

July 2017

Maine Psychologist Today



Welcome to the Maine Psychologist Today, MePA's new online newsletter!

President's Column



It's finally Summer and I hope you take some time to enjoy the slower, warmer days. In your reveries while swinging in the hammock, have you thought, "How can I get more involved in my professional organization?"

We have lots of opportunities for you! Interested in tackling ethical topics, deciding MePA positions on legislation, picking continuing education speakers, or helping your peers navigate through the insurance world? These are a few of the ways you can jump in. And as an added bonus you get to meet and work with your wonderful colleagues. Please reach out to me and I'd love to discuss opportunities with you!

As psychologists we know the importance of balance, having a full life and giving back. Maine provides an abundance of opportunity to get outside and enjoy the world. I hope you take the advice we frequently give others and take care of yourself during this beautiful Maine summer, and please keep MePA in mind when thinking about ways to give back, won't you?

Elise Magnuson, Psy.D. LCSW
President, Maine Psychological Association

New APA Council Representative Elected

Congratulations to Elise Magnuson, PsyD who has been elected as Maine Representative to APA Council. She will be assuming the position held by Dave Mills, PhD whose term ends December 31, 2017. Our thanks to Dave Mills for his dedicated service for us on Council and good luck to Elise!

SAVE
The
DATE

November 10, 2017
MePA Fall Conference:

**“Mood Assessment 2.0: Improved
Accuracy, Treatment, Selection
and Outcomes**

Featured Speaker: Eric Youngstrom, PhD
Professor of Psychology, Neuroscience and
Psychiatry, Acting Director for the Center for
Excellence in Research and Treatment of Bipolar
Disorder
University of North Carolina at Chapel Hill

Welcome New Members!

Ann M. Christie, Psy.D | Member
Portland, ME

Beata Wiktor, Psy.D. | Member
Windham, ME





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Easily Measure
Executive Function

Strengths & Weaknesses

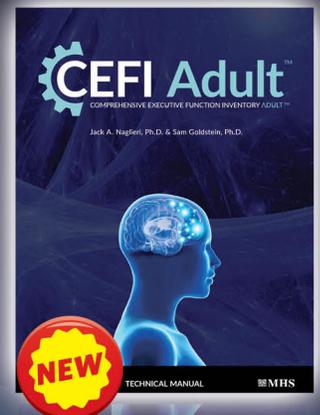
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University of New Hampshire

PROGRAM SPECIALIST - PSYCHOLOGIST

The University of New Hampshire Counseling Center invites applications for a Program Specialist-Psychologist position beginning August 2017. We are seeking a psychologist with three or more years of experience including demonstrated experience in outreach, training and supervision as well as administration.

Responsibilities:

Initiate, develop, implement and coordinate outreach and prevention programs to improve the quality of the campus learning environment, as well as programs that focus on at-risk groups based upon assessment results, including consultation with, and education and training of students, faculty, and staff regarding identifying, supporting, and referring at-risk students. Serve as consultant to faculty, staff and students on matters relating to the well-being of students, and to other programs. Provide individual and group psychotherapy, crisis and emergency on-call, case management, campus outreach, consultation and supervision/training of doctoral interns and postdoctoral fellows. Demonstrated experience working in mental health service provision at senior level. Provide emergency on-call for both day and night coverage. Ability to consult with faculty and staff around mental health issues.

Applications will be accepted until the position is filled. Interested candidates can apply for this position through our website. For more information or to apply, please copy this link into your browser: <http://jobs.usnh.edu/postings/26420>.

UNH is an AA/EEO Employer. UNH is committed to excellence through the diversity of its faculty and staff and encourages women and minorities to apply.



University of New Hampshire

ASSOCIATE DIRECTOR TRAINING SERVICES

The University of New Hampshire Counseling Center invites applications for an Associate Director position beginning August 2017. We are seeking a psychologist with seven or more years of experience including demonstrated experience in training and supervision as well as administration. Demonstrated experience working as part of an interdisciplinary team in leadership, administration, and the provision of supervision are required. Interest and experience working in integrated care settings also highly valued.

