vote. The revised Sex Offender Treatment Provider regulations are in the governor's office awaiting his signature. These items will be added into the new regulations. There is also a change in upcoming regulations regarding a renewal fee decrease due to a surplus of the Board of Psychology budget. This is an exempt action that requires no voting Board member vote. During the regulatory update, Dr. Werth discovered a mistake in the May 19, 2015 minutes. At that time, a motion, seconded and a unanimous vote was taken to rescind the vote to approve the minutes. A motion, seconded and a unanimous vote then was taken and approved to amend the minutes. A motion was seconded and voted unanimously to accept the amended minutes.

Disciplinary Report

Jennifer Lang, Deputy Executive Director, reported that the Board currently has 52 cases in probable cause review. An additional 16 cases are being investigated and the Board has 8 cases in active compliance tracking. Ms. Lang also noted that the 2014 CE audit was completed on 26 licensees and there was a compliance rate of 100%. She noted that the 2015 audit will be completed within the next few months.

Ms. Lang discussed board staff's efforts to "go green", particularly with disciplinary reviews. She explained the new probable cause review process, which is now done completely by electronic means. In addition, the Behavioral Science Boards have received approval to purchase laptops for board member use at hearings and meetings. She expects this process to save the board members and staff time and money, compared to the old process of copying and mailing the documents necessary for review.

Board Office Update

Deborah Harris reported information on licensing activity, noting that the Board regulated the following licensees and certificate holders since our May 19, 2015 meeting:

- Applied Psychologist 0
- Clinical Psychologist 51
- School Psychologist 1
- School Psychologist Ltd. 14
- CSOTP 3

Board Counsel Report

Mr. Rutkowski gave an update on the Attorney General Taskforce recommendations and indicated they will be forthcoming.

Committee Reports

Board of Health Professions. Dr. Van de Water spoke about Board of Health Professions. She stated how the workforce survey shows the lack of availability of the various workforces in rural areas in our state, particularly dentists. The Board held an open forum for both sides showing how important dentistry is to your overall health.

Regulatory Report. Dr. Herb Stewart reported on the Regulatory Committee meeting held on June 16. He talked about how Kevin Doyle, the chair of the Board of Counseling, attended to speak on behalf of Counseling for their insight towards the use of a name other than psychological assessments. He stated there is going to be a Counseling Regulatory Committee meeting in October and he will report back after that meeting with their findings. Dr. Stewart also mentioned the Interstate COMPACT Model developed by ASPPB. The Compact will need to go through the General Assembly before approval. This involves reciprocity between all the COMPACT states for licensees who enter into the COMPACT. Dr. Stewart said Telehealth was discussed in the Regulatory Committee meeting and staff will be researching the other boards and their Telehealth rules and regulations. He mentioned the podcast on Ethics in Social Media that was presented at the meeting. He mentioned guidance documents and revamping the standards of practice. He stated how The Spanish EPPP exam taken after April 2014 could be used as a valid exam. Dr. Brown indicated that the Board of Health Professions is going to be working with Wilder School interns who will research compacts and telehealth rules and regulations impacting all the Boards. This information will inform the work of this Board.

New Business

The Board reviewed and discussed documentation from psychologists working with Telemental Health through the VA Health Administration, regarding the Federal Supremacy Clause. Specifically, they asked the Board to make a statement indicating that for full-time employees of the Veterans Health Administration (e.g., Veterans Affairs Medical Centers), who are not contract workers and who are serving in their role as a provider for the VHA, the Virginia Board of Psychology recognizes and defers to the Federal Supremacy Clause regardless of the physical location of the provider and/or the patient (e.g., whether in a Veterans Affairs facility or in their homes). Board Counsel advised that the Board cannot make such a statement. There is an exemption of licensure statute that shows they are exempt to hold a license if they are providing services in a government setting.

The Board reviewed and discussed documentation regarding DMAS rules for a QMHP (unlicensed person) that can be reimbursed for clinical services while they are under supervision. This topic is deferred to the next board meeting due to an upcoming meeting with DMAS that could have impact on the discussion. Mr. Werth asked that the upcoming meeting with DMAS include a discussion on reimbursement for psychology interns, as it is a workforce as well as public safety issue.

There was a Board election for the Chair and Vice Chair position. There was a motion that seconded and carried by unanimous vote for Dr. Herb Stewart as Chairperson. There was a motion that was seconded and carried by unanimous vote for Dr. James Werth as Vice-Chair. There will be more appointments for the Board committees before the next meeting.

Adjournment

The Board meeting was adjourned at 12:15 p.m.

Herbert Stewart, Chair

Jaime Hoyle, Acting Executive Director

Virginia Department of Health Professions
 Revenue and Expenditures Summary
 Department 10800 - Psychology
 For the Period Beginning July 1, 2015 and Ending September 30, 2015

