

Minutes
UTAH PSYCHOLOGIST LICENSING BOARD
ELECTRONIC MEETING

July 15, 2021 | 1:00 P.M.
Heber M. Wells Building
160 E. 300 S. Salt Lake City, Utah
Anchor Location: Room 475 – 4th Floor

Public attendance was provided electronically.

CONVENED: 1:02 P.M.

ADJOURNED: 4:23 P.M.

DOPL STAFF PRESENT ELECTRONICALLY:

Bureau Manager: Jennifer Falkenrath
Board Secretary: Jennifer Johnson
Compliance Manager: Tracy Naff
Compliance Specialist: Neena Bowen

BOARD MEMBERS PRESENT ELECTRONICALLY:

Chair: Dr. Melissa Jones, Psychologist
Vice Chair: Dr. David Dodgion, Psychologist
Dr. Jamie Brass, Psychologist
Dr. Melanie Domenech Rodriguez, Psychologist
Dr. Cade Charlton, Behavior Analyst

BOARD MEMBERS ABSENT:

Vacant Position, Public Member

GUESTS:

Dr. Nan Klein, UPA
Kyle Elder
Brooke Magers, guest of Dr. Burton
Casey Morgan, guest of Dr. Burton
Dr. Greg Smith, guest of Dr. Dinger

***Note:** Others may have been in attendance but were not identified.*

ADMINISTRATIVE BUSINESS:

CALL MEETING TO ORDER

(Refer to audio for specifics)

Dr. Jones called the meeting to order at 1:02 P.M

REVIEW AND APPROVE APRIL 15, 2021, MINUTES

(Refer to audio for specifics)

The Board reviewed the minutes.

Dr. Domenech Rodriguez made a motion to approve the minutes as written.

Dr. Jones seconded the motion.

The Board motion passed unanimously.

NOMINATE BOARD CHAIR

(Refer to audio for specifics)

Dr. Charlton nominated Dr. Jones as the Board Chair.

Dr. Brass seconded the motion.

The Board motion passed.

DISCUSSION ITEMS:

BOARD MEMBER TRAINING

(Refer to audio for specifics)(00:04:09 - 00:18:00:45)

Ms. Falkenrath conducted Board Member training, as provided.

Questions and comments were discussed.

2022 MEETING DATES

(Refer to audio for specifics)(00:18:45 – 00:19:35)

The Board reviewed the proposed meeting dates for 2022.

Questions and comments were discussed.

UTAH ADMIN. CODE R156-61 RULE DISCUSSION

(Refer to audio for specifics)(00:19:35 – 1:25:00)

Ms. Falkenrath reviewed Utah Admin. Code R156-61 draft rule changes with the Board. Ms. Falkenrath stated the draft language reflects the suggested changes discussed in prior Board meetings.

Questions, comments, and concerns were discussed.

The Board discussed the direct supervision requirements and stated they did not have an issue with virtual supervision be provided but stated the supervisor providing the supervision does need to hold a Utah license.

The Board discussed instances when a supervisor may not physically be in Utah and whether it was allowed for them to still provide supervision when not physically located in the State they are licensed with.

Dr. Klein stated because supervision is the practice of Psychology an individual can only provide supervision while they are physically in the state they hold the license to practice in. Dr. Klein stated if a supervisor is in another state and they want to provide virtual supervision they would need to hold a license with both states because they are considered to be practicing Psychology in both states.

Dr. Klein stated the same rules apply to supervision as they apply to PSYPACT. Dr. Klein stated an individual licensed through PSYPACT cannot practice while on vacation in another state and this should also apply to supervision. If a supervisor is on vacation they should not be supervising especially if they are located in a different state for which they are not licensed to practice in.

Dr. Domenech Rodriguez stated the Board needs to look and clarifying the Rule to address this because interpretation has been left to the individual and they are all interpreting it differently. Dr. Domenech Rodriguez stated if you can only supervise in the state you are licensed with when physically located then the Rule needs to reflect that.

