

Legislative Session Starts April 10

Psychology Board Proposes SB 37

The Louisiana State Board of Examiners of Psychologists (LSBEP) is proposing legislation, Senate Bill 37, authored by Senator Daniel Martiny.

The bill would exempt the LSBEP from requirements for time-limits, called "prescriptive" provisions, in the law regarding disciplinary hearings, according to the digest of the bill.

The Psychology Practice Act currently has a clause that limits the board's disciplinary investigations to one year, from the time that a formal complaint is acknowledged and the investigation begins, to the hearing.

The present wordings, reported by some to have been added by Dr. Jim Quillin, is as follows:

"... no disciplinary proceeding shall be commenced more than one year after the date upon which the board knows or should

Cont pg 3

Dr. Tracey Rizzuto Talks BRAVE on Capital Hill

Dr. Tracey Rizzuto, Associate Director, School of Human Resource Education & Workforce Development, spoke about the differences made for the community by her work in the Baton Rouge Area Violence Elimination (BRAVE) on Capital Hill, on March 22. She

Cont pg 5

Right: Dr. Rizzuto (L) and DOJ Sr. Policy Advisor Alissa Huntoon. (Courtesy photo.)



LSBEP Executive Director Ms. Jaime Monic, center, speaks about Rule changes at the LSBEP Long-Range Planning Meeting this past November. Some of those are now part of the board's effort in Senate Bill 37. Board member Dr. Amy Henke (L) and attendee Dr. Darlyne Nemeth (R) listen to the review.



Dr. Crouch First in LSBEP Board Election

Dr. Leah Crouch captured 58 percent of the votes cast in the recent election for the upcoming vacancy on the Louisiana State Board of Examiners of Psychologists, with Dr. William Schmitz coming in with 42 percent. A total of 315 licensed psychologists voted and 24 abstained, which is about 45 percent of all those eligible to vote. The board opened results on March 3.

Cont pg 5

April is Distracted Driving Awareness Month

Psychological Scientists Study Hazards of Distracted Driving

The National Safety Council (NSC) estimates that up to 40,000 people died in auto accidents in 2016, marking a six percent increase from 2015 and a 14 percent increase from 2014. This is the most dramatic increase in 53 years, said Council officials. One of the factors thought to be causing the increase is cell phone use.

An NSC survey of the risky things drivers do while on the highway found that 47 percent of people text, either manually or through voice controls, while driving.

"Our complacency is killing us," said NSC President Deborah Hersman. "Americans believe there

is nothing we can do to stop crashes from happening, but that isn't true," Hersman said, as reported by the Safety Council.

Dr. Theodore S. (Scott) Smith from the University of Louisiana Lafayette, and Dr. Melissa Beck, at Louisiana State University, are two of those in the community who are working to uncover the elements of this problem and make a difference.

Dr. Smith is Assistant Professor in the Psychology Department and leads research in his lab, The Louisiana Applied and Developmental Psychological Sciences Laboratory, where he is interested in how cell phone distraction affects the learning process, not only in the classroom, but also how applicable distractions may affect driving behaviors and eyewitness memory. Smith has authored *Cell Phone*

Distraction, Human Factors, and Litigation, published by Judges and Lawyers Publishing and which is becoming a popular resource for legal professionals.

Louisiana State University cognitive psychologist Dr. Melissa Beck is also tracking down the "inattention blindness" that affects us when we are driving. Working with simulators at the Civil Engineering Department, Beck and her associates recently published results of one of her several studies in this area.

For the April issue we take a look at what some of our psychological scientists are trying to do to discover how to make driving less dangerous, and to help stop that one call, that changes a life forever.

Enjoy our features — pages 9, 10, and 11 of this issue.

Thousands die every year from distracted driving.

JustDrive
nsc.org/ddmonth

NATIONAL SAFETY COUNCIL

Courtesy, National Safety Council.

Editorial Page – Opinions

FOO by Times publisher, J. Nelson

In the 1960s, when I was about ten, my father, the editor/publisher of a weekly newspaper, took on the KKK in what was surely the poorest, most backward place in God's green creation— Red River Parish. It was a long battle with lots of skirmishes.

One evening, just after dark, the family was sitting at the table, finishing supper and as was typical, my father was talking and everyone else was listening. My mother and father, both journalists in a small, sleepy little parish, always focused on the human dramas that unfolded in this rural community, the people, the society, the news. This night was no different.

We all sat in front of the three large windows finishing dinner, and I was listening. Then, a small light flickered in the middle of our large, night-shrouded yard caught my attention. I squinted. Then squinted again. Finally I pointed to interrupt my father, and asked, "What is that?"

Everyone at the table turned to look, as the light grew larger and we all saw it. In the middle of the yard was a burning cross. Not just any cross, but one of those famous KKK crosses. Now ablaze. The wood was almost gone, and the flames had made their way into the yard, into the ditch, and even down the highway. But then, mere minutes later, the local fire truck roared into our yard and men jumped down and began to put out the fire.

The KKK members had waited down the road in a cow pasture to see my father's reaction, but when no one noticed the fire, or how it was spreading, they had to summon the fire department. Some of those in the group that set the fire were also the same ones who put it out. A very small town.

It was not a particularly successful cross burning, and it got worse. The next day, my father had me draw up a sign that said "See genuine KKK cross, 25¢" and we placed it in the yard. He took a photo of the cross, the sign, and the yard, and put the photograph and the whole story of what had happened on the front page of the newspaper for the next week's edition.

[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.]