Account Number	Account Description	Amount	Budget	Amount		% of Budget
				Under/(Over) Budget		
4002400	Fee Revenue					
4002401	Application Fee	19,655.00	63,226.00	43,570.00		31.09%
4002406	License & Renewal Fee	57,455.00	441,455.00	384,000.00		13.01%
4002407	Dup. License Certificate Fee	85.00	270.00	185.00		31.48%
4002409	Board Endorsement - Out	775.00	2,415.00	1,640.00		32.09%
4002421	Monetary Penalty & Late Fees	3,320.00	7,650.00	4,330.00		43.40%
	Total Fee Revenue	81,290.00	515,015.00	433,725.00		15.78%
	Total Revenue	81,290.00	515,015.00	433,725.00		15.78%
5011110	Employer Retirement Contrib.	1,866.53	7,038.00	5,169.47		26.55%
5011120	Fed Old-Age Ins- Sal St Emp	1,254.82	4,275.00	3,020.18		29.35%
5011140	Group Insurance	169.07	589.00	419.93		28.70%
5011150	Medical/Hospitalization Ins.	1,393.50	6,519.00	4,625.50		29.05%
5011160	Retiree Medical/Hospitalizatn	149.22	520.00	370.78		28.70%
5011170	Long term Disability Ins	93.81	327.00	233.19		28.69%
	Total Employee Benefits	5,428.95	19,288.00	13,839.05		28.18%
5011200	Salaries					
5011230	Salaries, Classified	14,981.35	49,488.00	34,506.65		30.27%
5011260	Salaries, Overtime	1,623.35	6,200.00	4,576.65		26.18%
	Total Salaries	16,604.70	55,688.00	39,083.30		29.82%
5011300	Special Payments					
5011380	Deferred Compnshn Match Pmts	140.00	480.00	340.00		29.17%
	Total Special Payments	140.00	480.00	340.00		29.17%
5011930	Turnover/Vacancy Benefits					
	Total Personal Services	22,173.65	75,436.00	53,262.35		29.39%
5012000	Contractual Svs					
5012100	Communication Services					
5012110	Express Services	-	172.00	172.00		0.00%
5012140	Postal Services	4,144.13	4,560.00	415.87		90.88%
5012150	Printing Services	21.22	82.00	60.78		25.89%
5012160	Telecommunications Svcs (VITA)	83.48	425.00	341.52		19.64%
	Total Communication Services	4,248.83	5,239.00	990.17		81.10%

Virginia Department of Health Professions

Revenue and Expenditures Summary

Department 10800 - Psychology

For the Period Beginning July 1, 2015 and Ending September 30, 2015

Account Number	Account Description	Amount	Budget	Amount Under/(Over)		% of Budget
				Budget	Budget	
5012200	Employee Development Services	-	5,500.00	5,500.00	5,500.00	0.00%
5012210	Organization Memberships	-	5,500.00	5,500.00	5,500.00	0.00%
	Total Employee Development Services	-	5,500.00	5,500.00	5,500.00	0.00%
5012400	Mgmt and Informational Svcs	-	8,270.00	3,867.83	4,291.52	51.51%
5012420	Fiscal Services	4,402.17	8,270.00	3,867.83	4,291.52	51.51%
5012440	Management Services	27.31	330.00	302.69	302.69	8.28%
5012460	Public Infrmtl & Relatn Svcs	129.00	-	(129.00)	(129.00)	0.00%
5012470	Legal Services	-	250.00	250.00	250.00	0.00%
	Total Mgmt and Informational Svcs	4,558.48	8,850.00	4,291.52	4,291.52	51.51%
5012500	Repair and Maintenance Svcs	7.13	-	(7.13)	(7.13)	0.00%
5012510	Custodial Services	7.13	-	(7.13)	(7.13)	0.00%
	Total Repair and Maintenance Svcs	105.96	432.00	326.04	326.04	24.53%
5012640	Food & Dietary Services	-	427.00	427.00	427.00	0.00%
5012660	Manual Labor Services	155.56	935.00	779.44	779.44	16.64%
5012670	Production Services	4,231.98	13,815.00	9,583.02	9,583.02	30.63%
5012680	Skilled Services	4,493.50	15,609.00	11,115.50	11,115.50	28.79%
	Total Support Services	1,466.85	2,822.00	1,355.15	1,355.15	51.98%
5012800	Transportation Services	94.04	101.00	6.96	6.96	93.11%
5012820	Travel, Personal Vehicle	51.00	139.00	88.00	88.00	36.69%
5012850	Travel, Subsistence & Lodging	1,611.89	3,062.00	1,450.11	1,450.11	52.64%
5012880	Trvl, Meal Reimb- Not Rptble	14,919.83	38,260.00	23,340.17	23,340.17	39.00%
	Total Contractual Svcs	97.74	348.00	250.26	250.26	28.09%
5013000	Supplies And Materials	-	1,554.00	1,554.00	1,554.00	0.00%
5013100	Administrative Supplies	97.74	1,902.00	1,804.26	1,804.26	5.14%
5013120	Office Supplies	-	2.00	2.00	2.00	0.00%
5013130	Stationery and Forms	-	2.00	2.00	2.00	0.00%
	Total Administrative Supplies	97.74	2.00	2.00	2.00	0.00%
5013500	Repair and Maint. Supplies	-	2.00	2.00	2.00	0.00%
5013520	Custodial Repair & Maint Maint	-	2.00	2.00	2.00	0.00%
	Total Repair and Maint. Supplies	-	2.00	2.00	2.00	0.00%

Virginia Department of Health Professions
 Revenue and Expenditures Summary
 Department 10800 - Psychology
 For the Period Beginning July 1, 2015 and Ending September 30, 2015

