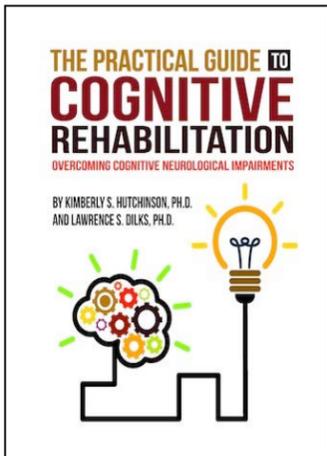


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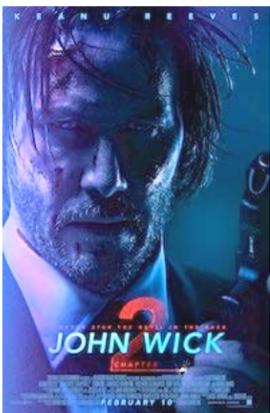
Special Session Whittles Budget

Governor Edwards called a special session for February 13 through 22 to address operating expenses for Fiscal Year 2016–2017, using funds from the Rainy Day supply and paring down expenditures by over \$300 million. Following the session, the Governor then laid out his Executive Budget for 2017–2018 in a February 23 press release.

In keeping with his commitment to honest budgeting, said the announcement, Gov. Edwards' budget proposal does not include one-time money for recurring expenses or fund sweeps, includes input from every agency across state government, and spends only funds the state is projected to take in over the next fiscal year. The budget is balanced by recognizing \$440 million less revenue for the fiscal year that begins July 1, 2017.

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Upcoming
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SR 10 Sets Up Program to Tap Cash at State Boards

A Senate Resolution put forth by Senator Fred Mills, SR 10, asks boards under the Louisiana Department of Health to identify funds from their cash that can be transferred into the state general funds. The measure states that everyone "should step up and willingly do their part to help" in the financial crisis.

The Resolution notes, that there are twenty-five health profession licensing boards statutorily placed within the Louisiana Department of Health and that "these boards have been created by the legislature to ensure the health,

Cont pg 3



Anna Maclellan (L) and Dr. Lillian Range attending the Southeastern Psychological Association (SEPA) Convention last year in New Orleans. Dr. Range will be conducting a workshop this month at SEPA, to be held in Atlanta. Both Maclellan and Range are from University of Holy Cross in New Orleans.

Louisiana Researchers Present at SEPA, March 8–11, in Atlanta

The Southeastern Psychological Association will hold its annual conference for 2017 in Atlanta from March 8 through March 11, at the Grand Hyatt Atlanta in Buckhead, located on Peachtree Road NE.

Researchers from Louisiana State University, Loyola University, Neuropsychology Center of Louisiana, Tulane University, University of Holy Cross, and Xavier University will present their work.

Dr. Lillian Range, Professor at University Of Holy Cross in New Orleans, will present an Academic Career Workshop, for the APA Presents series. Dr. Range is Professor of Psychology in the Counseling and

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"The Hoffman Report"

Defamation Suit Filed Against APA and David Hoffman

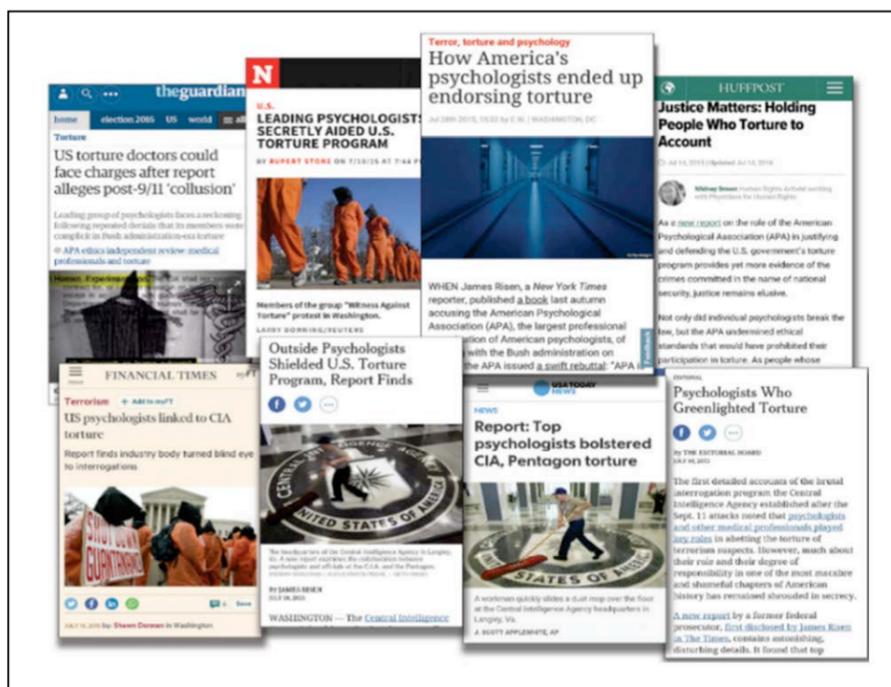


Image from the February Complaint filed by attorneys for military psychologists and others, showing headlines following The Hoffman Report.

On February 16, attorneys for retired Colonels and psychologists Morgan Banks, Debra Dunivin and Larry James, and also two psychologists who are former employees of the American Psychological Association (APA), Drs. Stephen Behnke and Russ Newman, filed a defamation lawsuit against the Chicago attorney David Hoffman, his law firm, and APA, alleging reckless disregard for the truth and false statements in a 2015 report called the Hoffman Report.

Mr. Hoffman was hired by APA in 2014 to review interactions between military psychologists, APA officials, and the Bush administration. Then APA president Dr. Nadine Kaslow sought to resolve ongoing accusations that

APA was involved in supporting unethical behavior by military psychologists. The accusations were voiced by human rights activists and psychologists, and had been outlined in several publications, including a book by *New York Times*' journalist, James Risen, *Pay Any Price*.

Hoffman concluded that communications of a 2005 APA members' task force amounted to "collusion" with military psychologists and therefore with the Department of Defense. A media furor commenced following publication of the Report, splashing the issue of "torture" and APA across national news outlets. APA paid Hoffman \$4.1 million for the Report, according to sources.

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Editorial Page – Opinions

What Unites Us in Psychology *by Times publisher, J. Nelson*

I'm not surprised that a lawsuit has been filed against David Hoffman by three military psychologists and others named in the 2015 Hoffman Report commissioned by APA. [See story page one.] In 1976, Rensis Likert wrote in his *New Ways of Managing Conflict*, "For many if not all conflicts, the need is to find a way to resolve them constructively without eliminating the differences which led to the conflict." Hoffman's analysis did not help in this basic goal.

The conflict between the human rights psychologists and the military psychologists had grown in intensity over a decade when the two Air Force trained psychologists poured gasoline on it by actually recommending water-boarding methods. When this came to light, the human rights activists were incensed. APA leadership struggled.

Into this conundrum entered Hoffman with his 556-page report and 6,000 pages of attachments. I read nearly the whole thing and could find no quantification of data, no frequency or 2X2 tables, no codes or themes. It was not clear if he actually measured anything, which, in science, means you've combined randomness with your variables, or what you think might be your variables. We were told that the "process" amounted to reviewing 50,000 documents and interviewing 148 people, which of course is not a process or method, but a list of things.

His observations were mixed with his opinions, his opinions mixed with his conclusions, and his unproven hunches about inner motivations and personality characteristics, mixed with all the rest.

The quality of the Report began to dawn on people as the fast-think conclusions, whipped up by media one-liners, began to fade. After all, if you were critical of the Hoffman Report you must be in favor of torturing people.

Now we'll see what a judge and jury in Dayton, Ohio think about this. Dayton, with its Air Force Institute of Technology, sitting in Montgomery

County named after a Revolutionary War general, and where Trump edged out Clinton.

During bitter conflicts, and at all other times, there is one thing that should unite us, and that is our scientific perspective.

Because of our scientific perspective, psychologists are unique in that we are both a science and a profession. We use the tools and methods of science, resting on a body of knowledge and theory, to ask questions and find valid answers in real world human problems.

Why APA went outside of our own profession to seek valid answers to questions about human beings, I cannot figure. Perhaps if we want others to acknowledge our societal value and contributions, it could help if we start at home.

[Julie Nelson is a licensed psychologist, journalist, organizational consultant, and publisher of the Times. She also holds other various positions in the community. However, her opinions here are those of her own, and do not represent any group or association. She and the Times receive no money compensation other than paid advertizing. Email her at drj@drjulienelson.com, —she welcomes feedback.]

Is the Licensure of Psychologists in Texas Unconstitutional?

By James P. Thompson, Ph.D.

James P. Thompson, Ph.D. is a clinical psychologist in private practice in Houston, Texas. He is a Louisiana Psychological Association member as well as a Texas Psychological Association member. He is an Oral Examiner for the Texas State Board of Examiners of Psychologists. He is on the Veterans Interest Committee of LPA. He attended Tulane University in New Orleans and completed his bachelor's, master's and Ph.D. from the APA approved clinical psychology program at the University of Houston. He completed an internship in clinical psychology at Baylor College of Medicine in Houston. He was Director of Counseling Psychology and the EAP coordinator at the Houston VAMC. At that time, he was adjunct clinical faculty at Baylor College of Medicine. He testified in the Andrea Yates trial.

[Editors Note: Article edited for length.]

Background

Mary Louise Serafine, PhD, JD is a licensed attorney in the state of Texas. She has a website which promotes her as an "attorney and psychologist" in the state of Texas. Her website <http://mlserafine.com/> maintains that she "holds a PhD in education and published her doctoral dissertation in psychology. She did postdoctoral work in psychology at the Yale Department of psychology and also taught undergraduate courses in psychology at Yale and Vassar. At the introductory level over the years, she taught in virtually all of psychology's subfields- developmental, cognitive, psychobiology, learning, memory, perception, motivation, mental illness, psychotherapy and others. She taught several of these at the advanced level, plus research and statistics. In her research field, which concerned the psychology of music, Serafine was said to have done groundbreaking research." In numerous legal documents and publications, she asserts that she completed a law degree from Yale Law school.