Dr. Klein stated she understands there were waivers in place during the pandemic that allowed for temporary practice, but those waivers have since expired and therefore individuals must hold a Utah license to practice in Utah.

Additional questions, comments, and concerns were discussed regarding telehealth and supervision were discussed.

The Board discussed proposed language changes to clarify supervision can only be provided in Utah by a Utah licensed Psychologist when physically located in Utah.

The Board discussed the area of the Rule that addresses a program of respecialization.

Ms. Falkenrath stated she did not know the history behind this and asked if Dr. Klein had any knowledge of this or the history behind it.

Dr. Klein stated the University of Utah previously offered programs for individuals who had received degrees in experimental, developmental, or non-clinical degrees. This program allowed those degree holders to respecialize in a Clinical course of study that would lead to licensure. Dr. Klein stated she does not know if this program is still in existence or available at this time.

Dr. Brass stated there are programs still available across the country that offer a pathway for respecialization.

The Board stated they would like to leave the language in the Rule at this time.

The Board discussed the National Register Joint Designation Committee referenced in the current Rule. The Board stated they were unable to see the program through ASPPB is still active and concerned the current Rule identifies a pathway through a service that is no longer provided.

Dr. Klein stated the National Register Joint Designation Committee through ASPPB no longer exists and terminated in 2018. Dr. Klein stated there are still individuals who are able to transfer and obtain licensure using this pathway.

The Board stated they would like to update the language in the Rule to cover those previously recognized.

Dr. Klein stated any recommend or proposed changes to the Act or the Statute, like the proposal to allow the EPPP exam before and individual has obtained their degree, would require a legislative change.

Dr. Klein stated UPA would be in favor and supportive to change the allowance of the EPPP exam before the earned doctorate degree. Dr. Klein stated she would like to talk with UPA to see if they would be able to take the lead on getting legislation going and work on draft language for proposed legislative changes for the next session.

The Board discussed additional areas of the Rule for proposed changes.

Ms. Falkenrath stated she would make the updates discussed and the Board can review and approve at the next meeting.

APPOINTMENTS:

KARAMBIR SINGH KHALSA, EDUCATION REVIEW

(Refer to audio for specifics)(Audio 2)(00:00 – 00:17:50)

The Board welcomed Karambir Singh Khalsa to the meeting.

Dr. Brass conducted the interview.

Dr. Khalsa met with the Board to review and determine if his education would qualify him for licensure.

Dr. Brass reviewed the educational information provided by Dr. Khalsa with the Board.

Dr. Khalsa discussed his educational and supervision background with the Board.

Questions, comments, and concerns were discussed.

The Board requested Dr. Khalsa submit course syllabus and supervisor CV for Board review.

Ms. Falkenrath stated the Division would designate one Board member to review and provide a recommendation to the Division, based on their review, as to whether Dr. Khalsa's education meets requirements for licensure.

Dr. Brass made a motion to request additional information in the form of syllabus and credentials for professors. Once received a determination will be made for a Board member to review and provide a determination.

Dr. Jones seconded the motion.

The Board motion passed.

COMPLIANCE REPORT

(Refer to audio for specifics)(Audio 2)(00:18:15– 00:20:00)

Ms. Bowen reviewed the compliance report with the Board, as provided.

Questions and comments were discussed

LISA SMITH, PROBATION

(Refer to audio for specifics)(Audio 2)(00:20:00 – 00:26:20)

The Board welcomed Ms. Smith to the meeting.

Dr. Charlton conducted the interview with Ms. Smith.

Dr. Charlton asked Ms. Smith to provide an update to the Board.

Ms. Smith provided an update to the Board and stated shortly after the last meeting with the Board her hours were reduced with her employer due to concerns expressed by an insurance provider regarding her probationary status. Ms. Smith stated a short time after her employer asked her to take a leave of absence and Ms. Smith stated she not worked as a Behavior Analyst for the last three months.

