

## RECORD OF PROCEEDINGS

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### STATE BOARD OF PSYCHOLOGIST EXAMINERS PUBLIC MINUTES

April 18, 2014

*Notice of this meeting was given in accordance with Division of Professions and Occupations  
Policy Number 80-17*

#### CONVENE

The meeting of the State Board of Psychologist Examiners was convened in the Civic Center Plaza Building, 1560 Broadway, Conference Room 1250 C, Denver, Colorado 80202, at 9:05 AM, by Bennett Leslie, Psy. D., Professional Member, Board Chair.

**Present, in addition to Bennett Leslie, Psy. D., Professional Member, Board Chair, were Board Members:**

Nikki Johnson, Ph. D., Professional Member  
Cynthia Brooks, Psy. D., Professional Member  
Randyl Smith, Ph. D., Professional Member

Jennifer Gabrius, Public Member  
Jermaine Carroll, Esq., Public Member

#### **Staff present:**

Jacqueline Arcelin, Acting Program Director  
Jessica Googins, Discipline & Enforcement Specialist  
Robert Finke, Assistant Attorney General  
Kristen Fischer, AAG Intern

Melissa Garner, Expedited Settlement Program  
Cindy Reinhardt, Office of Investigations  
Starr Rios, Board Support Specialist

#### APPROVAL OF MINUTES

A motion was made, seconded, and carried to approve the minutes from the February 7, 2014 meeting.

#### REPORTS AND DISCUSSION ITEMS

##### Program Director Report

Acting Program Director, Jacqueline Arcelin, updated the Board on the Division and staffing changes, as well as HB 14-1271. A plaque was presented to Randyl Smith, Ph. D., for her years of service with the Board.

##### State Court Administrator Office

Kara Martin gave a presentation on Child Family Investigators and Parental Responsibilities Evaluators.

#### ADDITIONS

All agenda additions have been incorporated into these meeting minutes.

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### INVESTIGATIVE REPORTS

**Agenda Item #1** **RS** **Case #2012-6712**

The Board reviewed the Report of Investigation, and additional information.

A motion was made, seconded, and carried to refer the case to executive session for discussion and the legal basis for potential disciplinary action.

### NEW BUSINESS

### INITIAL REVIEW

**Agenda Item #2** **WA** **Case #2014-99**

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to dismiss the case for no violation.

**Agenda Item #3** **DB** **Case #2014-442**

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to dismiss the case for no violation.

**Agenda Item #4** **JD** **Case #2014-388**

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to dismiss the case for no violation.

**Agenda Item #5** **HG** **Case #2014-545**

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to dismiss the case for no violation.

**Agenda Item #6** **JJ** **Case #2014-49**

The Board reviewed the complaint, response, and additional information.

Bennett Leslie, Psy. D., Professional Member, recused.

A motion was made, seconded, and carried to dismiss the case for no violation.

**Agenda Item #7** **MK** **Case #2013-3393**

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to dismiss the case for no violation.

**Agenda Item #8** **MK** **Case #2013-3110**

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to dismiss the case for no violation.

**Agenda Item #9** **KR** **Case #2013-3947**

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to refer the case to executive session for discussion and the legal basis for potential disciplinary action.

In open session, a motion was made, seconded, and carried to dismiss the case for no violation.

**Agenda Item #10** **PS** **Case #2014-418**

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to dismiss the case for no violation.

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**Agenda Item #11** **CW** **Case #2014-382**

The Board reviewed the complaint, response, and additional information.  
A motion was made, seconded, and carried to dismiss the case for no violation.

### **OLD BUSINESS**

#### **MONITORING REPORTS/ACTIVE STIPULATIONS**

- Information regarding active stipulations—no action required.
- Monitoring status report—ratification required.

The Board reviewed the Monitoring Status Report.  
A motion was made, seconded, and carried to ratify the report.

**Agenda Item #12** **NC** **Case #2013-1386**

The Board reviewed the request for reconsideration of the stipulation.  
A motion was made, seconded, and carried to deny the request to reconsider the stipulation.

**Agenda Item #13** **JD** **Case #8701000055**

The Board reviewed the request for early probation termination.  
A motion was made, seconded, and carried to refer the case to executive session for discussion and the legal basis for potential disciplinary action.  
In open session, a motion was made, seconded, and carried to grant termination of the Practice Monitoring and Therapy Monitoring requirements.

**Agenda Item #14** **BH** **Case #2011-2043**  
**Case #2011-2399**

The Board reviewed the submitted monitoring report, and the request for early probation termination.  
A motion was made, seconded, and carried to approve the submitted report.  
A second motion was made, seconded, and carried to approve the request for early probation termination.