The Licensure of Psychologists in Texas is Unconstitutional According to Dr. Serafine

Dr. Serafine has challenged the licensing act for psychologists in the state of Texas. She has publicly and repeatedly declared that the licensure of psychologists in Texas is "unconstitutional." On her website she writes "Serafine sued the Texas psychology board in order to get the psychology law struck down as unconstitutional under the First

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We welcome ideas for news, features, Letters to the Editor, photos, and other material related to psychological community of Louisiana. Editorials and commentary reflect the opinions of this newspaper.

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<http://thepsychologytimes.com/>

Corrections & Clarifications

We received a correction from past LSBEP chair, Dr. Marc Zimmermann who pointed out that we were wrong in our statement that at least two names were needed to hold an election for a position on the LSBEP. Dr. Zimmermann explained that the two names were a condition of the Memorandum of Understanding that was in place a few years ago, but which was canceled and there is no rule or agreement in place at this time.

Please send corrections or clarifications to the *Times*
psychologytimes@drjulienelson.com

State News

Budget, continued

“Since day one, I have committed to open and honest budgeting that does not rely on the gimmicks of the past to hide the state’s financial problems,” said Gov. Edwards. “This is not the budget proposal I want to present and should serve as a starting point for the legislature. For the second year in a row, my budget plan contains no one-time money to pay for recurring expenses and no fund sweeps. The budget I am submitting only spends money the state is projected to have for the next fiscal year, meaning that many state services that I, and the people of Louisiana, consider to be important are not yet funded. Our work during the next regular session will be critical as we structurally reform the state’s budgeting practices. In doing that, we will ensure that our state brings in a sufficient amount of revenue to fund our priorities and put Louisiana on a path to prosperity.”

In the February special session, legislators produced budgeting that included the following reductions.

Office of Juvenile Justice by (\$4,467,000)
 Jefferson Parish Human Services Authority by (\$733,158)
 Florida Parishes Human Services Authority by (\$607,315)
 Capital Area Human Services District by (\$1,378,282)
 Metropolitan Human Services District by (\$380,787)
 Medical Vendor Administration by (\$3,915,741)
 Medical Vendor Payments by (\$117,266,064)
 Office of the Secretary by (\$442,533)
 South Central Louisiana Human Services Authority by (\$806,368)
 Northeast Delta Human Services Authority by (\$353,334)
 Office of Aging and Adult Services by (\$459,811)
 Louisiana Emergency Response Network by (\$27,625)
 Acadiana Area Human Services District by (\$670,729)
 Office of Public Health by (\$367,027)
 Office of Behavioral Health by (\$2,874,339)
 Office for Citizens with Developmental Disabilities by (\$742,501)
 Imperial Calcasieu Human Services Authority by (\$321,261)
 Central Louisiana Human Services District by (\$802,656)
 Northwest Louisiana Human Services District by (\$461,427)

The note was added, “Provided, however, that the reductions to the Medical Vendor Payments program shall not reduce the payments for waiver services and Applied Behavioral Analysis rates.”

Senate Concurrent Resolution 2 was passed to make available \$99 million from the Budget Stabilization Fund (also called the Rainy Day Fund) due to the



The psychology board members Dr. Darla Burnett (L), Dr. Amy Henke (C), and Dr. Jesse Lambert looking on. Polls closed February 23 for an election that will fill a position as Dr. Burnett completes her five-year term this June. The election results will be posted on the LSBEP site on March 3, according to Executive Director, Ms. Jaime Monic.

SR 10 Sets Up Program to Tap Cash at State Boards in Dept of Health, continued

welfare, and safety of the patients that utilize the services of the individuals licensed by the boards...” The boards have been given the authority to impose fees and fines, notes the Resolution.

WHEREAS, based on information requested from the office of the Louisiana legislative auditor, it appears that many of the licensing boards are operating with substantial cash and cash equivalent fund balances, amassing considerable reserves in their individual board bank accounts

“WHEREAS, during a financial crisis everyone should step up and willingly do their part to help, and as a statutorily created entity placed within a state government

agency, the twenty-five health profession licensing boards should be no different.”

The Resolution directs the commissioner of administration to develop a template for collection of data to include expenses, income from fees, revenue from income, the amount generated from fines and penalties, liabilities, restrictions and other information, and “develop a plan and make recommendations on the mechanism and amounts of a fund transfer from the licensing boards to the state treasury and shall submit such plan to the Senate Committee on Finance and the Senate Committee on Health and Welfare no later than May 15, 2017.

The boards affected include the Louisiana Addictive Disorder Regulatory Authority, Louisiana Behavior Analyst Board, Louisiana Licensed Professional Counselors Board of Examiners, Louisiana State Board of Examiners of Psychologists, the Louisiana State Board of Social Work Examiners, and many others.

Boards appear to have varying financial stability, with the psychology board being over budget in legal fees, according to some sources, and the social work board having had at one time in the past, almost one million dollars in reserve funds.

forecast that FY 2016–2017 budget was in the red by \$340.5 million. It was determined, noted the authors of SCR2, that FY 2015–2016 ended with a deficit of \$313.8 million. The Rainy Day Fund has \$358,982,171 balance as of July 2016, wrote the authors of SCR2. The legislature is allowed to use one-third of the balance, as a maximum.

Polls Closed for LSBEP Election

Electronic voting closed on February 23 for a position on the Louisiana State Board of Examiners of Psychologists (LSBEP). Dr. Leah Crouch and Dr. William Schmitz, Jr., qualified for the current election. The LSBEP will open the results on March 3 and post them on the website, according to Ms. Jaime Monic. Typically, both names will be offered to the Governor on a nomination list from the Louisiana Psychological Association. Darla Burnett, PhD, MP, will be completing her five-year term this June.

Dr. Leah Crouch is Assistant Professor at Tulane University, Department of Psychiatry & Behavioral Sciences. She received her PsyD from the University of Denver in 2006 in Clinical Psychology

Dr. William Schmitz, Jr. Dr. Schmitz is a clinical psychologist with the Department of Veteran Affairs and resides in Baton Rouge. He earned his PsyD from Baylor University in 2006.

Legislative Session April 10 to June 8 HB31 to Expand Options for Retired School Psychologists

The regular session of the legislature will open April 10 and bills are beginning to be filled. About 60 bills have been pre-filed so far, but only one directly relates to psychology matters.

House Bill 31 by Representative Frank Hoffmann authorizes retirees of the Teachers' Retirement System of Louisiana (TRSL) to return to work as a school psychologist in a critical shortage area without reduction of retirement benefits.

The purpose of the measure is to authorize the reemployment of school psychologists in critical shortage areas, noted the author. "Critical shortage" means any situation where there exists a shortage of certified school psychologists.

Present law generally provides that a retiree of TRSL may not return to work in a position covered by the system and continue to receive his benefit check while reemployed.

According to the digest, present law provides procedures for establishing that a "critical shortage area" exists for purposes of present law. The proposed law retains present law and requires such certification procedures before a retiree may be reemployed as a school psychologist pursuant to proposed law.

Social Work Board Updating Rules on Electronic Practice, Sexual Intimacy, Cont Ed

The Board of Social Work Examiners is holding a public hearing to accept feedback on its proposed Rules changes, after receiving significant comments. A public hearing on proposed substantive changes will be held by the board on March 17, 2017, at 1 p.m. at the office of the Louisiana State Board of Social Work Examiners.

The board published a Notice of Intent to amend its rules in the May 20, 2016, edition of the *Louisiana Register*. According to the February *Register*, the May notice solicited views, arguments, information, written comments and testimony. As a result the board proposes to amend numerous sections of the proposed Rules.

The substantive changes include areas of practice, including the following: "Sexual Intimacy or Contact with a Client, Supervisee or Student. A social worker shall not engage in or request sexual intimacy or contact as defined in §113.B.5, with a client, a client's spouse or former spouse, any member of the client's immediate family or with any person with whom the client has a sexual relationship. The prohibition of this rule extends to supervisees and students during such times and under such circumstances where the social worker is in a supervisory or teaching relationship. This rule also expressly prohibits social workers from engaging in any behavior which a reasonable person would find sexually stimulating, seductive or sexually demeaning when such behavior is either directed toward or exhibited in the presence of any person with whom sexual contact is otherwise prohibited by this rule."

New Rule includes new definitions for: "*Electronic Social Work Practice*—use of computers (including the internet, social media, on line chat, text, and email) and other electronic means (such as smartphones, landline telephones and video technology) to: 1. provide information to the public; 2. deliver social work services to clients; 3. communicate with clients; 4. manage confidential information and case records; 5. store and access information about clients; and 6. arrange payment for professional services."

The Board is also proposing changes to Continuing Education.

Medical Board Amends Telemedicine Rule

The state Medical Board published changes to the Rules governing the use of telemedicine and patients who are located in Louisiana. These Rules are LAC 46:XLV .408 and Chapter 75, "Physician Licensure and Practice; Telemedicine."

The amendments, published in the February Louisiana Register included the following:

"§408. Telemedicine Permit Qualifications, Procedure, Issuance, Expiration and Renewal
A. Requirement for Permit/Qualifications. A physician who does not possess a Louisiana medical license shall not engage in the practice of medicine in this state via telemedicine, as defined in Chapter 75 of these rules, unless he or she holds a telemedicine permit issued by the board. A telemedicine permit is a limited license that provides lawful authority to a physician who does not hold a current, unrestricted Louisiana medical license to practice telemedicine with respect to patients located in this state." And the Rules lists that the permit shall be made in a form approved by the board, and the location is that of the applicant.

The Rules lists the definition: "Telemedicine—the practice of health care delivery, diagnosis, consultation, treatment, and transfer of medical data by a physician using interactive telecommunication technology that enables a physician and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously. Neither an electronic mail message between a physician and a patient, or a true consultation constitutes telemedicine for the purposes of this Part. A physician practicing by telemedicine may utilize interactive audio without the requirement of video if, after access and review of the patient's medical records, the physician determines that he or she is able to meet the same standard of care as if the healthcare services were provided in person."

And also, "Standard of Care. The practice of medicine by telemedicine, including the issuance of any prescription via electronic means shall be held to the same prevailing and usually accepted standards of medical practice as those in traditional (face-to-face) settings. An online, electronic or written mail message does not satisfy the standards of appropriate care."