Responsibilities:

Assist the director with the daily administration, management, and supervision of the Counseling Center. Provide administration and supervision of the doctoral internship and post-doctoral fellowship programs. Provide individual and group psychotherapy, crisis and case management, and campus outreach/consultation. Provide emergency on-call for both day and night coverage. Ability to consult with faculty and staff around mental health issues.

Applications will be accepted until the position is filled. Interested candidates can apply for this position through our website. For more information or to apply, please copy this link into your browser: <http://jobs.usnh.edu/postings/26421>.

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University of New Hampshire

PSYCHOLOGIST

A comprehensive land-, sea-, and space-grant university, UNH is the state's flagship public university and is ideally located in the rural town of Durham, with ready access to the Maine and New Hampshire seacoasts, Boston, and the White Mountains. The University actively creates and nurtures a dynamic learning environment in which qualified individuals of differing perspectives, life experiences and cultural backgrounds pursue goals with mutual respect and shared spirit of inquiry. UNH has just under 13,000 undergraduate students and 2,200 graduate students.

Provide individual and group psychotherapy, crisis and emergency on-call, case management, campus outreach, consultation and supervision/training of doctoral interns and postdoctoral fellows.

For more information on the duties/responsibilities, requirements and to apply, visit <http://jobs.usnh.edu/postings/27023>

UNH is an AA/EEO Employer. UNH is committed to excellence through the diversity of its faculty and staff and encourages women and minorities to apply.

Big Win in Maine Court for Psychologists



How do Maine psychologists respond when a subpoena “requires” them to disclose psychological test data (specifically, the raw data) directly to an attorney? This presented a significant ethical conundrum prior to 2013. There was ethical guidance in sections 9.04 (Release of Test Data) and 9.11 (Maintaining Test Security) of the American Psychological Association’s Ethical Principles of Psychologists and Code of Conduct (EPPCC).¹ However, there was no statute in Maine regarding this issue and many psychologists found themselves valiantly, but unsuccessfully, explaining to attorneys why the release of test data was so problematic.

Maine Psychological Association recognized this emerging issue for psychologists and in 2013, led by Margaret Zellinger, PhD and with the assistance of our lobbyist, Robert Howe, proposed legislation (LD 1155) that became law later that year. In Maine Revised Statutes, Title 22, Chapter 401 §1725, the disclosure of neuropsychological or psychological test data is prohibited unless the test data is disclosed directly to a psychologist who is qualified to interpret the test results. Further, psychologists were prohibited from re-disclosure of the materials to others, including attorneys.

Last month, this statute was challenged in Superior Court in Cumberland County. The case dated back to 2011 but was being heard in 2017. After conducting an evaluation and being designated an expert witness in the case, the psychologist received a subpoena for all his records and documents, including the neuropsychological and psychological test data. The psychologist legitimately refused to produce this data and cited the statute. The psychologist then contacted MePA, who in turn asked APA Practice Organization’s Legal and Regulatory Affairs lawyers for assistance. The APAPO supplied MePA and the psychologists with supporting materials.

A hearing occurred and the Defendants’ attorneys argued that the burden was on the psychologist to demonstrate how disclosing the materials would compromise the objectivity or fairness of the evaluation process. In a 12-page ruling, Superior Court Justice Mills sided with the psychologist and opinioned there was no burden for the psychologist to show how it did not compromised the evaluation. She then denied the Defendants’ request to compel production of the test data. Justice Mills concluded that “this statutory language is clear and unambiguous” and requires test data be disclosed only to a qualified neuropsychologist or psychologist designated by the person evaluated.

This is a clear victory for psychologists in Maine who can now be assured there is statute and now case law that protects the test data and ultimately our clients and those we evaluate from harm that might be created by the disclosure and possible misuse of this data.

Diane Tennies, PhD

¹ See <http://www.apa.org/ethics/code/ethics-code-2017.pdf> for a copy of the entire EPPCC.



