



PENNSYLVANIA STATE BOARD OF PSYCHOLOGY



Secretary Carol Aichele

www.dos.state.pa.us

January 2014

[Disciplinary Actions](#)

State Board of Psychology Information

Board meetings are open to the public. Information regarding upcoming meetings can be found on the Board's website at www.dos.state.pa.us/psych by clicking on "Consumer Information", followed by "Meeting Dates".

Please be sure to check the Board's website on a regular basis for important information. Frequently Asked Questions will be added to the Board's website in the coming months.

"Is a webinar considered home study?"

The Board considers webinars to be home study unless the participants are able to interact with the instructor in real time.

State Board of Psychology's Presentation

Pennsylvania Psychological Association's 2013 Annual Convention

For this newsletter the Board will present some materials from their presentation at the 2013 Pennsylvania Psychological Association meeting in Harrisburg, PA.

Dr. Salvatore Cullari's (Chairperson) introduction of the Board members and recent developments can be viewed here: <http://youtu.be/x0kVtIR5KnE>

If this link does not work for you, make sure YouTube is not blocked at your worksite.

We also suggest that you read the following vignettes, either alone or with some of your colleagues, and answer the questions below. We

have included some resources to help you with this exercise.

Vignette Number 1 Duty to warn/protect

Dr. Inna Pickle, who is licensed in Pennsylvania, has been seeing an adolescent male since he was 16 years old. During the past, he has had several brief periods of psychosis, and had to be hospitalized once for about a week about three years ago. However, for the past two years, he has been fairly stable with medications and psychotherapy. At age 20, the client decided to move to California in order to attend college. Dr. Pickle and the client agreed to continue psychotherapy through a tele-psychology format. The client found a psychiatrist in California who is supervising his medication regimen. During their last session, the client informed Dr. Pickle that the faculty at the university where he is a student is plotting against him. In fact, he is learning how to make bombs from the internet, and stated that he is "planning to blow up the psychology department." Dr. Pickle recalls a similar episode that occurred several years ago, and does not consider this threat to be serious.

- 1 What are the pertinent issues associated with this case?
- 2 What should she do?
- 3 Would the situation be different if Dr. Pickle learned of this threat from the client's mother rather than the client himself?

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State Board of Psychology

P.O. Box 2649, Harrisburg, PA 17105-2649

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4 Would the situation be different if the client was attending school in North Carolina, which does not have a duty to warn/protect statute?

5 What if the client shows her what he describes as a “pressure cooker” bomb during one of their tele-psychology sessions?

Vignette Number 2 Mandated Child Abuse Reporting

Dr. Anon E. Mous, a Pennsylvania licensed psychologist is seeing a young female parent for psychotherapy. About six months into the therapy, the family moves to New Jersey. Dr. Mous and the client agree to continue psychotherapy through a tele-psychology format. At one of the tele-psychology sessions, the client is very distraught and tells the psychologists that she suspects that her husband’s uncle has kidnapped a young female and is keeping her captive in his house. She has not actually seen this girl, but refuses to give any additional details.

1 What are the pertinent issues associated with this case?

2 What should he do?

3 Which mandated child abuse state statutes should the psychologist follow?

4 What if this occurred while the client still lived in Pennsylvania?

Note: In New Jersey; all persons are required to report

Resources

State-wide duty to warn/protect requirements

Note that duty to warn requirements vary in each state.

Eisner, D.A. (2011). Psychology studies. From Tarasoff to Ewing: Expansion of the duty to warn. <http://www.eisnerinstitute.org/blog/?p=25>

Watson, C. (2012). The Duty to Warn/Protect Doctrine and Its Application in Pennsylvania. *Jefferson Journal of Psychiatry*, 19(1), 3.

<http://www.ncsl.org/issues-research/health/mental-health-professionals-duty-to-warn.aspx#O>

(Nevada, Minnesota, North Carolina and Maine do not have a duty to warn/protect statute).

www.apa.org/about/offices/ogc/amicus/emerich.pdf

§ 42.42. Suspected child abuse—mandated reporting requirements. (Pennsylvania)

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensees who, in the course of the employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Licensees who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their

professional or official capacity is a victim of child abuse. Upon notification by the licensee, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313.

(2) *Written reports.* Written reports shall be made within 48 hours after the oral report is made by telephone. Written reports shall be made on forms available from a county children and youth social service agency.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

Authority

The provisions of this § 42.42 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 5 of the Occupational Therapists Practice Act (63 P. S. § 1505); amended under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P. S. §§ 1505(b) and 1506(a)(2)).

Source

The provisions of this § 42.42 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5425; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663. Immediately preceding text appears at serial pages (223111) to (223113).

Cross References

This section cited in 49 Pa. Code § 42.41 (relating to definitions relating to child abuse reporting requirements); 49 Pa. Code § 42.46 (relating to confidentiality—waived); and 49 Pa. Code § 42.47 (relating to noncompliance).

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https://www.childwelfare.gov/systemwide/laws_policies/state/

Mandated Reporting across the US

<https://www.childwelfare.gov/systemwide/sgm/index.cfm>

Search by State

<http://www.ncsl.org/issues-research/human-services/child-abuse-and-neglect-reporting-statutes.aspx>

American Psychological Association telepsychology guidelines

<http://www.apapracticecentral.org/update/2013/09-12/telepsychology-guidelines.aspx>

<http://www.apapracticecentral.org/ce/guidelines/telepsychology-guidelines.pdf>

Ten Years on the Psychology Board:

A Retrospective

Karen W. Edelstein, Psy.D.