### **TABLED ITEMS**

**Agenda Item #15** **JB** **Case #2013-2266**

The Board reviewed the complaint, response, and additional information.  
Cynthia Brooks, Psy. D., Professional Member, recused.  
A motion was made, seconded, and carried to dismiss the case for no violation.

**Agenda Item #16** **JD** **Case #2013-3725**

The Board reviewed the complaint, response, and additional information.  
A motion was made, seconded, and carried to dismiss the case for no violation.

**Agenda Item Addition** **SW** **Case #2013-3249**

The Board reviewed the complaint, response, and additional information.  
A motion was made, seconded, and carried to refer the case to executive session for discussion and the legal basis for potential disciplinary action.

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### LICENSING—ADMINISTRATIVE ISSUES

#### RATIFICATIONS

- Approval of Applications—ratification required.

A motion was made, seconded, and carried to ratify the approval of applications.

#### APPLICATIONS

##### Agenda Item #17

**DK**

**Pending Application**

The Board reviewed the application, the applicant's statement, and additional information.

A motion was made, seconded, and carried to refer the case to executive session for discussion and the legal basis for potential disciplinary action.

In open session, a second motion was made, seconded, and carried to allow application to proceed with the application process.

#### MOTION TO MOVE INTO EXECUTIVE SESSION

At 11:30 AM, Board Chair, Bennett Leslie, Psy. D., asked for a motion that the Board enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402(3)(a)(II), including:

- The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred for discipline and discussion as well as legal guidance in executive session, specifically, case numbers 2013-3947 (KR) (Agenda No. 9), and Pending Application (DK) (Agenda No. 17).
- Settlement, counteroffers, and other legal questions pertaining to open cases referred to the Expedited Settlement Program, specifically case number 2013-2695 (BV).
- Counteroffers, settlement issues, and other legal questions pertaining to cases with the Attorney General's Office, specifically case numbers 2012-6887 (CB), and 2012-6268 (EH).
- The following specific claims or grievances, or matters regarding legal advice on specific legal questions, including case number 2013-636 (SK).
- Mental health records, which are confidential pursuant to Colorado Revised Statutes 13-90-107(1)(g) and 24-72-204(3)(a)(I), for case numbers 2012-6712 (RS) (Agenda No. 1), 2013-3249 (SW) (Agenda Addition), and 8701000055 (JD) (Agenda No. 13).

There was a motion, which was seconded. The vote was unanimous with at least two-thirds of the membership of the board approving the motion to go into Executive Session and none opposing.

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**EXECUTIVE SESSION**

**The legal basis for potential disciplinary action, and where warranted, recommended settlement guidance and/or legal advice/guidance:**

- Agenda Item #1, Case No. 2013-750 (MM)
- Agenda Item #17, Pending Application (DK)

**Settlement, counteroffers, and other legal questions pertaining to open cases referred to the Expedited Settlement Program:**

- Case No. 2013-2695 (BV)

**Counteroffers, settlement issues, and other legal questions pertaining to cases with the Attorney General’s Office:**

- Case No. 2012-6887 (CB)
- Case No. 2012-6268 (EH)

**The following specific claims or grievances, or matters regarding legal advice on specific legal questions:**

- Case No. 2013-636 (SK)

**Mental health records, which are confidential pursuant to Colorado Revised Statutes 13-90-107(1)(g) and 24-72-204(3)(a)(I):**

- Agenda Item #1, Case No. 2012-6712 (RS)
- Agenda Addition, Case No. 2013-3249 (SW)
- Agenda Item #13, Case No. 8701000055 (JD)

Randyl Smith, Ph. D., Professional Member, left the meeting at 12:30 PM.

By unanimous agreement, the Board exited Executive Session at 12:45 PM and reconvened in Open Session.

**OPEN SESSION**

Board motions made in open session for matters referred to executive session are noted above, if applicable.

**ADJOURN**

The Board formally adjourned the meeting at 12:48 PM. The Board will reconvene on Friday, June 6, 2014 at the Civic Center Plaza Building, 1560 Broadway, Conference Room 1250 C, Denver, CO 80202, at approximately 9:00 AM.

As Board Chair/Vice-Chair, I attest that these minutes of the open public meeting of the Colorado State Board of Social Work Examiners substantially reflect the substance of the discussions and actions taken related to matters under the authority of the Board, pursuant to § 12-43-203, C.R.S, and in compliance with § 24-6-402, C.R.S.

  
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Board Chair

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Vice-Chair