128th Legislative Update

LD44 **An Act to Lower the Age Requirement to Carry a Concealed Handgun** (MePA opposed) would have lowered the age of carrying concealed weapons to age 18—came out of committee as “ought not to pass”. Bill failed.

LD 46 **An Act to Provide Consistency among Medical Professionals with Regard to Jury Duty Exemption** The initial intent of this bill was to achieve consistency in exemptions among medical professionals by adding nurse practitioners to other medical professionals who are currently exempt. The final bill creates consistency by removing all statutory exemptions from jury duty except for the governor, active duty military and deployed state National Guard. Passed and signed into law.

LD 13— **An Act To Require Certain Licensing Boards to Report Cases of Sexual Abuse of a Patient or Client by a Licensee to a Law Enforcement Agency or the Department of Health and Human Services** This bill would have required all licensing boards to make a report of any sexual abuse of patient or client. Bill came out as “ought not to pass”. Bill failed.

LD 1563 **Resolve, to Establish the Maine Health Advisory Committee** (MePA supported) This bill was a result of the MaineCare cuts recommended in the Burns Report. It would establish a health advisory committee that would in part be responsible for setting/recommending MaineCare rates. Bill failed.

LD 378 **An Act to Promote Physical Activity for Schoolchildren** (MePA supported) This bill would have required all school administrative units to provide at least 30 minutes of daily physical activity for students in kindergarten to grade 5. Came out of committee as divided report. Bill failed.

LD 453 **Resolve, Regarding Insurance Coverage for Alternative Therapies for Addiction and Recovery** This resolve requires the Superintendent of Insurance to convene interested parties to evaluate commercial insurance coverage for addiction treatment and recovery alternative therapies and report findings and recommendations to the Joint Standing Committee on Insurance and Financial Services before January 15, 2018. This bill was carried over.

LD 468 **An Act to Provide for a Later Starting Time for High Schools** (MePA supported) This bill was amended to reflect the majority report of the committee that a school administrative unit may provide that its secondary schools' school day start no earlier than 8:30 a.m. The bill would have made the later start time a requirement. Bill failed.

LD 848 **An Act to Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress** An amendment to this bill changes the rebuttable presumption in the

workers' compensation laws by requiring that a psychiatrist or psychologist must diagnose the employee as having post-traumatic stress disorder resulting from work stress that was extraordinary and unusual and that the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder. The amendment also eliminates corrections officers from the classes of employees that are eligible for the presumption. This amendment directs the Workers' Compensation Board to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 1, 2022 analyzing the number of claims brought as a result of the provisions of the bill, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of the bill on costs to the State and its subdivisions. Amended bill passed.

LD 814 An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases This bill requires a court to provide justification when participation in a batterers' intervention program is not ordered in sentencing a person for certain crimes against a current or former spouse, domestic partner, sexual partner or dating partner or an individual with whom the person is living or lived as a spouse. The bill added an additional purpose to the sentencing provisions of the Maine Criminal Code. Passed and signed into law.

LD 912 An Act to Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy This bill proposes to amend the current law to establish that practices or treatments that seek to change an individual's sexual orientation or gender identity are prohibited for certain professionals licensed under the Maine Revised Statutes, Title 32 and to establish penalties for that conduct. Carried over until next session.

LD 949 An Act Regarding Telehealth (MePA supported) This bill provides immunity from liability to health care practitioners who voluntarily provide health care services through telehealth in the same manner as immunity is provided to health care practitioners who voluntarily provide health care services in person. It requires insurers to provide professional liability insurance for health care services provided through telehealth services in the same manner as the coverage is provided through face-to-face contact between a health care practitioner and a patient. It requires carriers that offer health plans in this State to provide coverage for health care services provided through telehealth services in the same manner as coverage is provided for services provided in person and sets forth certain standards. The bill has a fiscal note and is currently awaiting a determination of funding on the Legislative Special Appropriations Table.