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Letters to the Editor

Letter to the Editor New Diagnostic Categories

In my outpatient practice in Houston, I have been confronted with many people who have been traumatized by the recent presidential election. The factions among patients in the office seem to mirror the factions seen at a national level.

I have never before in my 42 years of working with patients seen such an outpouring of distress over current events. I have never before seen people talk with such intensity and frequency about an election.

This has prompted me to wonder if we are encountering some new diagnostic categories. Most prominent would be "Trumpression" and "Trumpiety" reflecting the depression and anxiety being expressed by patients currently in response to the election of the new president.

One segment of the population seems to be suffering from Post Trump Stress Disorder, while another sector seems to be suffering from Post Clinton Stress Disorder, and all of us are suffering from Post Election Stress Disorder. Another pervasive disorder may be soon discovered and might be called Acute Information Overload Disorder.

James P. Thompson, Ph.D.
Houston, Texas.

[Editor' Note: Letter edited for length.]

Letter to the Editor "Trump may be a bully, but he is not a warrior."

Trump may be a bully, but he is not a warrior.

Several mental health professionals have speculated publicly about President Trump's character and fitness for office. They have cited his erratic behavior, callous regard for women, unethical business deals, exaggerated need for approval, lack of tolerance for criticism and flagrant disregard for facts. Some infer that these traits raise concern about his potential for triggering a war. Here we offer a different point of view.

The best predictor of future behavior is past behavior. There is little evidence that Donald Trump is prone to solving business and political conflicts through physical violence. His retaliations tend to be verbal and/or legal. It is unlikely that he will be any more physically aggressive -- start a war -- in an international conflict than he has been in his long history of personal and business disputes.

Candidate and now President Trump appears to be primarily a tactical rather than strategic thinker. He focuses on immediate events and is not strongly committed to long-term political goals. Consider how quickly he "walked back" his initial challenge to the one China policy and his trivialization of the one vs. two-state controversy in the Israel-Palestinian conflict -- whatever they figure out....

Cont next pg

Corrections & Clarifications

Nancy Arnold, the Administrative Coordinator for Graduate Studies at LSU Psychology informed us that we jumped the gun on giving Daniella Cash the "Dr." in front of her name, page 9 in our March issue. Ms. Cash has not yet received her doctorate, Ms. Arnold graciously informed us. Thank you Ms. Arnold for that eagle eye. We are sorry for any confusion.

And catching our own goof this time, we erroneously reported some researchers from Xavier in Cincinnati, Ohio, in the SEPA research article.

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

New Legislation Proposed, continued

know of the act or omission upon which the disciplinary action is based.”

If passed, SB 37 would delete this language.

The bill also adds to the psychology statute, provisions for fees in disciplinary actions. These activities are managed by the subcommittee called the “Complaints Committee,” which does not contain a board member.

The current statute allows, “A hearing fee may also be charged at the discretion of the board.”

The new language, if passed, would read:

“(4) The board may charge a hearing fee to include reasonable costs and fees incurred by the board for the hearing or proceedings, including its legal fees, stenographer, investigator, staff, and witness fees and any such costs and fees incurred by the board on any judicial review or appeal.

(5) The board may charge an informal resolution fee to include reasonable costs and fees incurred by the board for a disciplinary action that is resolved by settlement, consent decree, or other informal

resolution, including its legal fees, stenographer, investigator, staff, and witness fees.

If passed, the board would also add “or informal resolution” to a paragraph for collecting fees for hearings. Included would be legal fees, investigator and staff fees, as well.

Finally, the bill would also allow applicants for a state license to substitute 5 years of license level experience for one of the two years of post-doctoral supervision, currently required.

Some of these items were discussed as Rule changes by the LSBEP board members at the November 2016 Long-Range Planning meeting. However, that initiative appears to have been dropped and new legislation substituted. The measure was brought to the attention of members of the Louisiana Psychological Association on or around March 3, and sources report that discussions are currently being conducted.

Dr. Lucinda DeGrange is the President of LPA and Chair of the Legislative Affairs Committee. Dr. Kim VanGeffen is the Chair of the Professional Affairs Committee. Both may be contacted through LPA on the web.

Letters to the Editor, continued

If President Trump were to perceive a foreign leader as belittling him he would be likely to resort to bombast and insults. If the recipient were a rational actor, war would not be a likely outcome. However, to the extent that actors on the international scene are irrational and conflict-prone, some danger does exist. In such a case, much would depend upon the ability of Trump's associates to persuade Trump to control his impulses, based on past behavior, an uncertain, if not likely, option.

The great looming danger of Trump's threat as President is domestic. His assault on the free press, disrespect for the judiciary, shrugging off of civil rights, and lack of care about the environment are all grounds for great concern.

In the long run, perhaps the most pernicious and corrosive danger is Trump's debasing of the dignity of the office of President. If he continues his long and stable pattern of crude duplicity, reckless disregard for the truth and graceless treatment of others, he will obviate the ability of the presidency to lift our spirits and the capacity of our country to exert moral authority on the world stage.

Earl Capron, Ph. D.
Professor Emeritus, Southeastern
Louisiana University

Alvin Burstein, Ph. D.
Professor Emeritus, University of
Tennessee, Knoxville

SB 38 Proposed by Counselors and MFTs to Remove Wording Requiring Consult for Medical Board Professionals and Rx

Senator J.P. Morrell has proposed a measure that will remove language requiring that counselors and marriage and family therapists consult and collaborate with physicians, psychiatrists, medical psychologists, advanced practice registered psychiatric nurses, when treating or assessing individuals with “serious mental illness.”