Psychologist Opportunity

**Busy, multidisciplinary,
fee-for-service, mental health
practice located in the
Garden District of
New Orleans, Louisiana**

is currently seeking
an experienced, licensed psychologist
interested to provide assessment and
psychotherapy services to adolescents and
adults.

Neuropsychology specialty skills are
encouraged.

Please submit a letter of interest along with a
curriculum vitae

to clasiter@pelts-kirkhart.com



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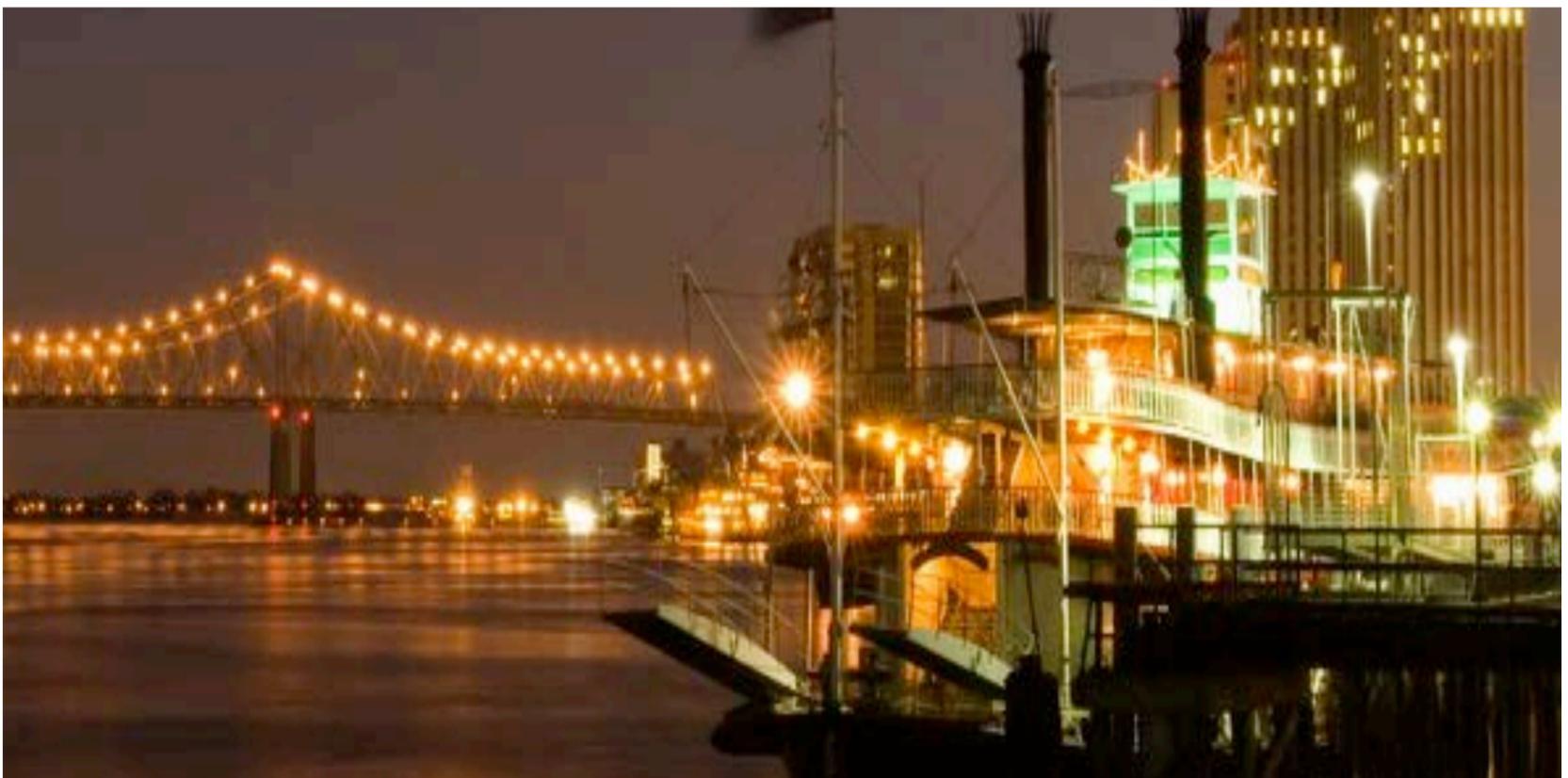
Tenure-Track Assistant Professor Positions (2) in Biological Bases of Psychopathology and/or Developmental Psychopathology

The psychology department at the University of New Orleans (UNO) is seeking applicants for two full-time tenure-track faculty positions at the level of assistant professor. Recently recognized as the highest ranked PhD program at the University of New Orleans, the psychology department has a group of energetic and highly productive faculty. The Department has two strong and unique PhD programs: one in Applied Biological Psychology and one in Applied Developmental Psychology. There is a strong context of collaboration and integration across research labs, faculty, and the programs. More information on the department is available at <http://www.uno.edu/cos/psychology/index.aspx>.

We are particularly interested in candidates who have strong potential for externally funded research and whose area of research complements existing research programs in the department. Candidates with a developmental research emphasis or a biopsychology research emphasis studying the etiology, prevalence, onset, or trajectory of behaviors and stressors associated with childhood psychopathology are particularly encouraged to apply. Faculty have access to a turn-key biosafety certified and climate controlled chemistry laboratory that includes, a -80 freezer, biosafety cabinet, microbalances, microscope, pipettes, Millipore ultrapure water system, Biotek plate reader and washer and other equipment necessary for conducting a variety of biological assays. In addition, EEG, MRI, immunological, and molecular genetic data collection equipment are available in collaboration with other laboratories in the department, university, and with community partners.

Minimum qualifications include a PhD in psychology or closely related field. Priority will be given to applications received by March 1st, although the search will continue until the position is filled. Applicants should submit (a) letter of application, (b) curriculum vita, (c) research and teaching statement, (d) representative reprints, and (e) three letters of recommendation (enclosed or sent separately by the letter writers). Materials should be sent electronically as a PDF document to senelson@uno.edu or through mail to: Chair, Faculty Search Committee; Department of Psychology; 2001 Geology and Psychology Bldg.; New Orleans, LA, 70148. Informal inquiries about the position can be sent to Professor Robert Laird PhD, director of the Applied Developmental PhD program and the search committee chair, at rlaird@uno.edu.

The University of New Orleans is an Affirmative Action/Equal Employment Opportunity employer. Women, ethnic minorities, veterans and persons with disabilities are encouraged to apply.



State and Regional News

Medicaid Enrollment Increases to 400K+

In a February 16 press release the state government officials say that Medicaid Expansion enrollment in Louisiana has reached 400,635 new members enrolled. Based on a recent Gallup report, the uninsured rate in Louisiana has decreased by nearly half to 12.5 percent in 2016, down from 21.7 percent in 2013, note the officials.

“Louisiana is ranked in the top 10 list of states with the largest reductions in uninsured rates,” said Governor John Bel Edwards. “The primary goal for Medicaid expansion was to ensure that more Louisiana residents had access to health care coverage and access to health care services. This report is conclusive proof that expansion is working.”

Medicaid expansion has reduced Louisiana’s number of uninsured residents, and has offered 400,635 newly covered adults the opportunity to seek care from a primary care physician instead of in an emergency room, according to the announcement.

Statistics compiled by the Louisiana Department of Health show that more than 58,700 adults have now received at least one preventive or primary care service after getting coverage under expansion.

To track enrollment and preventive data, the Department of Health has developed a dashboard tool on its Healthy Louisiana website, <http://ldh.la.gov/healthyladashboard/>. The dashboard shows total enrollment, enrollment by parish, by age and gender, and lives impacted by expansion and access to health care.

New CE Reports Loaded with Errors

At the December meeting of the state psychology board, Dr. Jesse Lambert reported that there was a coding error or error in reporting for “almost every report that was audited,” in the new continuing professional development program. Dr. Lambert reviewed about one half of the CE reports selected for auditing. He said the errors did not necessary affect fulfilling CE requirements for the licensee.

Marvel Selects Louisiana For New Television Series

Gov. Edwards announced that Marvel selected Louisiana for production of Marvel’s *Cloak & Dagger* television series, and started filming in New Orleans in February. Marvel is a part of the Walt Disney Company.

Is the Licensure of Psychologists in Texas Unconstitutional?

By James P. Thompson, Ph.D.

– continued from page 2

Amendment of the U.S. Constitution. In her view, it violated the freedom of speech. Psychologists do nothing but talk. Their opinions and advice—whether implicit or explicit—may be those of experts who are thoughtful and well educated, but there is nothing about what they do that should prevent other people from easily providing their own opinions and advice. The public is entitled to choose whom they wish to talk to about the problems and joys of life. Serafine also believes that words like ‘psychologist, psychology and psychologically’ are ordinary words that the government may not ban. A government law that declares such words to be ‘titles’ instead of just words, is not sufficient to create a ban.” She further asserts “The US court of appeals for the Fifth Circuit struck down as unconstitutional the major portion of the psychology law that defines the ‘practice of psychology.’ It also held that the portion forbidding Serafine from using ‘psychologist, psychology, and psychologically’ was also unconstitutional as applied to Serafine.”

Dr. Serafine is referring to the Texas Occupations Code Chapter 501 under Section 501.002 (5) “Psychologist” means a person who holds a license to engage in the practice of psychology issued under Section 501.252.

“The Occupation Code also provides a delineation of the services provided by psychologists in “Sec. 501.003 PRACTICE OF PSYCHOLOGY. (a) In this section, ‘psychological services’ means acts or behaviors that are included within the purview of the

practice of psychology... (b)A person is engaged in the practice of psychology within the meaning of this chapter if the person: (1) represents the person to the public by a title or description of services that includes the word ‘psychological,’ ‘psychologist,’ or ‘psychology’; (2) provides or offers to provide psychological services to individuals, groups, organizations, or the public; (3) is a psychologist or psychological associate employed as described by section 501.004 (a) (1) who offers or provides psychological services, other than lecture services, to the public for consideration separate from the salary that person receives for performing the person’s regular duties; or (4) is employed as a psychologist or psychological associate by an organization that sells psychological services, other than lecture services, to the public for consideration.