LD 966 An Act to Create Mental Health Liaison Positions in Each County (MePA supported) This bill provides for a mental health liaison in each county or regional jail to oversee inmates with serious mental illness and connect them to the services for which they qualify, to work with the court system to ensure that they receive due process and speedy trials and to assist inmates who qualify for MaineCare to apply for and receive MaineCare benefits and services. This bill directs the Department of Health and Human Services to issue a request for proposals to private providers of behavioral health services and advocacy to replace intensive case manager positions within the department to staff the 15 mental health liaison positions in the county and regional jails. Carried over until next session.

LD1189— An Act to Define the Age of Consent for Alcohol or Drug Treatment and Mental Health Services Current law provides that a minor under 18 years of age may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems. This bill provides that a minor who is 14 years of age or older may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems and does not need the consent of a parent or guardian for such treatment. It also provides that if the parent or guardian consents to such treatment of a minor 14 years of age or older, the minor may not abrogate that consent and that if a minor 14 years of age or older consents to such treatment, a parent or guardian may not abrogate that consent. MePA testified about the potential issues related to this bill. Carried over

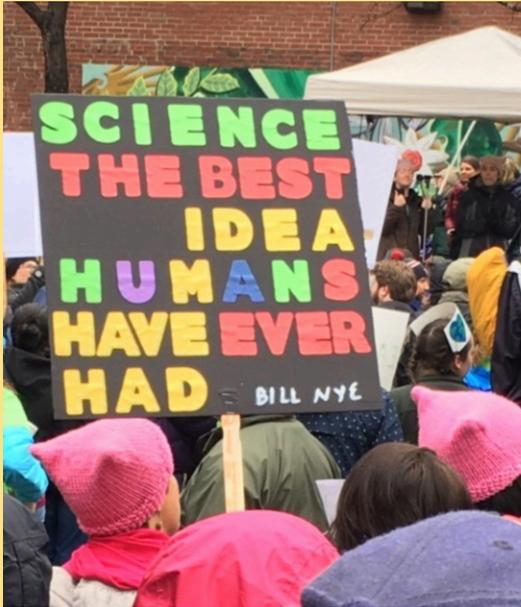
LD 1370 An Act to Enhance Safety of College and University Campuses by Allowing Firearms to be Carried on the Campuses of Public Colleges and Universities (MePA opposed) This bill allows public colleges and universities to adopt rules and establish policies relating to firearms except that these rules and policies may not regulate or prohibit the otherwise lawful possession, carrying or transporting of firearms or ammunition by a person issued a permit to carry a concealed handgun. Bill failed.

LD 1485 An Act Regarding MaineCare Coverage for Telehealth Services (MePA supported) This bill requires that services under MaineCare that are provided through telehealth be reimbursed at the same rates as those services that are not provided through telehealth. The bill also requires the Department of Health and Human Services to amend its rule relating to MaineCare coverage for services delivered through telehealth. The bill has a fiscal note and is currently awaiting a determination of funding on the Legislative Special Appropriations Table.

LD 1517 An Act to Ensure Access to Behavioral Health Services (MePA supported) This bill, drafted in response to the Burns Report, establishes the Behavioral Health Oversight Council to review reimbursement rate-setting for certain behavioral health services provided under MaineCare and advise the Commissioner of Health and Human Services, the Commissioner of Corrections and the Commissioner of Public Safety regarding the behavioral health system in the State. The bill has a fiscal note and is currently awaiting a determination of funding on the Legislative Special Appropriations Table.

LD 390 (Budget) (MePA supported) In the final hours of negotiations, all the cuts for reimbursement to mental health providers recommended in the Burns Report (and unfortunately increases to psychologists (5%) and neuropsychologists (10%) were put on hold for two years.

Maine Psychologists March for Science Portland, April 2017



The MePA Newsletter is the official newsletter of the Maine Psychological Association and is published six times a year. News items, brief manuscripts of general interest to psychologists, notices of future meetings, research, activities of MePA members and other items may be sent to:

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