Current language requires that any person licensed under the mental health counselor law may not assess, diagnose, or provide treatment to any individual suffering from a serious mental illness when medication may be indicated, except when he or she consults and collaborates with a practitioner licensed under the Louisiana State Board of Medical Examiners or an advanced practice registered nurse licensed by the Louisiana State Board of Nursing, certified as a psychiatric nurse practitioner. The measure lists schizophrenia or schizoaffective disorder, bipolar disorder, panic disorder, obsessive-compulsive disorder, major depressive disorder - moderate to severe, anorexia, bulimia, intermittent explosive disorder, autism, and some others as “serious.”

Senator Morrell's measure would repeal this language. In 2011, Senator Willie Mount passed legislation that clarified the scope of practice for Counselors.



Dr. Mary Feduccia, LPC, and Howie Brownell, LMFT, listen to discussions about legislation at the 4th Annual Mental Health Legislative Forum. Feduccia and Brownell co-chaired the event, held in Baton Rouge, March 31.

Measure Proposes to Remove Value-Added Model from Teacher Evaluations

Representative Hoffman seeks to remove requirements for the use of a value-added assessment model in determinations made with regard to school and district accountability and teacher evaluations. The measure relates to a program developed in part by school psychologist Dr. George Noell. During 2003 through 2008, the Board of Regents worked with Dr. Noell, psychologist and psychology professor at LSU. He developed aspects of Value-Added Teacher Preparation Program Assessment Model which was shown to have predictive validity for children's successes.

Proposed law changes present law relative to the use of a value-added assessment model for school and district accountability and teacher evaluations.

Present law (R.S. 17:3902 (B) (5) and 3997(D)) requires local public school boards and

charter school governing authorities to use a value-added assessment model as determined by BESE for evaluating teachers.

Present law requires that 50% of such evaluations be based on evidence of growth in student achievement as determined by BESE.

It provides that data derived from the value-added assessment model shall be a factor in determining evidence of student growth for grade levels and subjects for which value-added data is available and shall comprise 35% of the overall evaluation.

It also provides that for grades and subjects for which, and for personnel for whom value-added data is not available, BESE shall establish measures of student growth.

Proposed law removes requirements for the use of a value-added assessment

model in making evaluation determinations and for certain percentages of the evaluations to be based upon value-added data.

Further, the proposed law removes the requirement that BESE develop and adopt a policy to invalidate student achievement growth data using a value-added assessment model for any school year in which there is a natural disaster or any other unexpected event that results in the temporary closure of schools.

The measure would also require that data derived from a value-added assessment model as determined by BESE shall be provided to local boards charter school governing authorities to assist in determining evidence of student growth for grade levels and subjects for which value-added data is available.

HB31 to Expand Options for Retired School Psychologists

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.

Senator Mills' Bd Oversight Bill Adds Consumers, Transfers Powers

In the 2016 Legislative Session, Senator Fred Mills, called for the creation of a "Task Force on Meaningful Oversight." The Resolution noted: "WHEREAS, there are twenty-five professional healthcare licensing boards statutorily created within the Department of Health and Hospitals; and WHEREAS, the boards operate autonomously from the department with virtually no detectable oversight; ..."

The measure passed and created a the task force to review laws and possible structures for oversight of the 25 healthcare boards that fall under the Department of Health and Hospitals (DHH).

The group published its report on December 29, 2016, titled, "Meaningful Oversight of State Regulatory Boards: Task Force Recommendations to Acquire State Action Immunity." The task force recommended that the state create an oversight panel to review critical decisions by state boards, in particular those that involve anti-trust concerns.

For this 2017 session Senator Mills is authoring SB 75, which establishes a mechanism for the public to submit complaints about board action or inaction to the department.

The new law would also add at least one consumer member to any board that did not previously have one and provides standardized eligibility criteria of consumers to serve on any board.

Present law requires the undersecretary of the department to conduct a budget review of the boards and review procurement and contract management for the boards. Proposed law provides specific deliverables of the undersecretary regarding budget review and procurement and contract management.

The new law transfers all adjudicatory powers to the division of administrative law. Present law provides that agencies statutorily created within the department retain all powers and duties for policymaking, rulemaking, certification, licensing, regulation, enforcement, and adjudication.

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State and National News

Rizzuto, BRAVE on Capital Hill

continued

spoke at the invitation of the Department of Justice (DOJ), Bureau of Justice Assistance (BJA). She said that she was asked to “speak to examples of well-invested federally funded research grant that have made a difference in a high-need community.”

Dr. Rizzuto, Industrial-Organizational Psychologist, is also Mary Ethel Baxter Lipscomb Memorial Endowed Professor of Human Resource, Leadership, & Organization Development.

“With all of the tumult we’ve had in 2016 –officer-related shootings, civil unrest and an historic flood,” she said, “violent crime in Baton Rouge has miraculously remained down!”

“It was an honor to be able to report back to the BJA about the successes of the violence reduction strategies they’ve supported over the years to help reduce violence, like BRAVE, the Byrne Criminal Justice Innovation (BCJI) Hope Zone initiative, and the LSU Career, Leadership and Wellness summer youth program,” Rizzuto said.

The Baton Rouge Area Violence Elimination (BRAVE) initiative works to reduce and eliminate violent crime committed by juveniles in Baton Rouge’s 70805 and 70802 zip code areas.

Rizzuto is part of BRAVE’s LSU Research Team led by the College of Human Sciences & Education’s Office of Social Service Research & Development. The LSU group analyzes arrest data from the Baton Rouge Police Department and East Baton Rouge Sheriff’s Office and then helps identify trends and group members who are committing the most crimes.