Hello to the many well-educated, experienced, hard working, ethical psychologists in Pennsylvania. This spring I will conclude my service as a professional member of the Psychology Board, completing two terms as Vice Chairperson and one as Chairperson. Since our Board newsletter is now both electronic and annual, this is my final chance to write to you.

I was appointed to the Psychology Board in July 2003 to finish out the two years of a prior member's four year term. I have always been interested in Ethics. My work on the Board fully involved me in Ethics, with all its nuances and complexities. After my first two year term, I put myself out there to my local political representatives and was ultimately reappointed to two more four year terms.

A lot has happened over the years. The big picture includes the change on our state level from a Democratic to a Republican administration and a shift in Commissioners of the Department of State.

The Commissioners have been enormously supportive of the Board, allowing us to do our work without the interference of political considerations. The Commissioners and their Deputies participate in Board meetings, and they provide a perspective which helps to guide our decision making.

As many of you know, the Board's primary responsibilities are administrative and legal/ethical in nature. The main administrative function is setting standards for licensure. Our capable administrator, Christina Stuckey, reviews all applications and approves those that readily meet the Board's requirements to take the licensure exam. One salient change that is now in place is the requirement that applicants for psychology licensure graduate from a doctoral program that is either accredited by the American Psychological

Association (APA) or designated by the Association of State and Provincial Psychology Boards (ASPPB)/National Register Designation Project. Applicants enrolled in a non-accredited/non-designated doctoral program prior to July 1, 2008 are evaluated by the Board under the prior regulations which allow for a case-by-case review.

This is a detailed, time consuming process, but one which we know is important for those applicants who are eager to develop careers in psychology.

In the legal arena, the Board continues to hear all cases that are practice-related (such as those involving boundary violations) and to delegate cases that are administrative in nature (such as failure to complete sufficient CE credits) to a hearing examiner. Also, many cases are presented to us as consent agreements; in those cases the Board decides if the agreement is acceptable, “too harsh,” or “too lenient.” Over the years, Board members and State Prosecutors have focused on consistency, so that similar offenses receive similar penalties. Also, there is now a maximum penalty of \$10,000 for each violation of the Ethics Code, a steep increase from prior limits, and an opportunity for the State to recover the costs of prosecution. The Board continues to work intensively on an updated Code of Ethics, known to all as the “Green Book.”

The Board performs many other functions, including approving corporate and fictitious names, answering e-mails (often with the caveat that we cannot provide advisory opinions), and organizing a continuing education presentation at the Pennsylvania Psychological Association’s (PPA) Annual Convention each June.

With the exception of Christina Stuckey, (whom we hope will stay forever!), the Board’s Legal Counsel and both professional and public members have rotated on and off the Board over the years. Our new Board Counsel, Jason McMurry, recently replaced Wesley Rish, who was preceded by Judith

Pachter-Schulder ---; all are excellent attorneys and have been “there for us” over the years. Interestingly, psychologists all “speak the same language,” making for continuity amidst change.

Each psychologist also brings his or her professional expertise to the Board, enriching our discussions in multiple ways. Public members commit to learning the basics from us, while introducing their own valuable expertise and perspective.

Change is important and inevitable, when I am on the outside looking in, I look forward to a once again reconstituted Board protecting the Pennsylvania public in predictable and responsible ways. For me, Board meetings have been challenging and stimulating. I encourage other psychologists to pursue the option of Board service.

Supervision Requirements for Psychology Residents

As you know, the Board’s regulations require psychology residents to complete post doctoral experience in order to be licensed as a psychologist in Pennsylvania. Before agreeing to serve as a primary or delegated supervisor of a psychology resident, psychologists must review the Board’s regulations, specifically §41.32 and §41.33, to ensure that the supervision provided meets the licensure requirements. A copy of the regulations is available on the Board’s website at www.dos.state.pa.us/psych by clicking on “Rules and Regulations”.

Following the completion of the post doctoral experience, primary and delegated supervisors must complete a Verification of Post Doctoral Experience form to document the experience to the Board. The Verification of Post Doctoral Experience form is available within the **Psychology Applications for Examination and Licensure** available on the Board’s website by clicking on “Board Applications”.

Meet the Board's New Legal Counsel

Jason E. McMurry, Esq.
Assistant Counsel for the Department of State
Commonwealth of Pennsylvania

Jason E. McMurry joined the Department of State in July of 2013 as Assistant Counsel. He currently serves as legal counsel to the State Board of Psychology. Prior to joining the Department of State, Mr. McMurry served as Senior Deputy District Attorney for Dauphin County for eight years. There he prosecuted numerous high profile cases and served as the lead attorney in the appellate division. Prior to that, Mr. McMurry served as a top prosecutor for the District Attorney of Hidalgo County in Edinburg, Texas for almost eight years before moving with his wife and two children to Pennsylvania. He began his legal career working as a Legal Consultant for a defense contractor with the United States Navy in Washington, D.C. Mr. McMurry earned his Bachelor of Science in Business Administration from the University of North Carolina-Chapel Hill and his Juris Doctor from Loyola University School of Law in New Orleans.