The law goes on to describe the practice of psychology, including “... the application of established principles, methods, and procedures of describing, explaining, and ameliorating behavior;” and addressing “... normal behavior and involves evaluating, presenting, and remediating psychological, emotional, mental, interpersonal, learning, and behavioral disorders of individuals or groups, as well as the psychological disorders that accompany medical problems, organizational structures, stress, and health;” and “...evaluating and treating mental or emotional disorders and

Cont’d pg 14



American Board of Medical Psychology

The Specialty for the Coming Integrated Care Models in Primary Care Centers and Hospitals

Medical Psychologists are post doctorate trained and licensed psychologists with training in psychopharmacology, behavioral medicine, and health psychology. A medical psychologist is more than a psychopharmacologist and clinical psychologist and they are prepared for the mainstream healthcare system.

They have passed a national oral and written examination and have completed a preceptorship.

Join our interest society or present your credentials and training for examination and diplomat status at:

www.amphome.org

Defamation Suit Filed Against APA and Hoffman

continued

In the February 16 legal Complaint, a 187-page document filed in the Ohio, Court of Common Pleas, Civil Division, the attorneys for the Plaintiffs allege that the primary conclusions in the Report were not only false, but that Hoffman knew they were false. The complaint states that military psychologists, who had tried to prevent abuses in military interrogations, were painted as having worked to protect possibly abusive procedures. The Complaint alleges reckless disregard for the truth and actual malice in both how the investigation was conducted and in how Hoffman and APA handled matters following the completion and publication of the Report.

The Plaintiffs are represented by James E. Arnold of Columbus, Ohio, who is attorney for all Plaintiffs, attorney and psychologist Dr. Bonny Forrest of San Diego, California, who is attorney for Plaintiffs Banks, Dunivin, James and Newman, and Louis J. Freeh, Former FBI Director, from Washington, DC, who is an attorney for Dr. Behnke.

In the February Complaint, the attorneys describe details alleging how the expansion of the investigation was hidden, how Hoffman over-relied on the accusers and aligned with the accusers' goals, and that Hoffman failed to consider and follow evidence that contradicted the final conclusions. The Complaint also states that the Report relied on "over-statements," "misstatements," and "unsupported inferences."

The attorneys also allege that APA failed to adequately review the Report, failed to give Plaintiffs an opportunity to respond to allegations, and failed to respond to evidence of the mistakes and errors in the Report.

According to a press release also posted on February 16, Plaintiffs will seek a jury trial, for compensatory and punitive damages for reputational and economic harm.

The *Times* asked Dr. Forrest what was the reason the conflict had reached this level, and she referred to the joint statement, included in the press release. In that statement, the Plaintiffs write, "We have reached out repeatedly and persistently to APA's counsel since October 2015 and to Sidley since June 2016 to try to correct the record and repair the damage caused by Hoffman's false accusations without further damaging the APA. Those efforts

have failed, and we now have no avenue left except this lawsuit."

The press release noted, that Hoffman, "... cherry-picked evidence, ignored contradictory evidence, mischaracterized facts, and failed to follow obvious investigatory leads. Whenever facts might be open to more than one interpretation, he consistently chose the interpretation that portrayed the plaintiffs' motives in the worst possible light. And, despite acknowledging privately to the APA that he found no evidence of the criminal behavior others alleged, he used terms such as 'collusion,' 'joint enterprise' and 'deliberate avoidance' that are drawn directly from the language of criminal prosecutions."

"He was hired to write a neutral and objective report but instead assumed guilt and, like a prosecutor, set out to prove it," commented Dr. Forrest in the press release.

In the 2015 Hoffman Report, Mr. Hoffman wrote that APA staff and officials were "intimately involved" in "behind-the-scenes coordination with

the DoD." Hoffman also concluded that the motivation for this was a "desire to curry favor with the government." He wrote that because of this relationship with the military psychologists, APA officials essentially acted "to support the implementation by DoD of the interrogation techniques that DoD wanted to implement..."

However, the Plaintiffs' attorneys state that the Report became a "prosecutorial brief," and "Hoffman's primary allegation rests on false statements about military interrogation policies in 2005, the year in which an APA task force was formulating guidelines for psychologists involved in interrogations."

"Hoffman's allegations have been proven false by evidence that was in his possession," noted the attorneys for the Plaintiffs. "Despite that proof, neither Hoffman nor the APA have taken any significant steps to repair the damage he has done to the plaintiffs' livelihoods and reputations."

The complaint lists twelve counts: six are all plaintiffs against all defendants, four are

all plaintiffs against Hoffman and his law firm, one is Behnke, Dunivin, and James against all defendants, and one is all plaintiffs against APA.

The Plaintiffs' attorneys wrote, the "...narrative was adopted from long-standing critics of the Plaintiffs and the APA on whom Hoffman relied heavily during his investigation. Their narrative was driven by two goals: banning psychologists from any role in the interrogation process and holding psychologists 'accountable' for their alleged complicity in torture. Despite having been rebuffed by the Federal Bureau of Investigation (FBI), for years they had been advocating for criminal prosecutions of the Plaintiffs and others."

The February 16 Complaint lays out arguments that Hoffman had documents in his possession and that he omitted these in his analysis and text of the Report. These documents, say the attorneys for the Plaintiffs, showed clearly that the military psychologists were working to restrict abusive procedures rather than allow abusive practices.

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The aftermath of 9/11 led to the Bush Administration ignoring the Geneva Convention guidelines and developing "enhanced interrogation techniques." This came to affect the national psychology community in several ways. Above, then Vice President Dick Cheney during the fall of the towers. (National archives photo.)

National News

Defamation Suit Filed Against APA and Hoffman,

continued

"In fact, the then-existing military policies – some of which the military Plaintiffs helped to draft – were restrictive and were incorporated by reference into the PENS Guidelines. And the PENS participants were fully aware of the history of abusive interrogations, which were discussed in documents circulated at the PENS meetings," the attorneys write. This evidence, which contradicted the views of the critics, was omitted or distorted, or failed to be followed-up as investigation leads, argue the attorneys in the Complaint.

The Complaint and other documents can be found at <http://www.hoffmanreportapa.com/> and at *The Modern Psychologist*.

Among the examples given in the 187 page–document, the Complaint authors say that Hoffman distorted and omitted key pieces of the history of governmental and DoD policies governing military interrogations. Specifically, they write, he incorrectly emphasizes the outdated policies as the context for the PENS Task Force's work.

Also, the Report consistently confuses the military policies with the CIA policies, notes the complaint, and ignores the evidence that the two approaches had "dramatically diverged," omitting policy statements that would have clarified the differences.

And, Hoffman failed "... to describe the role the military Plaintiffs played in writing the regional policies, as well as taking other steps to prevent abuses at the sites to which they were posted."

In reviewing circumstances, the attorneys write that as the investigation progressed, Hoffman and his team violated norms for conducting such an investigation and APA failed to exercise adequate oversight. "Hoffman obscured the investigation's scope and the questions he began to pursue, misled the Plaintiffs about its goals, failed to warn them when the investigation had clearly become adverse to their interests, and purposely avoided following leads that would have produced facts that contradicted his narrative."

"The investigation's new direction was not disclosed to anyone other than the Accusers and the Special Committee," the attorneys state. "The Plaintiffs were kept in the dark."

The complaint alleges that the APA Board published the Report in a hasty manner and without adequate review, saying, "Within 24 hours of receiving the draft Report on June 27, 2015, the Board, on the advice of Hoffman, published it to two of the most vocal and active Accusers ..."

The authors of the Complaint state that the board knew of the Accusers' active engagement with the press during the course of the investigation, and, the Report was leaked to James Risen of *The New York Times*. The APA Board immediately voted to post the full Report to the public on the APA website.

The APA governing Council had less than 48 hours to review the Report and 6,000–

plus pages of exhibits, including information that contradicted the Report's conclusions, said the authors of the Complaint. "So hasty was the Board's review and release of the Report that, as many have noted, the APA ignored its own policies that prohibit making deliberations about ethics investigations public."

The Defendants did not give the Plaintiffs an opportunity to respond to the allegations in the Report, stated the attorneys for the Plaintiffs. For example, Dr. Behnke was immediately terminated without a notice period or without being allowed to meet with the APA board, even though he had been employed for 15 years. Plaintiffs Banks, Dunivin, and Newman were "never even notified that the Report was complete or that it was about to be published." Col. James received an online copy the day before it was released to the Council.

The Complaint lists views from others that pointed to problems in the Report and the process, but that have been ignored by APA.

"In a June 11, 2016, open letter, eight former APA presidents summarized the concerns expressed by four of the APA's divisions and others as including 'an apparent failure to properly vet [the Report], failure to protect the rights and reputations of those portrayed

negatively, lack of due process for employees who were forced to resign, and more."

One of the APA's largest divisions has passed a vote of no confidence in the Board's actions, and another has said that the Board's treatment of those named in the report "without a due process finding of wrongdoing is itself an unprofessional, counterproductive, and potentially unethical action."

Despite these conflicts, APA re-hired Hoffman to review portions of the information the Plaintiffs provided, a step that ten former chairs of the Ethics Committee have stated that there is a potential conflict in re-hiring Hoffman, said the authors.

The Complaint states, "The false light in which the Plaintiffs Behnke, Dunivin, and James have been placed would be highly offensive to the reasonable person," and has caused mental anguish, emotional distress, and "severe personal and professional humiliation and injury to their reputations in the community – reputations they have built over many years."

[See story in *Times* Vol 6 No 8, "Hoffman Report Rocks Am Psychological Assn" page one.]

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Louisiana Researchers at SEPA, continued

Behavioral Sciences Department. She is also a licensed clinical psychologist in Louisiana and Mississippi. Dr. Range is a fellow of the American Psychological Association, was the 2007 president of the Southeastern Psychological Association and is a member of the Louisiana Psychological Association.

Invited speakers for this year include Antonio E. Puente, PhD, the 2017 President of the American Psychological Association. Dr. Puente will hold "Conversation Hour: Why is the American Psychological Association Relevant to Psychology?"

Dr. Puente is Professor of Psychology at the University of North Carolina Wilmington and he has taught at St. George's University School of Medicine. According to the program, he teaches in the areas of Brain and Behavior, Clinical Neuropsychology and History of Psychology. His research focuses on the interface between culture and neuropsychology.