Ms. Smith stated she received information from the BCBA stating they had received her information and it was under review. Ms. Smith stated due to her information being under review she is not able to renew her certification and is considered inactive at this time.

Dr. Charlton stated its unfortunate the timeline of the process with the BCBA has been slow and he is sorry for the impact all of this has had on Ms. Smith and her family.

Dr. Charlton asked if the Division and the Board have any guidance for Ms. Smith at this time.

Dr. Jones stated she understands Ms. Smith is unable to practice at this time but wanted to know if she is able to complete the additional requirements of her Order to continue her probation.

Ms. Bowen stated since Ms. Smith is not working she would not need to have a supervisor and would need to submit a not working in the field report in lieu of a supervision report. Ms. Bowen stated Ms. Smith can definitely attend therapy once she finds an approved therapist.

Ms. Smith stated with everything that has happened in the last few months and also because she is not working she has delayed getting a supervisor and finding a forensic therapist. Ms. Smith stated she does attend regular therapy just not with a forensic therapist.

Dr. Jones asked Ms. Smith what her plans were moving forward.

Ms. Smith stated since she is not working she is not sure how to move forward and stated she has started looking at other options for work and in a different field.

Dr. Charlton stated the Board would like to support Ms. Smith in any way they can. If Ms. Smith is interested in getting back into the field he could look into providing a list of recommendations for supervisors.

Dr. Jones stated in order to comply with her Order Ms. Smith will need to attend forensic therapy as previously discussed with the Board.

Ms. Bowen stated while Ms. Smith is not working in the field she could submit a “not working in the field report” each month and that would satisfy the requirement for the monthly supervision reports.

Ms. Smith asked if there is an option to place her probation on hold at this time while she is waiting for things to be resolved with the BCBA. Ms. Smith stated she can’t work if she does not have an active certification at this time.

Ms. Falkenrath stated Ms. Smith does have the option to surrender her license or the Board recommend amendments be made to the Order. Otherwise, Ms. Smith is required to meet the terms of her active Order to maintain compliance.

Ms. Falkenrath stated licensure and the BACB certification are separate. The Division only regulates the license and does not have any involvement in the certification. Ms. Falkenrath stated she is happy to work with Ms. Smith and just needs to know how Ms. Smith would like to proceed at this time.

Ms. Falkenrath discussed options with Ms. Smith.

Ms. Smith stated she plans to continue doing what she can to stay compliant even though she is not working.

Ms. Bowen stated to maintain compliance while not working, Ms. Smith would need to submit a monthly supervisor report stating she is not working in the field. Ms. Smith also needs to have an evaluation completed with a forensic psychologist.

Ms. Smith stated she understood.

The Board thanked Ms. Smith for her time.

KATIE BURTON, PSYCHOLOGIST, PROBATION REVIEW

(Refer to audio for specifics)(Audio 2)(00:36:25 – 00:55:00)

The Board welcomed Dr. Burton to the meeting.

Dr. Dodgion conducted the interview with Dr. Burton.

Dr. Jones reminded those attending, if they are not a Board member or with the Division they do need to request permission from the Board Chair before speaking.

Dr. Dodgion stated he had reviewed the information provided and Dr. Burton has had negative test results and shows to be in compliance with her Order.

Dr. Dodgion asked Dr. Burton to provide an update to the Board and asked if there has been any changes.

Dr. Burton provided an update to the Board stating there has not been any changes personally or professionally. Dr. Burton stated she has completed all that has been required of her and is committed to her personal and professional practice. Dr. Burton stated she is hoping the Board would consider releasing her from the drug and alcohol testing as well as releasing her from probation and terminating her Order.

Dr. Dodgion stated even though Dr. Burton had a rough start she has shown compliance with her Order. Dr. Dodgion stated Dr. Burton has received positive reports from both her supervisor and therapist.

