

NORTH CAROLINA PSYCHOLOGY BOARD
Open Session Minutes
July 29, 2022
Videoconference

The North Carolina Psychology Board met in its regularly scheduled meeting via videoconference on July 29, 2022.

Members present for all or part of the meeting: Helen Brantley, Ph.D., Chair; Katrina Brent; Lisa Duck, MPH; Susan Hurt, Ph.D.; and G. Gail Neffinger, Ph.D.

Others present for all or parts of the meeting: Daniel P. Collins, Executive Director; Marc Davis, Staff Psychologist/Investigator; Rebecca Osborne, Deputy Director, and Sondra Panico, Special Deputy Attorney General.

Dr. Brantley reminded Board members that, in accordance with the State Government Ethics Act, it is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. Board members were directed to identify any known conflict of interest or appearance of conflict with respect to any matters coming before the Board at the meeting and to refrain from any undue participation in the particular matter involved. Board members were asked to identify any known conflict of interest or appearance of conflict of interest with respect to any matters coming before the Board at the meeting, and instructed that, if one arose during the course of this meeting, to articulate it to the Board.

General

1. Open session minutes of May 11, 2022 meeting were approved as amended.
2. The financial report for the period ending June 30, 2022 was reviewed.
3. The Board was updated on the launch of the online Ethics Refresher and, following discussion, determined to establish a committee to review and update/edit the Ethics Refresher item pool and the Board's rules.
4. The Board was updated on the status of the online CE submission system.
5. The Board was updated on the status of the supervisor training modules.
6. The Board received a report from the Newsletter Committee.
7. The Board was informed of recent outreach initiatives
8. The Board was informed that the ASPPB Annual Meeting will be held October 26-30, 2022, National Harbor, MD.
9. The Board discussed and set meeting dates for 2023.
10. The Board reviewed ethics training due dates.
11. The Board elected Dr. Brantley as Chair and Ms. Jones as Vice-Chair for the 2022-2023 fiscal year pursuant to G.S 90-270.143.

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12. The attached Information Items/Staff Actions were accepted.

Legal/Ethical

13. Case #072207 Lisa Rowe (unlic.) - An email from a representative of NC Department of Secretary of State reported that LR was attempting to register an LLC or a PLLC as a school psychologist, even though she is not licensed as a psychologist in North Carolina or any other state. Following review of the case report and a letter from Ms. Rowe, the Board determined that Ms. Rowe was in compliance with the Psychology Practice Act and closed the case.

14. In response to a request from staff, the Board advised staff on how to advise licensees on determining if a certain topic area is covered in a CE activity.

REPORT FROM CLOSED SESSION

Upon a motion made and adopted by the Board to hold a closed session pursuant to G.S. 143-318.18(6), the Board went into closed session to discuss individual applicants or individual licensees, following which, it reported:

15. Muhammad, Malik, Ph.D. - FINAL DECISION was approved and signed on July 29, 2022. On February 2, 2022, Respondent was convicted of felony conspiracy to commit health care fraud and felony aggravated identity theft and he was sentenced to 52 months imprisonment. Once released from imprisonment, Respondent shall be on supervised release for three years and is required to pay restitution. Respondent defrauded the Virginia Medicaid program of at least \$544,067, and the North Carolina Medicaid Program of at least \$73,386, by creating false diagnoses and medical records and falsely representing to the Medicaid program that he was providing mental health services. Respondent's conduct violates N.C. Gen. Stat. §§ 90-270.148(a)(1), (a)(2), (a)(4), (a)(10) & (a)(11) of the North Carolina Psychology Practice Act and Standards 3.04(a), 6.04 (b) & (c), and 6.06(a) of the Ethical Principles of Psychologists and Code of Conduct (2017). Respondent's license to practice psychology is REVOKED. He shall transfer all of this patient/client records to another psychologist licensed in North Carolina and he shall turn in his license, HSP-P certificate, renewal certificate, and wallet card to the Board office.

16. Pulley, Carol, M.A. - CONSENT ORDER was approved and signed on July 29, 2022. It was agreed to by the Board and Respondent that there were issues with Respondent's administration and interpretation of psychological testing that she conducted and with her psychological evaluation report. Some of the issues with Respondent's conduct included Respondent's psychological evaluation report did not specify the modifications that she made to the administration of psychological testing to accommodate for the remote administration or any potential limitations of the remote administration on the psychological testing results. In addition, there was no discussion in the psychological evaluation report regarding how Respondent determined Client X's diagnoses and the psychological tests administered were not sufficient to address the referral question. Respondent produced three additional psychological evaluation reports for other clients which were also administered remotely. None of these three reports included any statements regarding the potential limitations of the remote administration of the psychological testing measures. In addition, Respondent did not provide information about how she obtained the diagnoses given to each of the clients.