Researchers who will present their work at this year's regional conference and include the following:

Louisiana State University

"The Effect of Eyewitness Identification Procedure on Jurors' Perceptions," will be presented by Brienne Bennett, Baylee Jenkins, Peter Donovan, Morgan MacIsaac, Deah Quinlivan, from Florida Southern College, and Dr. Daniella Cash, from Louisiana State University.

Dina Acklin and Dr. Megan Papesh, from Louisiana State University, will present, "Subtle Attraction: The Role of Distractor Salience in Goal-Directed Action."

"Parts versus Whole: How Does Processing Bias Influence Face Matching?" will be presented by Laura Heisick and Dr. Megan Papesh, from Louisiana State University.

"From Mouth to Mouse: Mouse-trajectories Reveal Early Voice-specificity Effects," is research presented at SEPA by Juan Guevara Pinto, Dr. Megan Papesh, and Amelia-Kate Johnson, Louisiana State University.

Loyola University

"Effects of Sequential and Paired Positioning Requests on Donor Intentions," will be presented by Dr. Kim Ernst, from Loyola University New Orleans.

Neuropsychology Center of Louisiana

"Student Anxiety in the Current Academic Climate," will be presented



Dr. Janet Matthews introducing Dr. Antonio Puente, at a previous convention of the Louisiana State Psychological Association. Dr. Puente is the current President of the American Psychological Association. He will be presenting at the upcoming Southeastern Psychological Association (SEPA) meeting in Atlanta.

by LaJae Coleman and Dr. Darlyne Nemeth of The Neuropsychology Center of Louisiana.

Tulane University

"Stigmatized Groups: The Impact of Communication Goals on Aggression," will be presented by S. Compton, and Dr. Janet Ruscher, (Faculty Sponsor), from Tulane University.

University of Holy Cross

Dr. Lillian Range, from University of Holy Cross, New Orleans, will present an "APA PRESENTS: Academic Career Workshop" with Timothy Hanchon, The Citadel, presiding.

"Euthanasia and Physician Assisted Suicide Attitudes in Nursing and Counseling Students," will be presented by Brittany Burke-Scafidel and Dr. Lillian Range, University of Holy Cross.

Xavier University

Dr. W. Michael Nelson, III, ABPP, Professor at Xavier University, and Professor of Psychological Services, will preside for an interaction Poster Session: Case Conceptualization, Guiding Treatment from Beginning to End."

Carla Antenucci, from Xavier University, will present "Case Conceptualization in Treating a Nomophobic Graduate Student."

Rachel Blain, from Xavier University will present, "Case Conceptualization: Fear of Unfavorable Feedback from Authority Figures."

"Case Conceptualization: Using Cognitive Behavioral Therapy to Treat Social Anxiety

in an Adolescent" will be presented by Marissa Miroglotta, from Xavier.

Sara Vice, from Xavier University, will present, "Case Conceptualization: Increasing Communication with a Maltreated, Selectively Mute, Three Year-Old Female."

"Parental Reports of Child Maladjustment in High Conflict Custody Evaluations," will be presented by Hannah Lubman and Dr. W. Michael Nelson III, from Xavier.

Dr. W. Michael Nelson III and Kaitlin Haggard, from Xavier University, will present, "Urban Pre-Adolescent Children Coping with Teasing Insults."

"The Role of Vicarious Learning in the Social Cognitive Model of Academic Adjustment," will be presented by Mercier, C., Glean, E., Marquez, L., & Dr. Ludwikowski, W. (Faculty Sponsor), Xavier.

"Urban Pre-Adolescent Children Coping with Teasing Insults," will be presented by Dr. W. Michael Nelson III, Susan Tweeten, & Kaitlin Haggard, from Xavier.

Extended Community

"The Brony Fandom: "They Ain't Been Churchd,"" presented by Dr. Marsha Redden, Retired from Private Practice and Dr. Pat Edwards, University of South Carolina Upstate

"Are Fan Cosplay Displays Related to Their Identity Functions?" presented by Dr. Marsha Redden, Retired from Private Practice, Pat Edwards, & Jillian Knottek, University of South Carolina Upstate.

Dr. Redden, previously part of the Louisiana community, has done extensive research with the Brony Fandom and she has been featured in the *Times*.

Researchers from NCLA at International Neuropsychological Society in New Orleans

Former and current clinical assistants from the Neuropsychology Center of Louisiana (NCLA) presented work at the International Neuropsychology Society that met in New Orleans, February 1 through 4. The theme of the 45th annual meeting was "Binding the Past & Present to Enhance the Future."

Traci Oliver, PsyD, presented "Systematic desensitization in a young adult with pelizaeus-merzbacher disease," with colleagues A. Amari and K. Slifer. Dr. Oliver completed an internship at John's Hopkins/Kennedy Krieger last year and is now a post-doc in Pediatric Neuropsychology at St. Jude's in Memphis. She previously was an assistant at the NCLA.

Julia Hussey, B.S., doctoral student in Clinical Neuropsychology at the University of Nevada at Las Vegas under Daniel Allen, Ph.D., presented, "Meaningful recovery via long-term integrated care: a case study on west nile encephalitis." Coauthor is Dr. Darylne Nemeth.

Kortney Wooten, B.S., a current Clinical and Research Assistant

at The Neuropsychology Center of Louisiana, presented "Addressing the Sustained Attentional Problems of ADHD Ultra-rapid Metabolizers." Coauthor is Dr. Darylne Nemeth.

LaJae Coleman, B.S., a current Clinical and Research Assistant at The Neuropsychology Center of Louisiana, presented and coauthored with Dr. Darylne Nemeth, Kortney Wooten, and presented, "Prenatal Opioid Abuse (POA) Causes Children's Learning/Attentional Problems."

Dr. Nemeth explained to the *Times* that mentoring young scientists is an important aspect of the work at the Center.

Dr. Kelley Presents on Multiperson Systems

Dr. Anna Kelley presented "Coparenting: Broadening the Focus to Multiperson Systems Approach," for the Grand Rounds Lecture, February 24, at Tulane University School of Medicine. Kelley is with the Department of Psychiatry and Behavioral Sciences. The training activity was approved for AMA PRA. Dr. Kelley, a postdoctoral fellow, specializes in infant and early childhood mental health.

University of Louisiana Lafayette Researchers Present at Society for Personality & Social Psychology

Members of the Sexual Violence Research Lab recently traveled to San Antonio, Texas, to present research at the annual convention of the Society for Personality and Social Psychology.

Recent masters graduate Sara Gibson presented her work in a poster presentation, titled, "A content analysis of reactions to an acquaintance rape vignette."

Associate Professor of Psychology, Dr. Amy Brown and current undergraduate lab member Melanie Schanke also presented a poster on their work, "Alcohol intoxication and willingness to intervene in hypothetical sexual assault scenarios."

The Sexual Violence Research Lab at UL Lafayette is led by Dr. Brown and their research follows two primary lines of investigation:

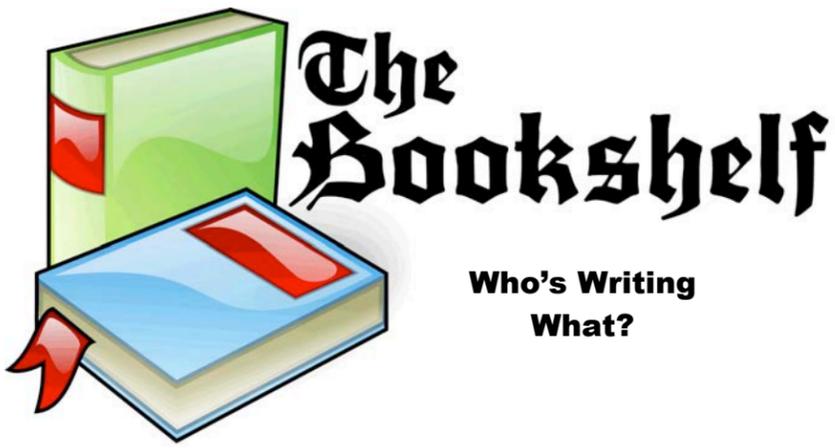
The researchers study the social perception of sexual violence. They explore the "willingness to provide sympathy and support to victims and judgments of responsibility toward victims and perpetrators in hypothetical vignettes." The researchers want to better understand the issues related to research indicating that men judge victims more harshly, that victims are judged more harshly if they had been drinking or if rape involved little force on the part of the perpetrator.

The other line of research explores the willingness to engage in and prior experience with prosocial intervention in the context of sexual violence. "We have worked on creating new measures of bystander attitudes and have investigated the impact of gender and perceived peer norms on bystander attitudes and behaviors. Current studies are investigating the impact of alcohol intoxication on bystanders by surveying drinkers in bars."

Dr. Brown earned her undergraduate from Centenary and her PhD from Miami University.



Dr. Julia Hussey explains her research to Dr. Justin Wise, Associate Professor of Psychology from Oglethorpe University at last year's Southeastern Psychological Association conference in New Orleans. Dr. Hussey recently presented at the International Neuropsychological Society also held in New Orleans. She co-authored this study with Tracey Olivier and Dr. Darylne Nemeth, from the Louisiana Neuropsychology Center.



The Practical Guide to Cognitive Rehabilitation: Overcoming Cognitive Neurological Impairments

Kimberly S. Hutchinson, PhD, and Lawrence S. Dilks, PhD
Lash & Associates Publishing/Training, 2015

Cognitive Rehabilitation of Executive Functions

Lawrence S. Dilks, PhD, and Kimberly S. Hutchinson, PhD
Lash & Associates Publishing/Training, 2016

Two neuropsychologists and experts in rehabilitation, Dr. Kimberly Hutchinson and Dr. Lawrence Dilks, have created a line of books and educational tools that are practical, flexible, and informative aids for those working to help individuals with neurological injuries or impairments.

The Practical Guide to Cognitive Rehabilitation: Overcoming Cognitive Neurological Impairments, and *Cognitive Rehabilitation of Executive Functions* are two of their texts and workbooks, published by Lash & Associates, a specialty publisher who helps experts reach survivors, veterans, families, educators and caregivers, together with clinicians and therapists, so to support the most useful ways to aid in recovery.