Dr. Dodgion stated during the last meeting Dr. Jones stated she would consider early release from probation for Dr. Burton if she continued to show negative tests. Dr. Dodgion stated based on the information at this time he would be in agreement with this recommendation and would consider early release and termination of probation.

Dr. Dodgion asked if any of the Board members had any questions or concerns at this time.

Dr. Domenech Rodriguez stated she had some concerns with early release due to Dr. Burton's history with missed check-ins, especially having several since last meeting with the Board in April.

The Board reviewed Dr. Burton's testing history with Ms. Bowen. It was noted there were times where Dr. Burton had issues with the system or did not have service and immediately followed up with Ms. Bowen and often tested immediately following the missed check-in.

Additional questions, comments and concerns were discussed.

Dr. Dodgion stated the Board discussed if Dr. Burton could provide one year of documented sobriety the Board may consider the recommendation of early termination.

Dr. Dodgion made a motion to release Dr. Burton from probation and the requirements of her Order.

Dr. Jones seconded the motion.

Dr. Domenech Rodriguez abstained.

The Board motion passed.

Ms. Falkenrath stated she will draft an amendment to the Order. This amendment will go before the Division Director for review and approval. Ms. Falkenrath stated the Division Director is the one who has final say on the recommendation of termination.

Dr. Burton thanked the Board for their time and consideration.

The Board wished Dr. Burton the best of luck moving forward.

ROBERT DINDINGER, LICENSE REINSTATEMENT INTERVIEW

(Refer to audio for specifics)(Audio 2)(00:55:00 – 1:02:42) & (Audio 3) (00:00 – 00:47:24)

The Board welcomed Robert Dinger to the meeting.

Dr. Jones conducted the interview.

Dr. Jones asked Dr. Dindinger to discuss why he is appearing before the Board.

Dr. Dindinger stated he would like to discuss reinstatement of his Psychologist license.

Dr. Dindinger stated he was not allowed to renew his probationary license and his license expired.

Dr. Dindinger stated he has been in therapy and working to resolve his issues and has come to an understanding of his past behavior and the reasons he behaved the way he did.

Dr. Dindinger stated at this time he would like to take whatever means necessary for the opportunity to obtain licensure even if that means he is on probation.

Ms. Falkenrath stated she wanted to clarify the reason Dr. Dinger was denied renewal in 2018 was due to Dr. Dindinger's failure to comply with probationary terms.

Ms. Falkenrath stated the Board would need to make a recommendation on whether they would consider reinstatement of the license and what the terms would be. Ms. Falkenrath stated if the license were reinstated it would be placed on probation.

The Board stated before they consider anything further they would like to review Dr. Dindinger's previous Stipulation & Order. Dr. Jones asked for the Board to adjourn for a break to review.

**The Board adjourned for a break at 3:30 P.M.
The meeting resumed at 3:35 P.M.**

Dr. Jones asked Dr. Dindinger to discuss the reason his license was placed on probation and what he learned from the process.

Dr. Dindinger discussed the circumstances that originally placed his license on probation. Dr. Dinger stated he has completed extensive therapy to resolve his issues.

Dr. Dindinger admitted to not maintaining compliance with his Order. Dr. Dindinger stated he understands the poor judgment he demonstrated and recognizes the errors he made. Dr. Dindinger stated he had a big ego and a cavalier attitude which contributed to his poor judgment, decision making, and failure to comply with his Order.

Dr. Dindinger discussed the multiple areas of non-compliance with his Order with the Board. Dr. Dindinger stated he continued to see adolescent clients, provide supervision, practiced unsupervised, failed to notify employers and insurance companies of probationary status, and failed to notify the Division of employment, all of which were in strict violation of his Order. Dr. Dindinger stated at the time he clearly did not understand the terms and requirements of his Order.

Dr. Jones asked Dr. Dindinger what he currently does for employment.