Dr. Rizzuto uses social network analysis to examine social structures and dynamics, one of her interests as an IO psychologist and professor. Her other interests include the development of social capital and capacity through technological tools; the development of social capital and capacity through social relationships, such as the power and influence social network structures; and managing workplace changes.

Rizzuto was featured last year in a select group of scientists and professionals who shared their work and insights at the TEDxLSU event, where she spoke on her work as a psychologist and academic researcher for BRAVE. Her efforts and those of others have combined to reduce the crime rates in two, high crime Baton Rouge areas, by 30 percent. In December 2015, Rizzuto and Hillar Moore, III, East Baton Rouge Parish District Attorney, traveled to New York City at the invitation of Manhattan District Attorney Cyrus Vance, to give a presentation about the work at BRAVE.



Dr. Sunyoung Park, Assistant Professor at the LSU School of Human Resource Education and Workforce Development, listens to colleague, Assistant Professor Tyree Mitchell, as they discuss Dr. Rizzuto’s trip to Capital Hill. In background, Rizzuto and others are listed in distinguished faculty awards. Drs. Park, Mitchell and Rizzuto are industrial-organizational professors at the School.

Supreme Court Decides on Death Penalty/IQ Texas Case, March 28

A Supreme Court decision on March 28 rejected Texas’ approach to deciding which intellectually impaired individuals can be spared the death sentence. The decision was five to three.

Justice Ruth Bader Ginsburg wrote for the majority. “Bobby James Moore fatally shot a store clerk during a botched robbery. He was convicted of capital murder and sentenced to death. Moore challenged his death sentence on the ground that he was intellectually disabled and therefore exempt from execution.”

“A state habeas court made detailed factfindings and determined that, under this Court’s decisions in *Atkins v. Virginia*, 536 U. S. 304 (2002), and *Hall v. Florida*, 572 U. S. ____ (2014), Moore qualified as intellectually disabled. For that reason, the court concluded, Moore’s death sentence violated the Eighth Amendment’s proscription of ‘cruel and unusual punishments.’ The habeas court therefore recommended that Moore be granted relief.”

“The Texas Court of Criminal Appeals (CCA) declined to adopt the judgment recommended by the state habeas court. In the CCA’s view, the habeas court erroneously employed intellectual-disability guides currently used in the medical community rather than the 1992 guides adopted by the CCA in *Ex parte Briseno*,...”

“We vacate the CCA’s judgment,” wrote Ginsburg. “As we instructed in *Hall*, adjudications of intellectual disability should be ‘informed by the views of medical experts,’” Ginsburg wrote.

“That instruction cannot sensibly be read to give courts leave to diminish the force of the medical community’s consensus,” she wrote. “Moreover, the several factors *Briseno* set out as indicators of intellectual disability are an invention of the CCA untied to any acknowledged source. Not aligned with the medical community’s information, and drawing no strength from our precedent, the *Briseno* factors ‘creat[e] an unacceptable risk that persons with intellectual disability will be executed,’ [...]. Accordingly, they may not be used, as the CCA used them, to restrict qualification of an individual as intellectually disabled.”

LSBEP Election continued

The Louisiana Psychological Association submitted both Dr. Crouch and Dr. Schmitz to the Governor, with the association’s request that Governor Edwards appoint the top vote getter, according to sources.

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

Electronic voting closed on February 23 for a position on the psychology board that comes open in July after Darla Burnett, PhD, MP, completes her five-year term this June.

Senator Tarver Seeks to Add Physicians’ Assistants for PEC

Present law authorizes any physician, psychiatric mental health nurse practitioner, or psychologist to execute an emergency certificate after an actual examination of a person alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate care, because it is determined the individual is dangerous to self or others or to be gravely disabled. Senator Tarver proposes to expand this authority to physician assistants.

State News

License Fees to Go Up

Psych Board Publishes New Rules: Ethics, Fees, Supervision

The board is suggesting Rule changes to Chapter 13 for "Ethical Standards of Psychologists." They published their "Notice of Intent" in the March 20 issue of the Louisiana Register. The move will aim to remove specific reference to the American Psychological Association (APA) Ethical Principles and Code of Conduct, and replace it with sections of the Code placed in the Rules, word-for-word. Some sections of the APA code are to be dropped.

The changes include almost eight thousand words, and include sections on resolving ethical issues, competence, human relations, privacy and confidentiality, advertising and other public statements, record-keeping and fees, and other topics.

The public may submit written comments for this, and the other Rules announced, to Jaime T. Monic, Executive Director, 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 12 noon on April 10, 2017.

Many of the proposed changes were presented to community members attending the board's Long-Range Planning meeting last November. Texts of the three March notices are available at the *Louisiana Register*, available online, in the March 20 issue.

The psychology board also published a "Notice of Intent" to increase licensing renewal fees from \$320 to \$350 which may be in place for the renewal period this July.

The proposed rule will increase the revenue collections of the Board by approximately \$20,801 in FY 2017, \$22,954 in FY 2018 and \$25,322 in FY 2019, noted the announcement.

This amendment reinstates fees that were inadvertently dropped, adds a new fee for copies, increases annual renewal and reinstatement fees, and removes the photo ID card fees, said the notice.

The fees that were inadvertently dropped in an amendment published in December 20, 2015 include: the Replacement Renewal Certificate fee of \$10 each, The Processing Fee for Paper Renewals at \$15 each, and the Renewal Extension Request fee at \$25 each.