Account Number	Account Description	Amount	Budget	Amount		% of Budget
				Under/(Over) Budget		
5013600	Residential Supplies	26.71	26.00	(0.71)		102.73%
5013620	Food and Dietary Supplies	-	100.00	100.00		0.00%
5013630	Food Service Supplies	26.71	126.00	99.29		21.20%
	Total Residential Supplies					
5013700	Specific Use Supplies	1.49	10.00	8.51		14.90%
5013730	Computer Operating Supplies	1.49	10.00	8.51		14.90%
	Total Specific Use Supplies					
	Total Supplies And Materials	125.94	2,040.00	1,914.06		6.17%
5015000	Continuous Charges	-	32.00	32.00		0.00%
5015100	Insurance-Fixed Assets	-	32.00	32.00		0.00%
5015160	Property Insurance	-	32.00	32.00		0.00%
	Total Insurance-Fixed Assets					
5015300	Operating Lease Payments	88.16	-	(88.16)		0.00%
5015340	Equipment Rentals	1.89	-	(1.89)		0.00%
5015350	Building Rentals	805.36	3,071.00	2,265.64		26.22%
5015390	Building Rentals - Non State	895.41	3,071.00	2,175.59		29.16%
	Total Operating Lease Payments					
5015500	Insurance-Operations	-	120.00	120.00		0.00%
5015510	General Liability Insurance	-	8.00	8.00		0.00%
5015540	Surety Bonds	-	8.00	8.00		0.00%
	Total Insurance-Operations					
	Total Continuous Charges	895.41	3,231.00	2,335.59		27.71%
5022000	Equipment	-	52.00	52.00		0.00%
5022200	Educational & Cultural Equip	-	52.00	52.00		0.00%
5022240	Reference Equipment	-	52.00	52.00		0.00%
	Total Educational & Cultural Equip					
5022600	Office Equipment	-	70.00	70.00		0.00%
5022610	Office Appurtenances	-	70.00	70.00		0.00%
	Total Office Equipment					
	Total Equipment	38,114.83	119,089.00	80,974.17		32.01%
	Total Expenditures					

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10800 - Psychology
For the Period Beginning July 1, 2015 and Ending September 30, 2015

Account Number	Account Description	Amount	Budget	Amount		% of Budget
				Under	Over	
Allocated Expenditures						
20100 Behavioral Science Exec		2,597.66	120,961.80	118,364.15		2.15%
30100 Data Center		11,870.36	69,813.64	57,943.28		17.00%
30200 Human Resources		436.18	3,385.83	2,949.65		12.88%
30300 Finance		5,872.32	17,244.89	11,372.57		34.05%
30400 Director's Office		2,583.50	10,295.32	7,711.82		25.09%
30500 Enforcement		16,009.34	79,767.47	63,758.13		20.07%
30600 Administrative Proceedings		472.42	15,034.29	14,561.87		3.14%
30700 Impaired Practitioners		315.75	844.57	528.82		37.39%
30800 Attorney General		2,594.74	12,686.91	10,092.17		20.45%
30900 Board of Health Professions		1,392.15	5,701.51	4,309.36		24.42%
31100 Maintenance and Repairs		-	315.52	315.52		0.00%
31300 Emp. Recognition Program		16.43	136.49	120.06		12.04%
31400 Conference Center		13.94	165.90	151.96		8.41%
31500 Pgm Devlpmt & Implemnt		1,099.98	6,005.08	4,905.09		18.32%
Total Allocated Expenditures		45,274.78	342,359.23	297,084.45		13.22%
Net Revenue in Excess (Shortfall) of Expenditures		\$ (2,099.61)	\$ 53,566.77	\$ 55,666.38		-3.92%

Project 4553 - none

BOARD OF PSYCHOLOGY

Renewal fee reduction

18VAC125-20-30. Fees required by the board.

A. The board has established fees for the following:

	Applied psychologists, Clinical psychologists, School psychologists	School psychologists-limited
1. Registration of residency (per residency request)	\$50	--
2. Add or change supervisor	\$25	--
3. Application processing and initial licensure	\$200	\$85
4. Annual renewal of active license	\$140	\$70
5. Annual renewal of inactive license	\$70	\$35
6. Late renewal	\$50	\$25
7. Verification of license to another jurisdiction	\$25	\$25
8. Duplicate license	\$5	\$5
9. Additional or replacement wall certificate	\$15	\$15
10. Returned check	\$35	\$35
11. Reinstatement of a lapsed license	\$270	\$125
12. Reinstatement following revocation or suspension	\$500	\$500

B. Fees shall be made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

C. Between ~~April 30, 2014, and June 30, 2014~~ April 30, 2016 and June 30, 2016, the following renewal fees shall be in effect:

1. For an active license as a clinical, applied, or school psychologist, it shall be ~~\$95~~ \$84.

For an inactive license as a clinical, applied, or school psychologist, it shall be ~~\$45~~ \$42.

2. For an active license as a school psychologist-limited, it shall be ~~\$45~~ \$42. For an inactive license as a school psychologist-limited, it shall be ~~\$23~~ \$21.

18VAC125-30-20. Fees required by the board.

A. The board has established the following fees applicable to the certification of sex offender treatment providers:

Registration of supervision	\$50
Add or change supervisor	\$25
Application processing and initial certification fee	\$90
Certification renewal	\$75
Duplicate certificate	\$5
Late renewal	\$25
Reinstatement of an expired certificate	\$125
Replacement of or additional wall certificate	\$15
Returned check	\$35
Reinstatement following revocation or suspension	\$500
One-time reduction in fee for renewal on June 30, 2014 <u>June 30, 2016</u>	\$52 <u>\$45</u>

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the Board of Psychology. All fees are nonrefundable.

DHP
Board of Psychology
Draft One-time Renewal Fee Decrease
Effective FY16

	Count (11.2.15)	One Time Fee Reduction	Renewal Revenue with Fee Decrease	Existing Fees	Amount of Decrease	Percentage Decrease	Renewal Fee Revenue Exiting Fees
Applied Psychologist							
Current Active	27	84.00	2,268	140	56	40.0%	3,780
Current Inactive	3	42.00	126	70	28	40.0%	210
Clinical Psychologist							
Current Active	2,997	84.00	251,748	140	56	40.0%	419,580
Current Inactive	132	42.00	5,544	70	28	40.0%	9,240
School Psychologist							
Current Active	94	84.00	7,896	140	56	40.0%	13,160
Current Inactive	5	42.00	210	70	28	40.0%	350
School Psychologist-Limited							
Current Active	418	42.00	17,556	70	28	40.0%	29,260
Current Inactive	-	21.00	-	35	14	40.0%	-
Sex Offender Treatment Provider							
Current Active	401	45.00	18,045	75	30	40.0%	30,075
Total		<u>4,077</u>	<u>303,393</u>				<u>505,655</u>
Total Renewal Fee Reduction		202,262					

CASES RECEIVED, OPEN, & CLOSED REPORT

SUMMARY BY BOARD

FISCAL YEAR 2016, QUARTER ENDING 09/30/2015

Quarter Breakdown	
Quarter 1	July 1st - September 30th
Quarter 2	October 1st - December 31st
Quarter 3	January 1st - March 31st
Quarter 4	April 1st - June 30th

The table below shows the number of received and closed cases during the quarters specified and a "snapshot" of the cases still open at the end of the quarter.

Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016
10	12	5	5	4	8	9	11	14	10	10	6
20	22	16	14	15	20	21	17	27	21	28	27
8	11	11	8	4	3	8	17	4	19	6	7
122	120	105	194	142	224	133	133	143	132	148	126
265	279	285	332	310	360	274	320	345	312	326	363
89	100	103	146	161	178	210	88	123	164	128	94
8	9	23	9	8	12	8	14	7	10	3	14
25	20	31	26	23	22	23	19	19	24	17	28
8	11	11	12	10	8	6	11	8	5	8	4
15	12	23	21	24	10	19	23	16	19	8	19
24	23	35	34	41	28	33	44	61	65	64	78
15	12	12	23	16	26	13	15	4	16	13	8

NEW LICENSES ISSUED BY QUARTER*

FISCAL YEAR 2016, QUARTER ENDING 9/30/2015

Quarter Breakdown	
Quarter 1	July 1st - September 30th
Quarter 2	October 1st - December 31st
Quarter 3	January 1st - March 31st
Quarter 4	April 1st - June 30th

*Shows the number of initial licenses granted for each licensing board by occupation.

Board	Occupation	Fiscal Year 2016, Quarter Ending 9/30/2015												CURRENT Q1 FY2016	
		Q2 FY2013	Q3 FY2013	Q4 FY2013	Q1 FY2014	Q2 FY2014	Q3 FY2014	Q4 FY2014	Q1 FY2015	Q2 FY2015	Q3 FY2015	Q4 FY2015			
Pharmacy	Robotic Pharmacy System	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Warehouser	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Wholesale Distributor	1	4	1	1	2	2	2	2	0	2	0	0	0	1
Total		794	909	1143	1321	765	1024	1215	1428	1019	785	1132	1140		
Physical Therapy	Direct Access Certification	24	33	45	55	36	37	48	49	75	56	42	5		
	Physical Therapist	122	106	147	319	140	91	218	294	131	102	274	320		
	Physical Therapist Assistant	56	29	70	148	34	24	67	145	32	28	108	113		
Total		202	168	262	522	210	152	333	487	238	187	424	442		
Psychology	Applied Psychologist	1	0	0	0	0	0	0	0	0	0	0	0	0	
	Clinical Psychologist	51	48	64	59	57	41	58	59	50	49	50	66		
	Continuing Education Provider	0	0	0	0	0	0	0	0	0	0	0	0		
	School Psychologist	2	1	3	2	0	1	2	2	2	1	2	0		
	School Psychologist-Limited	23	17	3	11	14	18	27	43	34	12	7	21		
	Sex Offender Treatment Provider	7	2	3	5	4	4	4	4	5	3	3	3		
	Total		84	68	70	77	75	64	91	108	91	65	63	90	
Social Work	Associate Social Worker	0	0	0	0	0	0	0	0	0	0	0	0		
	Licensed Clinical Social Worker	80	75	81	109	100	73	93	85	85	108	125	118		
	Licensed Social Worker	17	11	21	27	30	44	35	38	25	31	44	53		
Total		174	218	231	336	284	238	254	124	110	139	169	171		
Veterinary Medicine	Equine Dental Technician	0	0	0	1	0	0	1	1	0	0	0	0		
	Full Service Veterinary Facility	3	5	4	3	3	3	132	3	2	9	8	3		
	Restricted Veterinary Facility	4	10	7	8	6	9	5	5	8	9	8	9		
	Veterinarian	32	56	146	72	28	47	3	65	35	36	148	74		
	Veterinary Technician	22	20	65	28	16	12	98	36	30	25	102	42		
Total		61	91	222	116	53	71	239	110	75	79	266	128		
AGENCY TOTAL		6583	7884	10474	10862	6614	7372	10677	10103	6902	6996	10961	9582		

COUNT OF CURRENT LICENSES *
FISCAL YEAR 2016, QUARTER ENDING 9/30/15

Quarter Breakdown	
Quarter 1	Jul. 1st - September 30th
Quarter 2	October 1st - December 31st
Quarter 3	January 1st - March 31st
Quarter 4	April 1st - June 30th

*CURRENT LICENSES BY BOARD AND OCCUPATION AS OF THE LAST DAY OF THE QUARTER**
**LICENSE COUNTS AS OF 7-13-15, DUE TO TECHNICAL ISSUES ON THE LAST DAY OF THE QUARTER