Dr. Dindinger stated he owns Utah Valley Psychology, a mental health clinic in Utah County, where he practices as a life coach. Dr. Dindinger there are several licensed mental health therapists that work for him.

Dr. Dindinger stated he provides life skills and social skills training for young adults on the autism spectrum. Dr. Dindinger stated even though he does not hold a license or have an active order in place he still holds himself to the high standards and requirements and does not work with anyone under the age of 18.

Dr. Jones asked Dr. Dindinger what his relationship is with the therapists he employs and if he provides any type of supervision or consultation.

Dr. Dindinger stated his relationship is strictly the owner and running the business. Dr. Dindinger stated those currently employed or looking to be employed with his clinic are made aware of his situation with DOPL and that he does not have an active Psychologist license. Dr. Dindinger stated he does not work in a clinical supervisory role but does attend meetings when staffing his own cases.

Compliance Manager Tracy Naff discussed the compliance process with the Board. Ms. Naff stated when Dr. Dindinger first signed his Order he agreed to the terms identified in his Order. Once signed he met with his compliance specialist, who was Mark Smith at the time, and the information relating to the requirements of the Order and maintaining compliance were discussed with Dr. Dindinger.

Additional questions, comments, and concerns were discussed.

The Board expressed concerns Dr. Dindinger is continuing to practice in the capacity of a Psychologist without a license and continuing to identify himself as a licensed professional and continues to market himself and advertise as a licensed Psychologist on his website.

Dr. Dodgion stated at this time Dr. Dindinger has not addressed a lot of areas of concern and there is still a lack of accountability. Dr. Dodgion stated he is concerned Dr. Dindinger still continues to treat young female clients even though there are still some unresolved issues with transparency.

Dr. Domenech Rodriguez stated she is concerned with Dr. Dindinger's boundary issues. Dr. Domenech Rodriguez stated Dr. Dindinger got into trouble for an incident with a 17 year old yet he continues to provide services to 18-26 year olds. Dr. Domenech Rodriguez stated Dr. Dindinger continues to practice close to the edge of crossing a line and that does not sit well.

Dr. Jones stated at this time she is unwilling to consider any type of licensure including probationary given Dr. Dindinger is still advertising himself as a licensed Psychologist and is not convinced Dr. Dindinger is following best practices for where he should be at this time. Dr. Jones stated she wants to acknowledge the work Dr. Dindinger has done already but indicated there is still a lot more that needs to be done.

Dr. Dindinger stated based on the conversation with the Board today he understands and agrees with the Board's decision. Dr. Dindinger stated he will move forward and work on the areas discussed as well as getting his name removed from the websites still showing he is a licensed Psychologist.

Dr. Domenech Rodriguez asked at what time the Board refers cases to the APA Ethics office. Dr. Domenech Rodriguez stated she is concerned with the ongoing issues with Dr. Dindinger and his continued practice.

Ms. Falkenrath stated she contacted the original investigator over Dr. Dindinger's case and made him aware of the meeting and what was discussed. Ms. Falkenrath stated she has not forwarded a case to the APA Ethics office and is not sure how the process works as far as reporting to them but stated the information is reported to the National Provider Databank and is also reported to ASPPB.

Dr. Domenech Rodriguez stated she serves on the APA Ethics Committee and would like to be able to forward Dr. Dindinger's Stipulation & Order to the APA to make sure they are aware. The Board stated they did not see an issue since the document is public record.

Dr. Jones adjourned the meeting.

NEXT SCHEDULED MEETING / HEARING: January 20, 2022

ADJOURN:

Meeting adjourned at 4:23 P.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

10/14/21
Date Approved

(ss) Melissa Jones
Dr. Melissa Jones, Chairperson
Psychologist Licensing Board

10/14/21
Date Approved

(ss) Jennifer Falkenrath
Jennifer (Zaelit) Falkenrath, Bureau Manager,
Division of Occupational & Professional Licensing