This amendment proposes to add a reasonable copy charge for other records requested to be provided by the Board in the amount of \$1 for the first page

and \$.25 for each page thereafter.

This proposed amendment increases the annual licensing renewal fee for psychologists from \$320 to \$350, or for qualifying psychologists 65 years of age or older from \$160 to \$175.

In accordance with RS 37:2354.C, the reinstatement fee must equal the application fee plus the renewal fee. As a result, the reinstatement fee will increase by \$30 which is applicable only if a psychologist allows their license to lapse for failure to pay the required renewal fee or submit continuing education as required by the laws and rules that govern this Board.

This proposed amendment increases the application fee for a provisional license by \$50. This proposed amendment also aims to eliminate obsolete fees, including the Photo ID Card, which is no longer available for purchase.

For this proposal also, comments may be submitted to Jaime T. Monic, Executive Director, 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 12 p.m. on April 10, 2017.

The board also published a "Notice of Intent" under the General Provisions section, Chapter 7. Supervised Practice Leading toward Licensure and Chapter 33. Definition of Applicant for Licensure as a Specialist in School Psychology.

According to notices from the board, the proposed Rule for supervised practice benefits those applying for a license as a Licensed Psychologist in that it allows postdoctoral supervision hours to accrue after doctoral degree requirements are met, but before the doctoral degree is conferred, noted the author.

The proposed Rule also benefits those applying for a license as a Licensed

Specialist in School Psychology in that it allows for experience gained under a supervised internship to be applied toward the experience needed to obtain the license, according to board sources.

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Community leaders in behavioral and mental health attended the Fourth Annual Mental Health Legislative Forum last week, co-hosted by Louisiana Association for Marriage and Family Therapy (LAMFT) and Louisiana Counseling Association (LCA). Chairs for this year's Forum were Howie Brownell, Government Relations Committee Chairman for LAMFT, and Dr. Mary Feduccia, Government Relations Committee Chairman, for LCA. The Forum came into being to enhance cooperative resolutions outside of the Legislature, for what Senator J.P. Morrell referred to as "warring fiefdoms." Above are (from man in front, center of photo, counterclockwise) Christian Dean, Brenda Eccles, Kelly Tyner, Howie Brownell, Mary Feduccia, Don Hidalgo, Maralon Mangham, Adrienne Trogden, and John Fanning.

4th Legislative Forum Held March 31 in BR

The Fourth Annual Mental Health Legislative Forum was held March 31, in Baton Rouge. This year's Forum was co-hosted by Louisiana Association for Marriage and Family Therapy (LAMFT) and Louisiana Counseling Association (LCA). Chairs for this year's Forum were Howie Brownell, Government Relations Committee Chairman, LAMFT, and Dr. Mary Feduccia, Government Relations Committee Chairman, LCA.

For the fourth time members of the behavioral health professions met to discuss their various positions on legislation that is being proposed for the Louisiana legislative session.

The First Legislative Forum was held in 2014, and co-sponsored by the Louisiana Counseling Association and the Louisiana Chapter of the National Association of Social Workers.

In 2011, after the 2010 "Behavioral Health Professional Working Group," failed to meet her goals, Senator Willie Mount, at that time Chair of the Senate Health and Welfare Committee threatened to consolidate boards in the community because of "constant bickering." She said she was left with no other options other than to introduce legislation to consolidate these boards."

Senator J.P. Morrell said that working with the different groups in the mental health area should be like working in a team, but instead, "It is like warring fiefdoms."

One of the original organizers of the Forum, Cindy Nardini, previously told the *Times*, "We [LCA] had a vision of getting the associations together to discuss and collaborate on the bills of interest to our members and clients and when possible speak with one voice to the legislators."

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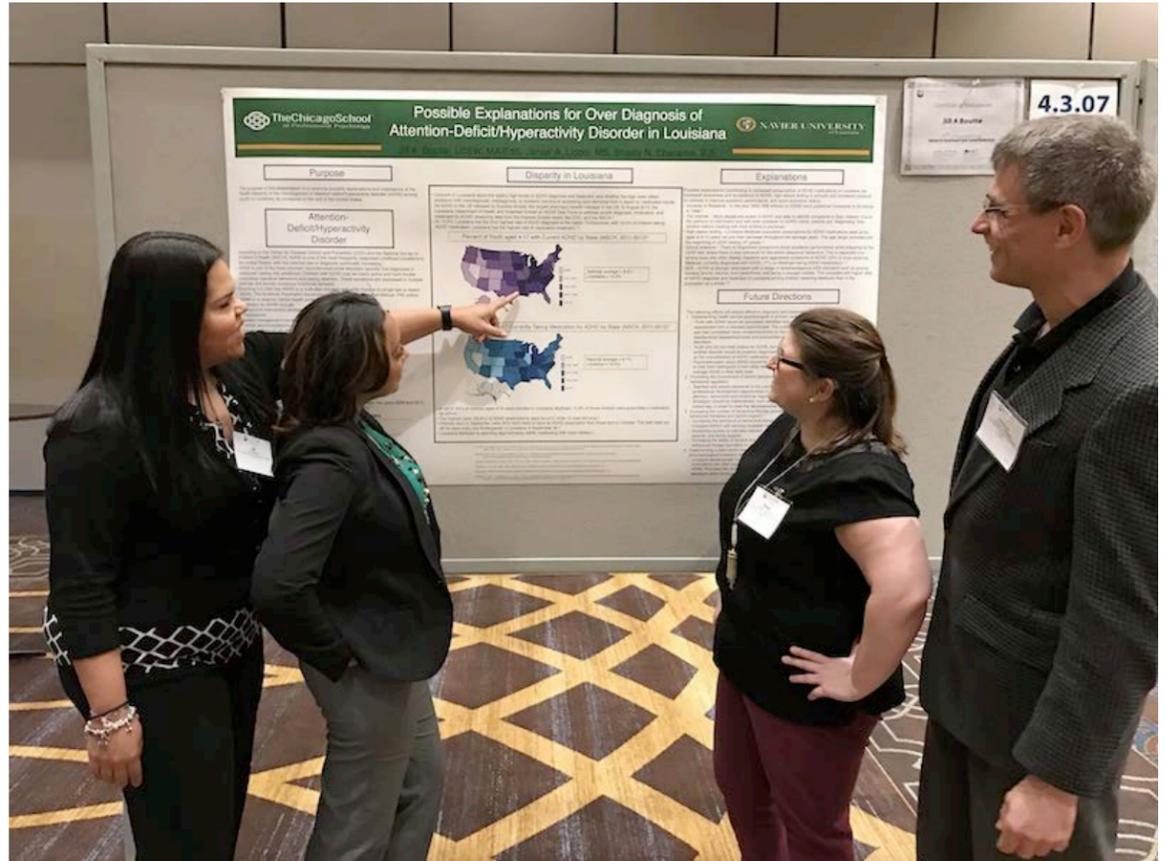
School Psychological Assn Encourages School Climate Assessment in ESSA Plans