Board	Occupation	CURRENT															
		Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016				
Psychology	Applied Psychologist	41	41	35	34	35	35	26	31	31	31	29	29				
	Clinical Psychologist	2793	2849	2764	2858	2929	2983	2831	2985	3047	3104	3003	3104				
	School Psychologist	104	105	98	97	98	100	92	98	100	102	97	99				
	School Psychologist-Limited	319	339	344	310	332	361	310	384	436	448	365	406				
	Sex Offender Treatment Provider	407	409	415	397	405	409	365	395	403	408	382	390				
	Total	3664	3743	3656	3696	3799	3888	3624	3893	4017	4093	3876	4028				
	Social Work	Associate Social Worker	2	2	3	1	1	1	1	1	1	0	1				
		Licensed Clinical Social Worker	5605	5687	5515	5502	5622	5736	5814	5903	5986	6104	5781	5948			
		Licensed Social Worker	455	466	469	403	436	488	518	560	586	619	525	583			
		Registered Social Worker	21	21	21	17	17	17	17	17	17	17	0	12			
Total	6083	6176	6008	5923	6076	6242	6350	6481	6590	6741	6306	6544					
Veterinary Medicine	Equine Dental Technician	25	23	23	24	25	24	23	24	25	24	24	24				
	Full Service Veterinary Facility	737	740	744	751	751	747	750	756	753	760	768	771				
	Restricted Veterinary Facility	277	279	284	295	295	297	298	304	304	308	317	324				
	Veterinarian	3960	3811	3640	4044	4074	3899	4038	4119	4164	3966	4157	4221				
	Veterinary Technician	1667	1621	1657	1719	1737	1684	1788	1826	1862	1810	1921	1964				
Total	6666	6474	6348	6833	6882	6651	6897	7029	7108	6898	7187	7304					
AGENCY TOTAL	357071	356499	354471	365518	367561	365502	367251	374927	377140	371343	376988	381960					

Harris, Deborah (DHP)

From: Hoyle, Jaime (DHP)
Sent: Thursday, November 05, 2015 3:12 PM
To: Harris, Deborah (DHP)
Subject: FW: Hoffman Report Issues/Board of Psychology potential response idea

From: dreabon@dreabon.net [mailto:dreabon@dreabon.net]
Sent: Wednesday, August 26, 2015 12:48 PM
To: Hoyle, Jaime (DHP)
Subject: Hoffman Report Issues/Board of Psychology potential response idea

Hello Mr. Hoyle,

A small group of Virginia licensed clinical psychologists and I talk/meet (in a conference call) every couple of weeks to read portions of the Hoffman report and related commentaries with a plan to derive our own individual responses/calls to action as professional psychologists.

All of us are mid to later career psychologists trained under a more rigorous ethical code than APA currently has in place. We have rather non scientifically observed that younger psychologists seem not as well grounded in ethics but are more focused on risk management, which does parallel observations made by Kenneth Pope in one of his recent publications. <http://ks pope.com/kpope/Hoffman.php>

As some have written, it is incumbent upon all licensed psychologists to reflect upon our own inaction/lack of awareness about the collusion within APA and decide what we want to do about going forward in our own practices.

While the issues of participation in torture, relationships with DOD, etc. are not ones the majority of psychologists encounter on a day to day basis, every psychologist in practice has the potential to do great harm without a solid grounding in ethical principles rather than risk management. To that end, it occurred to me that a role/response for Boards of Psychology could be to require that each licensed psychologist take a CE course that would be a top down review of the evolution of past ethics codes to the current watered down one with a focus upon the application of each principle (and its intended meaning) (whether old or new) to everyday clinical practice. I'm envisioning a day long seminar with case review worth about 6 CE credits to be contained within the 14 CE hours now required. Perhaps psychologists could be given a three year span in which to complete this one (1) required review course.

In addition to sending this to you in your role as Acting Director, I would have liked to send this to the current Chair of the Board of Psychology. However, mine and my colleagues experience is that when we contact the Board to try to identify a Board member with specific responsibilities for a given area, we are stonewalled and told to send the information or tell the information to a clerical person. My most recent experience with this was in trying to respond to an e-mail newsletter news item about the Board's interest in evaluating competence in psychological testing. I was attempting to identify the board member in charge of that and was treated so obstructively by a clerical member that after many time wasting exchanges, I gave up and did not contact Dr. Stewart, even after I had his name. So, while I would like both you and one board member to comment informally on my tentative idea, I've learned not to try to contact any Board members. I appreciate a need to protect the time of the Board's voluntary members, butlike APA has been careful to block the receipt of any meaningful information...these obstructive practices don't really support the Board's agenda in protecting the public.

Thank you or your time.

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APA & The Hoffman Report

The Hoffman Report And the American Psychological Association: Meeting the Challenge of Change

Kenneth S. Pope, Ph.D., ABPP (<http://kspope.com/kpope/index.php>)

REVISED SEPTEMBER 15, 2015

Excerpted from *Ethics in Psychotherapy and Counseling: A Practical Guide, Fifth Edition* by Kenneth S. Pope and Melba J.T. Vasquez. Forthcoming January 19, 2016 (paperback & ebook). Copyright © 2016 by John Wiley & Sons, Inc. All rights reserved. No part of this excerpt may be reproduced or reprinted without permission in writing from the publisher.

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If I value transparency, it is a good idea for me to practice it, so in the interest of transparency and self-disclosure of my perspective (or potential bias), it is important that readers know upfront that I resigned from APA in 2008 over changes APA had been making in its approach to ethics. The Hoffman Report discusses these changes. I wrote that "I respectfully disagree with these changes; I am skeptical that they will work as intended; and I believe that they may lead to far-reaching unintended consequences." Both my letter of resignation online at <http://kspope.com/apa/index.php> (<http://kspope.com/apa/index.php>) and my articles and chapters (Pope, 2011a (<http://bit.ly/APADetaineeInterrogationPolicies>), 2011b (<http://bit.ly/dXpclC>), 2014, in press; Pope & Gutheil, 2009) present my beliefs along with the evidence and reasoning that in my opinion support them.