The books are "... born of necessity," write Hutchinson and Dilks, who note that they were faced "... with providing cognitive rehabilitation to both an inpatient and an outpatient setting. Additionally, patients, clients and families require explanations of the purpose and logic of the ongoing interventions and would frequently interrupt treatment to request information," they write. "Many inpatient consumers obtained services for only a brief period of time, typically two to three weeks. The interventions were intense and commercially prepared products were rapidly extinguished as well as prohibitively expensive."

Kimberly S. Hutchinson, PhD is a clinical and neuropsychologist with Counseling Services in Lake Charles, Louisiana and Physical Rehabilitation Services at Lake Charles Memorial Hospital. She graduated from Barry University, Villanova University, and Fielding Graduate University. She has taught at Barry and completed a fellowship in Neurocognitive Rehabilitation at Lake Charles Memorial Hospital. Hutchinson is a member of the free-standing Lake Charles Research Group and has a research interest in rehabilitation.

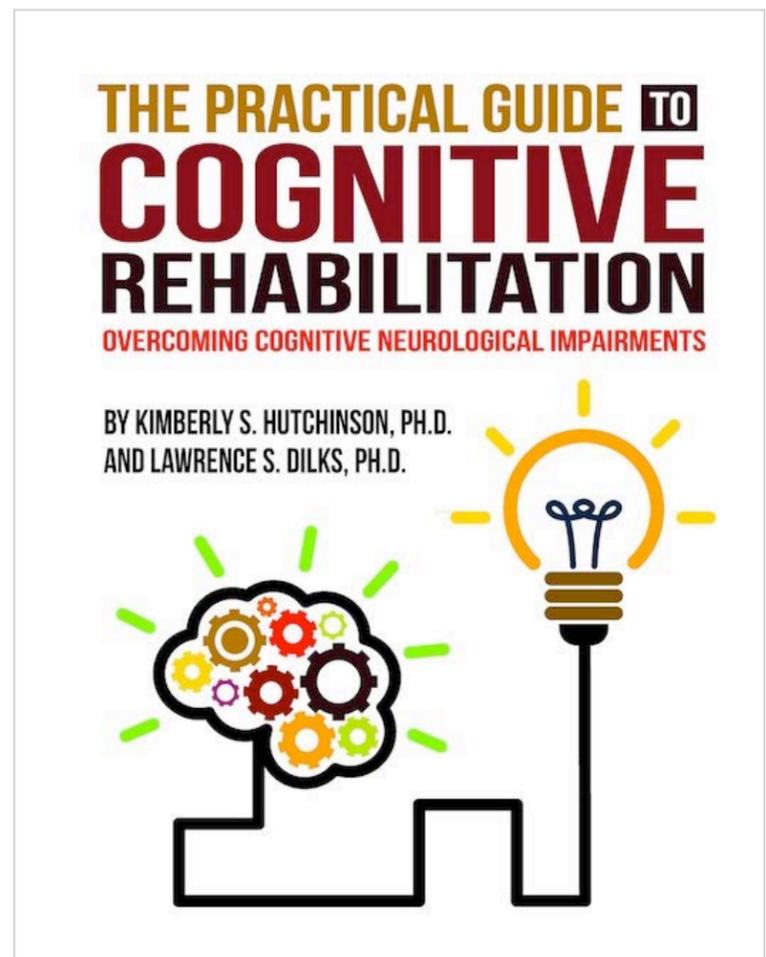
Dr. Larry Dilks is a clinical neuropsychologist in private practice with Counseling Services in Lake Charles and serves as the head of the Department of Neuropsychology with the Physical Rehabilitation Service at Lake Charles Memorial Hospital. He is a graduate of Truman State University, Kansas State at Pittsburg and the University of Southern Mississippi. Dr. Dilks served four years as an Army Clinical Psychologist and has taught at Northwestern and McNeese State Universities. For the last 37 years he has focused on helping individuals overcome psychological and cognitive impairments, always with the goal of helping the individual maintain as much independence as possible.

Together Hutchinson and Dilks have collaborated on a line of texts and learning tools that provides visual and cognitive activities and essential training exercises for clinicians and for those who are recovering from brain injury and related cognitive disabilities.

In *The Practical Guide to Cognitive Rehabilitation: Overcoming Cognitive Neurological Impairments* authors Hutchinson and Dilks provide a versatile program that can be easily adapted to different patient needs, settings and treatment goals.

In its 200 plus pages, and in a user friendly, practical format, the authors lay out activities that can be used to support the individual and different settings.

The workbook can be used by both individuals and caregivers, as well as clinicians and therapists, with exercises chosen to conform to and



accommodate specific treatment efforts. The text is organized in a straightforward and easily understood rationale, with each section including explanations and then activities and worksheets of visual and cognitive exercises.

Practical Guide is divided into chapters on: 1) orientation, 2) attention and concentration, 3) processing speed, 4) memory, 5) executive functions, 6) language redevelopment, 7) visual perception, 8) anxiety and depression, and concluding with 9) extra activities.

"Out of necessity (some would suggest desperation)," the authors write that they began to develop cognitive rehabilitation worksheets based on the "available research surrounding brain injury, special education, developmental disorders and neuroscience."

They explain that research directly related to outcomes for cognitive interventions is mixed and limited in scope and their hope is that this will improve in the future. Nevertheless, "The authors have discovered progress is most rapid and rapport at their best under the following circumstances: the therapist uses distributive practice, offers liberal verbal reinforcement, modifies activities as appropriate, focuses on practical outcomes, is personally involved, has a relationship with the family and is transparent in interventions." They encourage, "Be creative and never give up."

"Not all exercises will be appropriate for every client; therefore, pick and choose the exercises that best address the specific needs of the person you are working with," the authors write.

Practical Guide includes activities for approximately two weeks, which is the average length of stay on a rehabilitation unit. The tasks included are specifically designed for intervention, not as assessment tools and should not be used for diagnostics. "Don't hesitate to modify a task if it benefits the consumer," the authors encourage.

Cognitive Rehabilitation of Executive Functions by Lawrence S. Dilks, Ph.D. and Kimberly S. Hutchinson, Ph.D.

Another contribution to their growing list of publications for Lash, Drs. Hutchinson and Dilks have also developed a two-book set for interventions for executive functioning. Written for clinicians, *Cognitive Rehabilitation of Executive Functions* features practical intervention exercises involving the reconstruction of executive functions of the brain.

Using functional approaches, the authors address areas in the text. Chapter 1: Introduction, 2) attention and concentration, 3) processing speed, 4) categorization, 5) sequencing, 6) awareness and neglect, 7) working memory, 8) reasoning and judgment, 9) humor, 10) appropriate use of language, 11) planning ability, 12) impulse control and socially appropriate behavior, 13) problem-solving, 14) stress management, 15) anger management. These chapters are followed by extra exercises, a glossary, resources, and bibliography.

Cont next pg



Each chapter begins with an overview, followed with a description of the area of functioning addressed. Exercises that can be performed by a paraprofessional or family member are included.

“Every exercise only takes a few minutes to complete and can be arranged to supplement other forms of intervention. All of the exercises have been developed and proven through years of practical application with inpatient and outpatient clients in rehabilitation,” write the authors.

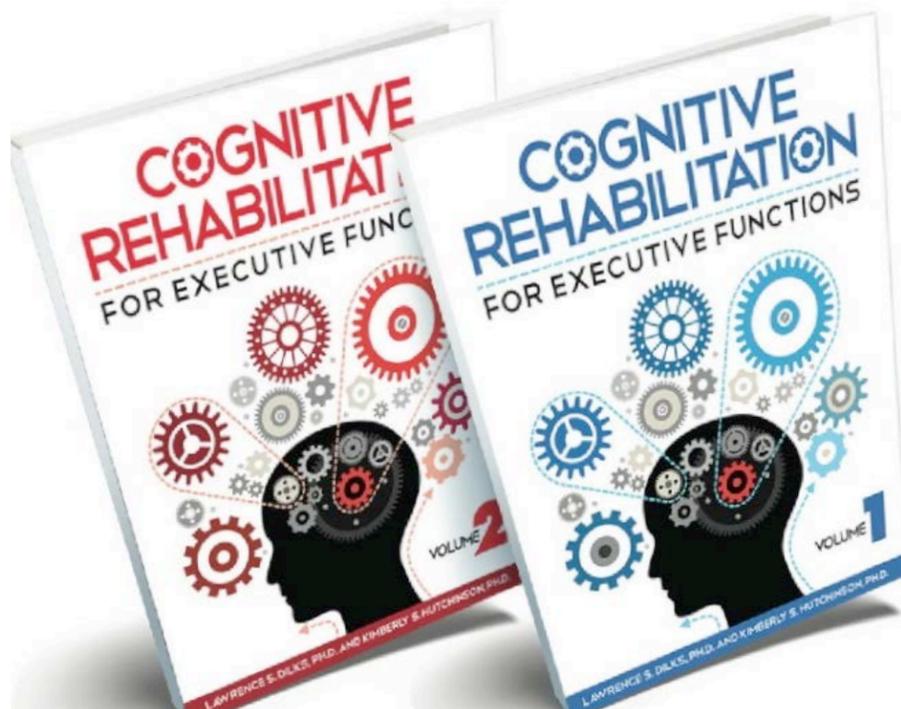
One of the most popular items in the line of products by Drs. Dilks and Hutchinson is their “Tip Card.”

The Tip Card for *Executive Functions After Brain Injury*, is a short, direct educational method that can assist family members, caregivers, and others in working with individuals who have experienced brain injury. The Tip Card helps caregivers to understand the role of executive functions, understand how the executive functions influence the emotions, behaviors and thoughts of the person with a brain injury, and also helps to provide strategies on managing the emotions, behaviors, and thoughts of a person with a brain injury.

Executive Functions control activities such as managing emotions, attention, concentration, categorization, planning, sequencing, problem solving, impulse control, reasoning, and judgment, explain the authors.

The authors write: “The brain works in a unified way that allows us to take in information, process it, and act in a purposeful fashion. Purposeful behavior allows us to live safely in our environment, accomplish goals, and succeed to the best of our ability. Although the brain works in a unified way, it is controlled by complex systems. Executive functions are a major system involved in controlling brain function. Executive functions organize and prioritize actions and behaviors. When injury to the brain includes damage to executive functions, the ability to do things like plan, organize, make decisions, focus attention, and manage emotions may no longer function the way it did before the injury. Fortunately, there are ways to recover functions and work around behaviors that occur as a result of brain injury.”