Last month the Louisiana School Psychological Association proposed to officials and various community organizations that school climate be a consideration and variable to measure, as the implementation plans for ESSA move forward.

The Louisiana School Psychological Association (LSPA) work group was developed within the LSPA to research school climate and its empirical relationships to outcomes for school children, officials said.

In an announcement, the group noted that school climate has important relationships to factors such as absenteeism, truancy, suspension and expulsion rates, social-emotional learning standards, and other empirically valid characteristics that have been shown to impact the well-being and learning of children and adolescents.

The announcement noted that LSPA leaders were willing to work collaboratively with community and government leaders to build this effort, including provide the research basis for the initiatives and "encourage school psychologists to promote positive change..." in the Louisiana's children.



Graduate students in the Clinical PsyD program from the Chicago School of Professional Psychology at Xavier presented research at the recent Xavier Health Disparities Conference held in New Orleans, March 16–17. Shown are (L to R) Jill Boutte, Shaely Cheramie, and Janae Llopis, with Dr. Chris Leonhard, Chair of the Department at the School, reviewing of the presentation, "Possible Explanations for Over Diagnosis of Attention-Deficit/Hyperactivity Disorder in Louisiana." The Xavier Disparities Conference is hosted by the Xavier College of Pharmacy. Xavier's Health Disparities conference is acclaimed nationally and focuses attention and research on the socio-behavioral factors affecting communities and the pharmacologic management of health problems in high-risk, minority individuals. (Courtesy photo.)

Stress Solutions

by Susan Andrews, PhD

Seriously Short, Easy Meditation

This simple quick meditation was shared on www.mindbodygreen.com by a clinical psychotherapist in New York.

No preparation required. You don't even need to sit down or close your eyes. You can do this simple technique anywhere, even in a crowded elevator, eyes open. In fact, keeping the eyes open helps you to practice finding your calm and center. No one around you will notice that you are doing anything special except not talking.

Here's the technique:

1. As you stand or sit wherever you are, bring all your awareness to your breath. Shift your focus down to the belly and allow the belly to soften as you deepen your breath.
2. Now mentally repeat to yourself, "Breathing In, I calm myself. Breathing out, I smile." Say this like a mantra as many times as you need until you feel the shift.
3. Notice the corners of your mouth begin to curl, even if just a tiny little bit, even if you have to pretend. Notice how your breath becomes a bit more even and deep. The subtle smile brings relaxation and carries the message "all will be OK" to your mind and body.
4. That's it! So simple and quick. It might not even take a minute. In fact, the more you do it, the more practiced you will become. In a short time, the opening intention to bring your awareness to your breath and shift your focus to your belly will make the relaxation come that much quicker. Try it and feel free.

This technique is actually a variation on mindfulness meditation. You can do this without the mantra; however, for many people mantras help them focus their awareness. It is equally effective without the mantra. Or, you can vary the words you speak in so many ways so that they best communicate to your subconscious mind.

Another variation is to use the focused breathing to release parts of your body where the tension has caused tightness or even pain. People carry their tension in different places. For some, it is their eyes and forehead. For others, it is their shoulders. Still others carry most of their tension in their abdomen. When you feel a lot of tension in your body, bring your awareness to that place of tension. If, for example, you feel tension in your shoulders, mentally say, "I am aware I have tension in my shoulders." Then mentally repeat, "Breathing in, I am aware of this tension in my physical body. Breathing out, I relax this tension."

So simple. So effective. Why not try it right now. Do it often during the day as the stress builds up.



Dr. Susan Andrews, Clinical Neuropsychologist, is currently Clinical Assistant Professor, LSU Health Sciences Center, Department of Medicine and Psychiatry, engaged in a Phase III study on HBOT and Persistent PostConcussion Syndrome. In addition to private clinical practice, Dr. Andrews is an award-winning author (*Stress Solutions for Pregnant Moms*, 2013) and 2016 Distinguished Psychologist of the Louisiana Psychological Association.