In 2014, the American Psychological Association (APA) made a monumental move toward more transparency. The organization took a courageous step unthinkable at any time in its 121-year history: Having denied for years reports of evidence that APA had covertly supported, enabled, and provided cover for torture during the war on terror--including the recent evidence revealed by Pulitzer Prize winning investigative reporter James Risen

(2014) - the organization opened up to a former federal prosecutor, giving him access to all documents and personnel. They announced this striking step in a press release that began:

The American Psychological Association (APA) Board of Directors has reviewed the allegation in James Risen's book, *Pay Any Price: Greed, Power and Endless War*, that APA colluded with the Bush administration to support torture during the war on terror. Specifically, Risen alleges that APA supported the development and implementation of "enhanced" interrogation techniques that constituted torture, and was complicit with the CIA and U.S. military to this end. We believe that APA's October 16th statement refuting Risen's assertion was a fair and accurate response. However, the allegation made by Mr. Risen is highly charged and very serious. His book has created confusion for the public and APA members. This confusion, coupled with the seriousness of the allegation, requires a definitive, independent and objective review of the allegation and all relevant evidence. Toward that end, and to fulfill its values of transparency and integrity, the APA Board has authorized the engagement of David Hoffman of the law firm Sidley Austin to conduct an independent review of whether there is any factual support for the assertion that APA engaged in activity that would constitute collusion with the Bush administration to promote, support or facilitate the use of "enhanced" interrogation techniques by the United States in the war on terror. (APA, 2014c)

This Independent Review Report, commonly known as the Hoffman Report (Hoffman, Carter, Lopez, et al., 2015a & b) set off an ethical earthquake. It revealed evidence that validated Risen's disclosures. It also supported other books, articles in newspapers and professional journals, books, and reports from human rights and humanitarian organizations that had been published over the years exploring APA's role in the war on terror and the stark contrast between APA's ethics policies and public statements and its behavior (for a review, see Pope (2011a & b, in press).

The investigation uncovered e-mails and other documents containing linguistic tricks that mislead and manipulate, logical fallacies in ethical reasoning, biased ethical judgment, hypocrisy, and creative cheating that this book's five chapters (chapters 4-8) focusing on critical thinking in ethics prepare us to notice and avoid. These uncovered documents confront us with the challenge of change.

The challenge brings questions. What changes need to occur in ourselves as individuals, in APA as an organization, and in the larger professional community? What internal and external forces will block, weaken, delay, or divert needed change? How can we respond

effectively to these forces? Can we avoid mistaking quick changes in policy and personnel for meaningful changes in the organization's ethical culture, character, and dynamics?

None of these questions comes with a simple answer that will please everyone. All come wrapped in complex puzzles of politics, practicality, and conflicting values. None of the questions allows us easy escape. How we answer them--or fail to answer them--will determine whether we bring about needed change. This appendix looks at the questions and challenges that the Hoffman Report has brought to our doorstep.

What Does the Hoffman Report Have to Do With Each of Us as an Individual APA Leader, Member, or Outsider?

What does the Report have to do with us? When scandal explodes, our shared human tendency is to blame bad apples: "It's their fault! Maybe we made some well-intentioned mistakes, which we regret, but if you're looking for the real cause of this mess, it's them, not us." Bad apples come in three varieties: personnel, policies, and procedures. We toss the bad apples, find shiny new replacements, and think we've fixed the problem. Countless organizations make personnel moves that affect only a handful of people who are seen as "bad apples," vote to replace "bad apple" policies, and create committees to cancel some "bad apple" procedures and issue new guidelines. They find out only long after that they've gained little beyond better public relations and the illusion of reform. Both the external forces and the organizational culture, character, and dynamics that gave rise to the problem remain unchanged.

Or we can head into discrediting mode as a tactic to avoid change: "We chose the person we thought best suited to give us the definitive account of what happened, but he failed us. He gave us a report that, whatever new facts it brought out, is full of flaws and wild conjecture. A psychologist would have understood our profession, our organization, our history, our culture, and the way we do things. But he's a prosecutor and he was out to prosecute us in public and make us look bad. He started with a biased view, did sloppy work, and got key things wrong. And after all, it's just one outsider's opinion."

Answering the question "What does this have to do with us?" requires us to move beyond our human habit to deny, discredit, or dismiss what we do not want to know or be known. We may find that harder than usual in this case. The Hoffman Report documents years of improper behavior. But it also documents that for years APA as an organization and some APA defenders denied, discredited, or dismissed revelations of this improper behavior as they appeared in newspapers, professional journals, books, reports from human rights organizations, and other media. Changing habitual behavior that has settled into a familiar

routine is rarely easy for any of us. Changing habitual behavior that is part of organizational culture, character, and dynamics can be even harder.

Moving beyond our shared tendency to shield ourselves from unwanted information and personal responsibility allows each of us to learn what the report has to do with each of us as an individual: If we can summon the courage and resolve to look without squinting or flinching away, the Hoffman Report and particularly the emails and other documentary evidence that accompanied it can serve as an ethical mirror. The evidence collected during the investigation was organized into 6 pdf binders (available at <http://www.apa.org/independent-review/index.aspx> (<http://www.apa.org/independent-review/index.aspx>)). I strongly recommend reading all 6 binders for two major reasons. First, reading the primary source data allows us to judge for ourselves the emails and other documentary evidence instead of simply viewing it through the perspective of someone else. Second, the full arrays of evidence fills in what the Hoffman Report only summarizes. What may seem unclear, unjustified, or incomplete when reading the report may come across in a different way in view of the full range of evidence in the binders.

Taking the time to read the report and the full range of evidence on which it is based can teach us something about ourselves and help us take a personal ethics inventory. Reading the entire report and all the evidence, we can begin to see the complex relationship between what we did or failed to do and the events that the report describes and documents. When we take time to read these documents, they point the way to effective change, in ourselves and in our profession. If we set them aside unread or settle for second-hand summaries, we turn the ethics mirror to the wall and imagine a more personally flattering picture.

What Could Each of Us Have Done Differently?