Drs. Hutchinson and Dilks are both active participants in the Lake Charles Research Group, a free- standing group of independent,



diverse researchers. Members of the group conduct research in their practices and present an array of work around the state and region, including national conferences.

The group was started about 17 years ago, and Dr. Dilks, one of the organizers, said, “It’s made up of different people every year. It’s a number of local psychologists, interns, post-doctoral fellows, practicum students, and then pretty much anybody else who’s just interested in publishing journal articles and doing presentations at conferences.”

The group presents research regularly, and has presented at APA Division for Rehabilitation Psychology, the National Association of Neuropsychology, Southwestern Psychological Association, LaMar Educational Research Conference, the Summer Symposium, and many others.

Dr. Dilks and Dr. Hutchinson have collaborated on topics such as, “Analysis of Clock Drawings in Cognitively Impaired Adults,” “Apathy in Alzheimer’s Disease: Associated with Executive Dysfunction?” and “A Study of Bilateral and Unilateral Left Hemianopsias: A Neuropsychological Perspective,” and “Are Brain Injuries Identified and Conceptualized in Psychotherapy with Children and Adolescents?”

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A Shrink at the Flicks

John Wick

Chapter 2

by Alvin G. Burstein, PhD

This film, a sequel to *John Wick*, is remarkable. The first film tells of a retired hit man who is lured back into practice with the promise of compensation that will permit him to retire and to marry. He lives up to his reputation and then some. He is not so much an assassin as a murder machine, cementing the regard accorded him.

In retirement, Wick marries, only to lose his wife to disease. After the funeral, he receives a gift that his wife had sent him—a puppy. The note says that she has made her peace with impending death, and wants John to find peace as well.

Later, John, accompanied by his pet, takes his classic Mustang for a drive, in the course of which the son of a big time mobster admires the car and asks to buy it. John refuses the offer and returns home.

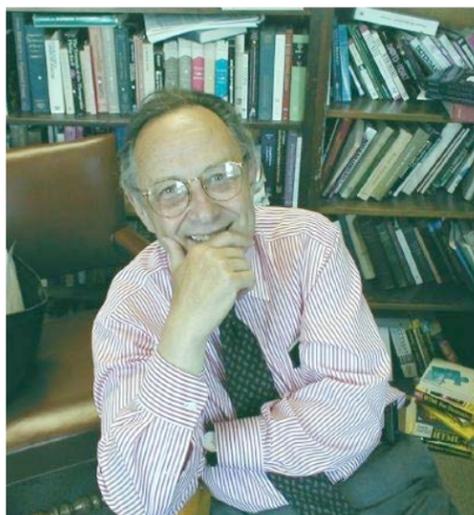
That night the son and his henchmen invade John's home, beating him, breaking the puppy's neck and stealing the car. The mobster chief, realizing that his son has awakened a sleeping dragon, sends a team to proactively kill John Wick, all of whom Wick bloodily dispatches along with additional assassins sent by the boss.

The boss finally captures Wick, who manages to escape and to track down and kill the boss's son.

The sequel, *Chapter 2*, begins with Wick's recovery of his beloved Mustang from a chop shop owned by the boss's brother.

Guest
Columnist,
Dr. Alvin
Burstein

Burstein, a psychologist and psychoanalyst, is a professor emeritus at the University of Tennessee and a former faculty member of the New Orleans-Birmingham Psychoanalytic Center with numerous



scholarly works to his credit. He is also a member of Inklings, a Mandeville critique group that meets weekly to review its members' imaginative writings. Burstein has published flash fiction and autobiographical pieces in e-zines; *The Owl*, his first novelette, is available at Amazon. He is, in addition to being a movie fan, a committed Francophile, unsurprisingly a lover of fine cheese and wine, and an unrepentant cruciverbalist.



Wick deals lethally with the hornet's nest of mobsters in and around the chop shop, then finds its owner but proposes "peace," echoing his dead wife's wish and hoping to resume his retirement.

They agree, but Wick's peace is intruded on by the arrival of an Italian mobster to whom Wick had, much earlier, made an unbreakable blood oath to assist. This mobster wants Wick to kill the mobster's sister because he envies the sister's place at "The High Table," the governing council of the gangdom universe. Trapped by the obligation, Wick prepares for his mission by visiting The Continental, a hotel catering to gangdom, which boasts an unbreakable rule: no killing on the premises. There he transacts for weapons with a *sommelier* of arms and a tailor of bespoke suits equipped with bulletproof interlining and accommodations for weaponry.

He journeys to Rome and kills the sister, requiring a murderous exchange with her guardians. After breaking arms and necks, strangling, stabbing and shooting, and disposing of almost all of them, he finds himself having to deal with the brother who had commissioned the murder, who wants to tidy up by killing Wick. After more mayhem, Wick finds the brother in the bar of The Continental and shoots him. His violation of the no murder mandate results in a High Table order for Wick's assassination. Wick is given an hour's grace and leaves, promising to kill anyone who comes after him.

The popularity of this film and its predecessor is evidence of the audience appeal of violence, an appeal also demonstrated by the long-running, apparently endless Bourne series. It demonstrates the validity of the Freudian view that aggression, like sex, is a primal drive. *John Wick* is especially artful in facilitating a guilt-free gratification of that need.

Standards of art and fashion, and I would argue, morality, are parodied by their exaggerated display. Think of drag queens and Liberace. The term "camp" was first employed as a description of some forms of homosexuality. The etymology of that term is uncertain, but some suggest it derives from the French *le camper*, to pose or display. The audience laughter during the blood-spattered episodes of *John Wick*, the film's notion of immorality decorated with unbreakable rules and of standards of fashion in the tools of killing, suggest that there can be campy aggression, posed and exaggerated to the point of provoking laughter rather than disgust, shame, pity or fear.

Is the Licensure of Psychologists in Texas Unconstitutional?

CONTINUED, By James P. Thompson, Ph.D.

disabilities...". The occupational code further clarifies that members of professions may perform the same activities or services as long as they do not represent themselves as psychologists or describe their services by using the term psychological.

The Fifth Circuit U.S. Appeals court recognized that Dr. Serafine is not licensed as a psychologist and could not be licensed as a psychologist since she did not complete the appropriate doctoral level training.

Dr. Serafine complains that her right to free speech has been breached because she cannot represent herself to the public as a psychologist. She has stated that she also wants to be a "life coach." Her website indicates that she offers "private lectures" on marriage.

She repeats these assertions in numerous public documents, including editorials in the *Houston Chronicle*, *American Thinker* and *Austin American Statesman* newspapers.

In her contribution to the *American Thinker*, "Is the Constitution good for mental health?" She declares "The question will be whether to pass a replacement law for the psychologists' licensing statute. Their major problem will be passing something -- if they pass anything at all -- that is constitutional under the First Amendment's guarantee of freedom of speech.

"The issue is that the freedom of speech includes the freedom to talk and listen to whomever you'd like about psychological matters -- thoughts, feelings, behavior, perceptions -- including as a paid service. According to the old Texas law, you needed a license from the state in order to talk about such things to a member of the public. And as a member of the public, the only lawful person to talk to about your problems would be a state-licensed psychologist.

"But in January, 2016 the U.S. Court of Appeals for the Fifth Circuit determined that the Texas psychologists' licensing law violated the First Amendment. And because it was unconstitutional, the law became unenforceable. The law had defined the 'practice of psychology' too broadly, the Court said, and therefore infringed our freedom of speech. It was so broad, in fact, it allowed the state to forbid and punish anti-smoking and weight loss

counselors, life coaches, and many others -- just about anyone providing a service that was broadly about behavior.

I brought the case. I sued the Texas psychology board under the First Amendment. After a bench trial, I lost in federal district court. But the Court of Appeals reversed that decision and declared the Texas definition of 'the practice of psychology' unconstitutional."

Dr. Serafine maintains that it is a breach of First Amendment rights that unlicensed people cannot represent themselves as psychologists. Since she believes that psychologists ONLY TALK, she must believe that clowns, witch doctors and shamans should be able to call themselves psychologists since they ONLY TALK. Since sex workers and barbers talk and touch the body, perhaps Dr. Serafine believes that it is a breach of their First Amendment rights since they cannot call themselves physicians and/or psychiatrists.

According to Dr. Serafine, the Practice of Psychology Cannot Be Defined

Serafine continues "It began in 2010 when I ran for the Texas senate and called myself 'an Austin attorney and psychologist' in my campaign bio. The Fifth Circuit's opinion is [Serafine v. Branaman](#), 810 F.3d 354 (5th Cir. 2016)."

The Texas State Board of Examiners of Psychologists issued her a "cease-and-desist" letter asking her to remove the title "psychologist" from her campaign brochure and any other public documents since she is not and has never been a licensed psychologist in the state of Texas.

Serafine goes on: "The Texas law is similar to such laws in most states, and very similar to laws for counselors, marriage and family therapists, and others whose job is to talk, listen, and to give advice about the problems and joys of life, whether the advice is implicit or explicit. Psychologists implicitly give advice when they dispense therapy. Why should the government decide who is allowed to dispense 'mental health' advice? Does the government know what's best for us in the arena of 'mental health'? The answer is no.

The self-interest of professional organizations -- such as the American Psychological Association and the Texas Psychological Association -- is really what's at work here. They want to keep unlicensed people

from offering similar or better services at lower prices, or different services that some people might prefer.

"The problem for lawmakers is that they will not be able to define 'the practice of psychology' without violating the First Amendment. That is because there is no definition of 'the practice of psychology' upon which most psychologists would agree, except in overly broad, vague terms. In fact, there is disagreement about fundamental questions: Are dreams important? Are we driven by subconscious factors? What is the best way to change behavior? Is more communication a good thing?

"Let me issue the same challenge I have made several times: Give me a definition of 'the practice of psychology' on which most psychologists would agree that does not ensnare many helpful, legal activities such as talking and listening, and giving advice or expressing opinions that are common to many occupations -- political consultants, speech coaches, fortune tellers. Give me any definition on which a substantial percentage of

psychologists would agree, that does not violate the freedom of speech," she asserts. "Legislators will not be able to come up with one."