Cell Phone Distraction and Psychology

by Theodore Scott Smith, PhD
Assistant Professor, ULL



Dr. Scott Smith

Every morning you wake up, and similar to over 95% of the U.S. population, before going to the restroom or even saying good morning to your spouse, you perform a select behavior, not typified of people 40 years ago. That is, you check your cell phone for calls, texts, emails, and other communication. Indeed, cell phones have become a definitive part of our culture.

We have expanded how we use cell phones, encompassing their use not only for communication, but for ordering food, setting up schedules, checking weather, logging activities, and many other uses. As cell phones enhance our lives and make our lives efficient, they must similarly be viewed not only as a tool, but as a device that has implications.

Fifty years ago, the government, psychologists, and human development specialists were concerned and worried about the effects of television on human development. Several proposed that television would reduce children's likelihood to play, promoting obesity, and also offer an increased influence over childhood cognitive development, as children's minds may be influenced by what they saw on television.

Today, these same concerns apply to cell phones.

Cell phones have changed how children communicate, incorporating emoji images and texts messages into daily communication mediums. "Meeting up" has been replaced with FaceTime and synchronous texting. The daily demand to meet face-to-face to establish relationships, solve problems, and enhance rapport represents a secondary alternative to purely electronic transmittals.

Definitively, cell phone use has affected how children learn. E-books have replaced paper books. Pen-and-paper tests replaced online exams. Internet searches have replaced gathering a pocketful of nickels and heading to the library to copy an article. However, children are able gather information quickly,

check for spelling and grammar easily, and assess for plagiarism problems more easily than the past.

Even parenting is affected: A fourth of household accidents relate to parental cell phone use and concurrent failure to monitor children.

Consider the features that most often accompany addiction for substances, such as the need to obtain a substance, increasing amount of substance needed to become satiated, and loss or replacement of socialization, all revealing concurrent feelings perhaps attributable with cell phone use. Consider the circumstance, in which your cell phone is lost—you most likely become agitated, your blood pressure will rise, you become irritable, you stop all activities until your cell phone is found or replaced. Cell phone addiction represents a real behavioral concern, representing an area of research focus among numerous cognitive and clinical psychologists today.

Time will dictate how these new communication patterns will affect relationships, development and conflict resolution.

Perhaps the most frequently considered effect of cell phone use on day-to-day life is how cell phones distract us from our daily lives. Defined, distraction refers to something that prevents someone from giving full attention to something else.

Researchers have examined effects of cell phone use on distracted walking. Greater than 1,000 accident happen annually that are associated with individuals failing to pay attention to their environment while walking. The Pew Research Center reports that 53 percent of adult cell phone users have directly fallen or been pushed by a distracted walker.

While distracted walking represents an area of concern, cell phone use while driving represents a momentous public health concern. Statistically, based on the National Highway Traffic Safety Administration (NHTSA) 10 percent of all drivers aged 15-90 were distracted at the time of a reported fatal crash. Moreover, the frequency of these risky behaviors is not decreasing. The NHTSA reports that the percentage of drivers texting or manipulating their hand-held devices increased from 1.7 percent in 2013, to 2.2 percent in 2014. Considering a .05 percent increase every years, NHTSA data suggests that it is estimated that about 4% of drivers aged 16 to 24 are texting while driving.

Cell Phone Distraction, Human Factors, and Litigation

T. Scott Smith, Ph.D.

 Lawyers & Judges
Publishing Company, Inc.

Local research suggests these estimates are low. Research completed at our Forensic Cognition Laboratory, University of Louisiana at Lafayette (ULL), shows that 35 percent of younger drivers report to using a cell phone while driving.

However, research shows that this number is still perhaps even greater. Research Assistant, Ms. Lauren Short, and I are examining and comparing perceived versus observed cell phone use while driving among college students. We placed dashcam cameras in students' cars to observe actual driving by students. Preliminary data suggest that 95 percent of the participants use their cell phone while driving, at least on an occasional basis. Moreover, preliminary data suggests that while driving approximately 15 percent of the time driving, or nine minutes out of every 60 minutes driving, is associated to cell phone distraction.

Does a quick text or answering an important call really make a difference? Yes, very much so. Consider the distance that a car travels while you return the simple text. A vehicle travels the length of a football field in five seconds. Checking a text message equates 15 seconds, or traveling three football fields, blindfolded.

April is Distracted Driving Awareness month, offering an opportunity for not only the general public, but also

psychologists and others in our field to consider how cell phone distraction affects human behavior across a variety are areas, such as development, cognitive, social, and others.

One valuable resource is the Forensic Cognition Laboratory at ULL Lafayette. The lab evaluates not only how cell phone distraction affects driving behavior, but also learning, parenting, and socialization.

Cell phones represent a technological advancement, perhaps equitable to fire or the wheel. While it has enhanced our lives, we must similarly be aware that it offers a distraction, limiting our ability to perform daily tasks and behaviors. As specialists in human behavior, we must be aware of the potential for addiction and also impaired parenting, communication, task-behavior, parenting and relating.

April offers an opportunity to remind ourselves and perhaps others of the encompassing effects of cell phone usage.

[Editor's Note: Dr. Smith, along with his lab researchers, has authored Cell Phone Distraction, Human Factors, and Litigation, published by Judges and Lawyers Publishing. Cell Phone Distraction addresses a wide variety of topics on this topic and has been vetted by a variety of law libraries, including, Yale, Texas A & M, and Stanford, and also internationally, becoming incorporated into law libraries in both Singapore and Malaysia. Dr. Smith can be reached at Theodore S. Smith, tss1065@louisiana.edu]



Dr. Melissa Beck explains the driving simulator and the computer images that she uses to better understand “inattentive blindness” that impacts drivers.