Reading the Hoffman Report and the binders of documents that accompany it prepares us to struggle with one of the hardest challenges: Answering the questions: As an APA leader, member, or outsider, what could I have done differently? How does my answer to that question help me decide what to do from this point forward? No matter what our position or circumstance, each of us can think of things we might have done, or done better. Only the delusional can gaze into the Report's mirror and see ethical perfection. Only those needing an ethics ophthalmologist will notice merely a handful of things they could and should have done or done differently over the days, weeks, months, and years covered in the Hoffman Report.

Struggling with this challenge is hard, often painful work. It takes time-- not a sprint and perhaps not so much a marathon as a continuing daily run. And aren't we all tempted to

cheat, sleep in, or go easy on ourselves? We all know how to put denial, discrediting, and dismissing to work when searching for our own ethical disconnects, flaws, weaknesses, and violations. Politicians master this art of pseudo-self-examination.

We can use the Hoffman Report and its binders of evidence to hold ourselves personally accountable for all the things we might have done, or done differently. This puts us in a better position to join with others in our diverse communities from our small informal groups and networks to large national and international professional organizations to bring about needed, meaningful change in our profession in all its diversity.

What Do We Want Our Ethics and Our Ethics Enforcement to Be?

The Hoffman Report challenges us to decide what kind of ethics each of us believes in and whether we are willing to be held accountable. A fundamental question is: Do we choose professional ethics or guild ethics? Professional ethics protect the values that its members affirm as greater than self-interest and protect the public against misuse of professional power, expertise, and practice. Guild ethics place the interests of the guild and its members above the public interest, edge away from actual enforcement and accountability, and draw on skilled public relation to resemble professional ethics.

The Hoffman Report documents that for over 15 years APA had turned its ethics policies and enforcement procedures toward protecting its members from public accountability. In the words of the report, APA "prioritized the protection of psychologists--even those who might have engaged in unethical behavior-- above the protection of the public" (p. 63). The Association made this switch to "a highly permissive APA ethics policy based on strategy and PR, not ethics analysis" (p. 16) well before the detainee controversy, all the way back to the 1990s. The Report provides accounts of extraordinary interventions to undermine the process of adjudicating ethics complaints and protect high-profile or well-connected members dating back to the mid-1990s. Depriving people who file formal complaints of a fair hearing and a just resolution can serve guild interests but it can also encourage members and nonmembers alike to believe that voicing ethical questions or concerns that might reflect badly on individual members or damage the organization's interests "will at best come to nothing" (Pope, 2015b, p. 144).

APA had turned away from its responsibility to protect the public. The Hoffman Report quotes the APA's Ethics Director's statement that the role of APA Ethics "is not protection of the public and that protection of the public is a function for state licensing boards" (p. 475). APA embraced this model of ethics and modeled it for students, trainees, its

members, state psychological associations, and the national and international community for 15 years.

APA's initial move away from protecting the public sparked great controversy with publication of the 1992 ethics code. As Carolyn Payton, who had served on both the APA Policy and Planning Board and the Public Policy Committee, wrote in 1994 in *Professional Psychology: Research and Practice*:

All previous codes seemed to have been formulated from a perspective of protecting consumers. The new code appears to be driven by a need to protect psychologists It reads as though the final draft was edited by lawyers in the employment of the APA. (p. 317)

She critiqued the "many instances of exceptions to the rule" that protect members against enforcement of the ethical standards:

The forcefulness of the proscriptions on harassment, e.g., is diminished in the Other Harassment standard, Standard 1.12, which brings up the qualifier "knowingly" (APA, 1992, p. 1601), as in psychologists do not knowingly engage in harassment. Try using the argument of ignorance with the Internal Revenue Service to explain your failure to withhold appropriate taxes for the housekeeper or baby-sitter. (p. 320)

She wrote that "removal of the many instances of exceptions to the rule would make the code more enforceable and more reflective of our discipline, which at one time was dedicated to the promotion of human welfare" (p. 320).

Don Bersoff used a colorful term to describe these exceptions and qualifiers that characterized the 1992 code: "weasel words." Bersoff, who had served as APA's general counsel and would later serve as its president, emphasized that "as almost all the reviewers pointed out, the code is full of such lawyer-driven 'weasel words' as reasonable and feasible." (1994, p. 383). He summed up a dominant theme emerging from the reviewers: "it is a document designed more to protect psychologists than to protect the public" (1994, p. 383).

APA's new ethics, based on "First, do no harm to psychologists," created a public relations problem. How could the Association explain to the public that protecting them from the harm that can result from unethical assessment, therapy, counseling, forensic practice, research, publication, teaching, and so on, was not its concern? Could it honestly announce that the function of APA ethics "is not protection of the public and that protection of the

public is a function for state licensing boards"? The answer had the simplicity of Orwell's double-speak: War is peace, ignorance is strength, freedom is slavery--"To advance its PR strategy, APA issued numerous misleading statements that hid its true motives, in an attempt to explain and justify its ethics policy" (Hoffman et al., 2015, p. 15).

But what are our true motives--yours and mine? What do each of us see when we look in the mirror? What are our own personal ethics? To what extent are they public relations, more appearance than practice? How much time do we spend searching for ways to strengthen them and eliminate gaps, flaws, and contradictions? How rigorous are we in holding ourselves accountable to these ethics? What would we do if we knew we could get away with it and no one would find out?

When we struggle with these questions, we put ourselves in a better position to join with others to think through how to use the Hoffman Report to strengthen the ethical culture and practices of psychologists and our diverse groups, networks, and organizations.

What Do We Do to Discover or Screen Out What Happens?