Dr. Serafine Argues that Psychologists Should be Certified, Not Licensed

Dr. Serafine offered a comment to the Texas Sunset Advisory Commission on November 16, 2016 <http://mlserafine.com/category/sunset-commission> and she maintains "The federal courts have now analyzed this law— and they will analyze every similar, future law— under the constitutional guarantee of freedom of speech. Freedom of speech means, in my view, that we are free to talk and listen to whomever we please, whenever we please, including one-on-one, for pay. There are exceptions for crime, fraud, defamation, etc. But on the whole the freedom to speak and listen is the heart of the freedom to think, and to believe... It is important to emphasize that the only thing psychologists do is **talk**. They do not touch the body, build homes or bridges, or affect public health or safety.

Cont'd next pg



"Sunshine Week," established by the Am. Society of News Editors, is March 12–18, and celebrates the ideals of government transparency and openness. (Image courtesy of Am Soc. of News Editors.)

Other News

Louisiana Connects Education Leaders, Non-Profit Partners in January Redesign Summit

The Louisiana Department of Education is taking steps to improve the state's persistently struggling schools in accordance with the Every Student Succeeds Act (ESSA). Officials hosted a first-of-its-kind School Redesign Summit in New Orleans in January. More than 350 educators and 150 representatives from nearly 50 partner organizations attended to exchange ideas and plan for action, according to government officials in a recent news release.

Louisiana has reduced the number of D and F-rated schools in recent years, benefitting thousands of students who otherwise would have been assigned to a struggling school. But there remain schools in the state whose challenges are significant, according to state officials. Under ESSA, school systems are required to develop plans to improve student achievement in low performing schools, and the state is charged with reviewing the plans and selecting the school systems with the strongest, evidence-based strategies to receive competitive grants.

One of the possible partners that may be involved is the Health & Education Alliance of Louisiana (formerly the Childhood and Family Learning Foundation). The Alliance addresses physical health, mental health and social barriers to success in education and consists of nurses and psychologists, school social worker, school nurse, a designated school leadership representative, and other disciplines as the need arises. Dr. Deborah Palmer-Seal, a member of the Alliance and a clinical psychologist, presented on the Whole Child, CDC model last year to a convention of psychologists in the state.

LSSP to Meet March 7 Asking for LSBEP Opinion on "School Agency"

The committee of the Licensed Specialists in School Psychology (LSSP) is scheduled to hold a meeting March 7, at 1:30 pm at the offices of the Louisiana Board of Examiners of Psychologists, in Baton Rouge.

In December the committee requested Opinions from the psychology board. According to a memo by the LSSP the committee members requested clarification regarding provision of services through Early Steps to those in postsecondary educational settings.

Early Steps is a service agency that provides a variety of assistance including psychological and special educational needs, explained the LSSP. "These services are provided through DH, with professional staff being hired by the agency or contracted by the agency to service referred or identified children."

The Committee also explained, that undergraduate and graduate students may access support services through the offices of disability services or educational testing services. These services are often provided at no fee or a reduced fee.

The committee members noted that "School psychologists are qualified to provide educational and psychological assessment and recommendations related to school performance and educational needs," and requested the board's Opinion about the definition of "school agency" as stated in Act 136. The matter was to have been discussed at the February meeting of the LSBEP but minutes are not posted.

Is the Licensure of Psychologists in Texas Unconstitutional?

CONTINUED, By James P. Thompson, Ph.D.

In her comment to the Texas Sunset advisory commission, Dr. Serafine offers a remedy to the dilemma she has identified "Texas Should Consider *Certifying* rather than *Licensing* Psychologists, as a way of providing regulation without the risk of violating the right to free speech under the Constitution, with more resulting constitutional litigation... A certificate in psychology would tell the public that the certified person has passed the State's requirements and has the State's 'stamp of approval.' A license, by contrast, prohibits all unlicensed people— virtually all Texans— from engaging in the types of conversations that the law once said— before being struck down—constituted 'psychological services' or 'the practice of psychology.'

Implications for Professional Psychologists

It is important to remember that psychologists, like physicians, social workers and licensed professional counselors seek reimbursement through third-party sources such as commercial insurance, Medicare, Medicaid, CHIP and various veterans' insurance programs. In order to receive reimbursement from these third-party carriers, it is necessary to have a professional license. Teachers do not seek third-party reimbursement from medical insurance, so it is unnecessary for them to be licensed. If psychologists were no longer licensed, then veterans, low income people, children, working people, people with disabilities and the aged would not be able to receive psychological services unless they were able to pay out-of-pocket for such services. Texas has one of the lowest rates of people with medical insurance in the nation. It is also ranked among the lowest in terms of provision of mental health services. If psychologists were no longer licensed, the provision of mental health services would be greatly reduced and such services would only be available to the extremely wealthy or to the clients of state facilities such as MHMRA (which has an extremely long waiting list), prisons or County health clinics. To put it another way, if psychologists were no longer licensed, insurance carriers would have cause for celebration since their expenditures for psychologists would be eliminated, thus boosting their bottom line at the expense of its policyholders and providers.

Challenge for Psychologists

Dr. Serafine's attempt to blur the professional boundaries of psychologists and other mental health providers and other professionals is a challenge for psychologists to meet. She repeatedly has attempted to denigrate the well-established and respected profession of psychology while she complains that she cannot call herself a psychologist.

If licensure for psychologists is eliminated, this would mean psychologists could not seek third party reimbursement, and psychologists could not be employed by the VA and other federal agencies as well as police departments and the military. This would mean a reduction in the provision of mental health services. It would also mean a reduction in the state's ability to regulate the practice of psychology.

Blocking access to healthcare for Texas' most vulnerable people, e.g. working people, children, pregnant mothers, veterans, military personnel, elderly, disabled and low income as well as others in order to boost profits for the most privileged is the epitome of "authoritarianism."

In response to the Fifth Circuit U.S. Court of Appeals, TPA and other stakeholders are working on a new definition of the Practice of Psychology for Texas psychologists. If you would like to make comments about the challenge psychologists face in the state of Texas, you can contact the Texas Psychological Association at admin@texaspsyc.org.

Openings for Participants in Hyperbaric Oxygen Therapy Study

Mild Traumatic Brain Injury (TBI) or Persistent Post-Concussion Syndrome

Any person who has persistent symptoms from one or more concussions that have occurred within the last six months to ten years is eligible.

Referring practitioners and individuals wanting to participate can contact the research coordinator at 504-427-5632 for more information.

Up-Coming Events

10th Health Disparities Conference March 16–17, 2017 at Xavier, NO

The College of Pharmacy's Center for Minority Health and Health Disparities, Research and Education, Xavier University, will host its 10th Anniversary Health Disparities Conference March 16–17, 2017 in New Orleans, Louisiana. Conference participants will include clinicians (pharmacists, physicians, nurses, physician assistants, and allied health professionals), health policy makers, researchers, health educators, public and community health leaders, and students whose work incorporates the use of multidisciplinary partnerships that build collaborations to eliminate health disparities, achieve health equity, and create healthier communities.

SWPA to Meet in San Antonio Texas, March 31- April 2

The 2017 Southwestern Psychological Association will hold its annual convention March 31 to April 2, 2017 at the Hyatt Regency on the Riverwalk in San Antonio. Researchers from across the state will present research at the conference.

The Theme for this year's conference is "Fitting In/Standing Out: The Psychology of Groups." Organizers note that the highlights will include invited speakers and APA sponsored lectures.

Dr. Sandoz to Present at Mindfulness Day Saturday, April 1 in Baton Rouge

Organizer Dr. John Pickering has announced that the Annual Mindfulness Day will be held Saturday, April 1, at the Temple in Baton Rouge. Dr. Emily Sandoz and Mr. Corey Porche will be presenters for this year's seminar, along with Thay Dao Quang.

Dr. Sandoz is a clinical psychologist and Associate Professor at the Psychology Department, University of Louisiana, Lafayette. She is an expert in ACT, Acceptance and Commitment Therapy.

She presented at last year's Mindfulness Day, and has co-authored three books on ACT, along with having written numerous chapters and journal articles on the topic. Sandoz has led more than 40 professional training workshops around the world on ACT concepts.

Mr. Porche is a Licensed Professional Counselor who also holds a master's degree in Interpersonal/ Organizational Communication, is co-owner of Camilia House Counseling and Educational Services where he employs ACT in his work with couples, dyads and families. He has lead and co-led professional trainings in ACT both locally and internationally since 2011.

Association for Psychological Science to Meet May 25-28 In Boston, Massachusetts

The 29th Annual Convention of the Association for Psychological Science (APS) will be held in Boston, May 25 to 28. Highlights include Lila R. Gleitman, PhD, who will deliver the Fred Kavli Keynote Address, "Only When the Shoe Fits: Primitive Procedures for Vocabulary Learning." The Presidential Symposium will be "Sense and Sensibility: How Our Bodies Do—and Don't—Shape Our Minds." And the 2017 Cross-Cutting theme program will include, "The Many Flavors of Relationships."

"Doing the Most for the Many: Psychological Scientists Who Inform Public Policies," will gather together those experienced in public areas, including clinical, community, developmental, and social psychology experts, to discuss their experiences interacting with the executive, legislative, and judicial branches of state and federal governments. Included is Dr. Patrick DeLeon, American Psychological Association.

Tulane Hosts Dr. Howard Stevenson March 9 in N.O.

Tulane University School of Medicine, Department of Psychiatry and Behavioral Sciences, Child and Adolescent Psychiatry, and The Institute of Mental Hygiene, will present the Barbara Lemann Lectureship on Thursday, March 9 at the Bowers Auditorium, in New Orleans.

Howard C. Stevenson, PhD, the Constance Clayton Professor of Urban Education & Africana Studies at the University of Pennsylvania, will speak. Dr. Stevenson is Professor and former Chair of the Applied Psychology and Human Development Division in the Graduate School of Education at the University of Pennsylvania.

Louisiana Psychological Association to Hold 69th Annual Convention June 2–3

The Louisiana Psychological Association will hold its 69th Annual Convention and business meeting June 2 and 3, at the DoubleTree Hotel in Kenner, Louisiana.

The theme of this year's convention is "The Evolving Role of Today's Psychologist: Leveraging the science of psychology to help people, organizations and society." Participants will have opportunities to engage with others in their specialty and subspecialty interest areas and to update their knowledge base and earn continuing professional development credits.

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