The conduct set forth in the Consent Order, constitutes violations of N.C. Gen. Stat. §§ 90-270.148(a)(10), (a)(11), (a)(14), (a)(15), (a)(17) & (a)(18) of the North Carolina Psychology
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Practice Act, and constitutes violations of Standards 6.01 & 9.01 of the Ethical Principles of Psychologists and Code of Conduct (*American Psychological Association, 2017*). Respondent's license shall be on PROBATION for at least one year during which Respondent shall meet the following conditions: Respondent shall successfully complete a minimum of eight to ten hours of tutorials. For a period of one year consisting of the completion of at least 50 psychological evaluations, whichever takes longer to occur, Respondent's Board designated supervisor shall submit quarterly reports to the Board, together with written narrative descriptions of Respondent's practice and response to supervision. For the first three months of this supervision, Respondent shall receive a minimum of one hour of individual face to face supervision during any week in which she practices psychology. For the remainder of the supervision, Respondent shall receive one hour of individual face to face supervision every two weeks.

17. Huntington, Jennifer (unlic.) and LearningRx - At the May 11, 2022 meeting, it was reported to the Board that the CPT alleged that a report was completed by LearningRx (no clinician was named in the report) and included psychological testing including cognitive measures. CPT also alleged that the parent of the child evaluated was informed that their child had an auditory processing disorder. CPT alleged that the report was not completed by a licensed psychologist, licensed psychological associate, or a licensee of any other board. Following discussion at the May meeting, the Board instructed staff to continue efforts to ensure LearningRx was operating in compliance with the Psychology Practice Act, which resulted in a CONSENT ORDER, which was approved and signed on July 29, 2022.

18. Halmi, Stephen, Psy.D. – Applicant for temporary licensure has prior convictions. Review information submitted by applicant. Following discussion, the Board approved the temporary application.

19. Mesnard, Erica, Psy.D. – Dr. Mesnard received negative comments from a previous supervisor. At its May 2022 meeting, the Board deferred a decision on Dr. Menard's application for licensure until a supervision report was received from her current supervisor. Following discussion, the Board approved the application.

20. Nelson, Allyson, Ed.S. – Ms. Nelson is asking for a waiver of Board Rule .1903 which provides that applicants for the EPPP may not retake the exam within 60 days of the prior attempt as she wants to attempt to pass the exam before her application becomes void. Following discussion, the Board denied the request.

21. Spoonamore, Trutina-Maria, Psy.D. - Dr. Spoonamore's 8-month testing deadline was June 26, 2022. She did not take the exam until July 14, 2022, and requests that the Board waive the 8-month deadline in order to avoid her application becoming void. Following discussion, the Board denied the request.

22. Roles, Sara, M.A. – Requesting an extension to her initial four-month testing deadline of August 14, 2022. Following discussion, the Board determined to request that Ms. Roles complete a fitness to practice evaluation.

23. Edwards, Carmen, Ph.D. – Dr. Edwards is under a Consent Order, which required that she receive supervision. The Board reviewed and accepted the supervision report submitted by Blair Hamel, Psy.D.

24. Gaskins Butler, Vicky, Ph.D. – At its May 2022 meeting, the Board proposed to deny Dr. Gaskins' application for licensure under the senior psychologist provisions due to not meeting *July 29, 2022*

the practice experience requirement. She requests to withdraw her current application and apply under the standard licensure application. Following discussion, the Board granted the request.

25. Harper, Derek, Psy.D. – Dr. Harper was notified on March 21, 2022, that he had been admitted to take the licensing exams. On July 20, 2022 (the day before his initial four-month deadline), he contacted the Board office to inquire about the status of his application. He is requesting the extension as he claims he did not receive the March 21st email. Following discussion, the Board determined to deny the request.

26. The Board discussed advising NC licensees on adherence to laws in other states into which they provide services under PSYPACT when those laws possibly conflict with the APA Code of Conduct.

27. The Board discussed the recently approved provision in the State Budget that exempted unlicensed behavioral analysts from the supervision requirements under the Board’s ancillary services rules. Following discussion, the Board noted that the provision has no impact on the requirement for licensure by the Board to practice behavioral analysis and directed staff to draft a position statement on the matter.

File Review

Admit to State Exam

Emily Pisetsky, Ph.D.

Proposed Denial

Roberta Ballard, Ph.D.

Gustavo Halley, Psy.D.

Dasherline Johnson, Psy.D.

Tamara Lyn, Ph.D.

Decision Deferred for Additional Information

Megan Alicia Deloatch, M.A.

Confirmed Denials

Carole Kunkle-Miller

Susan Raffa

Joelle Monaghan



Daniel P. Collins
Executive Director