Reading the Hoffman Report provides each of us with an opportunity to take a look at how we personally respond to critical information and criticism. The 6 binders of emails and other documents that accompany the Report show the fascinating but dismaying ways that "based on strategic goals, APA intentionally decided not to make inquires . . . thus effectively hiding its head in the sand" and "remained deliberately ignorant" (p. 11). This very human process of protecting ourselves from what we don't want to see or hear rings a familiar bell throughout history. When scandals or atrocities, especially those involving human rights, rattle a business, organization, or country, shocked looks of innocence spring to face after face, accompanied by the refrain: "I saw nothing! I knew nothing! We never suspected!"

But what about both the documented information and criticism published year after year in newspapers, professional journals, books, human rights reports, and other sources? Critical information that ran contrary to APA's strategic goals met with vigorous denial, discounting, and discrediting. The Hoffman Report describes how those who defended the PENS ethics policy and APA's actions dismissed the criticism as "baseless" and the critics' statements "as false and defamatory." They made claims about the critics' "political and financial motivation" (p. 2).

The Hoffman Report invites each of us to consider our personal strategies to avoid finding out what we don't want to know. How do we screen out or distract ourselves from troubling information? How do we snuggle into the warm, protective blanket of denial? How do we

discount, discredit, and dismiss the bearers of bad news? The hard work of looking deep into the mirror to answer these questions prepares us to communicate more clearly, openly, and honestly within our own groups, networks, and organizations, especially with those who express different views. It readies us to work with a wider array to create real and lasting change.

Where Do We Go From Here?

The Hoffman Report challenges us do some critical thinking about:

- What each of us might have done or what might we have done better
- What our own ethics are and whether we are willing to hold ourselves accountable through a realistic method of enforcement
- What we do to deny, discredit, or dismiss what we don't want to see or believe

When complicity with torture, violations of human rights, misleading the public, and other vital matters are at stake, organizations must address not only personnel, policies, and procedures but also the powerful incentives from inside and outside the organization, sources of institutional resistance to change, conflicting ethical and political values within the organization, and issues of institutional character, culture, and dynamics that allowed the problems to metastasize for years, protected by APA's denials.

Organizations facing ethical scandals often publicly commit to admirable values such as accountability, transparency, openness to criticism, strict enforcement of ethical standards, and so on. These institutional commitments often meet the same fate as our own promises to stick with a program of personal change. We make a firm New Year's resolution to lead a healthier life. We pour time, energy, and sometimes money into making sure the change happens. We buy jogging shoes and a cookbook of healthy meals. We take out a gym membership. We discuss endlessly what approaches yield the best results. We commit to eating only healthy foods and to getting up 5 days a week at 5 a.m. for an hour of stretching, aerobics, and resistance exercises. But 1, 2, and 3 months later, the commitment to change that had taken such a fierce hold of us and promised such wanted, needed, and carefully planned improvement has somehow loosened or lost its grip.

Decades of research and case studies in organizational and individual psychology show that major change is hard to make and maintain over the long haul. Distractions grab attention and drain our will. Old habits return. Temptations hit at unguarded moments. Memories of

the need for change fade. Imaginary change starts to look like the real thing. We find that the more things change, the more they remain the same.

How can we hope to tell if what we are creating meaningful change? Pseudo-change often appears only in public statements, pledges of improvement, personnel turnover, the formation of committees, new organizational charts, and discussions. Meaningful change is reflected in measurable progress. We can look to see if all our discussions, statements, and activities are creating meaningful, measurable progress.

The enforcement of the ethics code itself gives us a possible measure of meaningful change. The 6 binders of emails and other documents that accompanied the Hoffman Report show a wide range of improper behaviors involving conflicts of interest, improper handling of ethics complaints to protect psychologists, issuing misleading statements that hid true motives, to name but a few, as well as activities related to torture and violations of human rights. If none of these diverse improper behaviors violates any ethical standard in APA's Code that may tell us something about the code itself. If any of the diverse improper behaviors violates any standard in APA's code, and neither the APA Ethics Committee, nor any state psychological association or state psychology licensing board that has adopted APA's code as enforceable, takes action *sua sponte* (on its own initiative) or in response to a formal complaint, that may also tell us something.

Enforcement of APA's policies on interrogation and torture provide a second possible measure of meaningful change. For many years, APA has countered criticism by citing its various policies prohibiting torture and a 2008 policy governing interrogation of detainees. Critics, however, have discussed not only the seeming lack of enforcement in this area--see, for example, "U.S. Psychology Body Declines to Rebuke Member in Guantanamo Torture Case" in the Guardian (Ackerman, 2014) --but the question of whether these policies are enforceable *per se* (see Pope, 2011a & b, in press for a review). The most recent policy (23B), which the APA Council of Representatives passed after the Hoffman report was released and which bans psychologists' participation in detainee interrogations, raises similar complex questions of enforceability. For example! APA's Associate General Counsel wrote:

A policy passed by COR [Council of Representatives] does not become part of the Ethics Code no matter what the policy says. Only the Ethics Committee can make changes to the Ethics code under the Bylaws and Rules. So when CoR acts to pass a policy that says that psychologists cannot do X, there is no enforcement mechanism through the Ethics Committee and an enforcement mechanism cannot be built in to it unilaterally as this violates the bylaws. With

regards to 23B (and therefore with the 2008 resolution) while this new Council resolution invokes Ethical Principle A to "take care to do no harm," it does not amend the Ethics Code and is not enforceable as a result. (J. Raben, personal communication, August 17, 2015; see also Grohol, 2015)

Evidence that these publicly promoted policies are not just enforceable but are enforced when APA members are involved would be a clear measure of meaningful change.

These and other observable signs of meaningful change (e.g., whether APA and its elected officers representing the membership publish formal corrections or retractions of factually incorrect statements appearing in journals or press releases that denied, discounted, or dismissed reports of improper behavior, just as researchers fulfill their ethical responsibility to correct the formal record) allow us to hold a mirror up to both own individual and our psychological community's ability and willingness to meet the challenge of change.

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