LSU’s Dr. Beck Looks for Why the Gorillas are Invisible in Driving

“Remember the invisible gorilla?” asks cognitive psychologist and Louisiana State University Associate Professor, Dr. Melissa Beck. The 1999 study of selective attention is now famous for dramatically showing how concentrating on one task, like counting the number of passes of a basketball, could cause us to be blind to a gorilla walking through a crowd of people.

Dr. Beck and her team of researchers are working to uncover the “inattentive blindness” that impacts automobile drivers. She directs the Beck Visual Cognition Lab at Louisiana State University Psychology Department, where she and her researchers uncover the ways that visual attention and memory work or don’t work in various situations.

With the aid of grants from the United States Department of Transportation (USDOT) and working through LSU’s University Transportation Center for the Gulf Coast Center for Evacuation and Transportation Resiliency, Beck and her students are able to study human responses in a driving simulator.

Housed in the LSU Department of Civil and Environmental Engineering, “The simulator consists of a full-sized passenger car—a Ford Fusion with no wheels,” she said, “combined with a series of cameras, projectors and screens to provide a high fidelity virtual environment. Realtime Technology Inc. manufactured the simulator,” Beck explained.

In one study, drivers were given the task of tracking the number of times that cars changed lanes, she explained.

This was done to create an attentional load similar to counting the ball passes in the Simons and Chabris (the invisible gorilla study) inattentive blindness study.

“Then during the drive a pedestrian walked in to the street. We measured changes in driving behavior—breaking and steering deviation—as a response to the pedestrian when participants were tracking one car (low attentional load) or tracking two cars (high attentional load).”

Dr. Beck explained that drivers braked to the pedestrian sooner and deviated steering less when under low attentional load.

“This indicates a faster and less erratic reaction to the pedestrian when tracking one car versus tracking two cars. Therefore, driving under high attentional load—multi-tasking or navigating in congested traffic—can increase the likelihood of failing to notice an unexpected event,” she said, such as when a pedestrian enters the roadway and so increases the likelihood of an accident.

The study recently published in *Transportation Research Part F: Traffic Psychology and Behavior*, by Elsevier, is “Compensating for Failed Attention while Driving.” First author, Justin Ericson, now at Duke for a Post Doc, did his graduate work in the Beck lab, she said. He recently began a position as a User Research Specialist at Microsoft.

Graduate student researcher, Scott Parr, a Civil and Environmental Engineer, worked

on the research team and is now at California State University at Fullerton.

Beck and her researchers are also studying the attentional load that occurs when talking on a hands free cell phone while driving.

“Participants left voicemails on various topics while driving in the simulator,” Beck explained. “Drivers who were leaving a voicemail drove faster and had more steering deviation than drivers not leaving voicemails,” she said. “In addition, these effects were largest near pedestrian crosswalks and decreased as drivers became more familiar with the driving environment.”

“This suggests that talking on the cell phone can be most detrimental to driving safety when driving in an unfamiliar environment and when extra attention is needed for detecting important elements in the driving environment,” such as pedestrians, she said.

This project, “Effects of talking and visual attention load on driving behavior,” by Beck, and LSU Psychology graduate students Rebecca Goldstein and Katherine Moen will be presented at the Vision Sciences Society annual international conference in May in Saint Petersburg Beach, Florida.

The last author on both projects is the head of the Gulf Coast Center for Evacuation and Transportation Resiliency, Brian Wolshon. (<http://www.evaccenter.lsu.edu/about.html>)

Dr. Beck can be reached at the LSU Psychology Department where she also serves as the Director of Undergraduate Studies.

Distracted Driving Awareness Month

Interview with Dr. Scott Smith

Author of *Cell Phone Distraction, Human Factors, and Litigation*

Dr. Scott Smith, originally from Shreveport, earned his doctorate from Texas A&M. He has lived in Lafayette for about 20 years with his wife, a Nurse Administrator, and two children, one who is in high school and the other is a freshman at Louisiana Tech. Smith's background is in Educational Psychology and he is currently Assistant Professor at University of Louisiana Lafayette where he teaches several courses, including a graduate level course in professional ethics. He has authored, *Cell Phone Distraction, Human Factors, and Litigation*, published by Lawyers and Judges Publishing Company, a company focusing on litigation-based publications, in 2016.

Dr. Smith also directs the Forensic Cognition Laboratory at the University. "I primarily concentrate on how cognition applies to the courts," said Smith, "such as eyewitness testimony, judicial decision-making, memory, and other aspects. I also focus on reasons why students with disabilities fail or are successful with education. Lastly, I am completing research with a graduate student on head injury protocols for athletes, with a particular emphasis on high school athletes."

He has about five students in his lab currently, including Lauren Short, who is particularly knowledgeable about this topic, he said. "I am attempting to create another generation of researchers with skills and knowledge about this topic."

How did Dr. Smith become interested in cell phone distraction? "About six years ago, I was teaching a class, and a student, in which I knew was failing the class, was always on their cell phone during class. I asked the student to put up their phone and the student, bluntly and rudely, asked, 'Do you really know if cell phone use limits my ability to pay attention to your lecture?' I stated humbly, 'No.' After that, I completed a study, later published in *CyberPsychology*, on the effects of verbal cell phone use and texting on both true and false memory for learning."

Smith and his team looked at two types of memory. "First, there is true memory, or your memory for events that really happened," he said. "Second, I looked at false memory, or memory for events that did not happen, such as additions, deletions, and confabulations. What did I find? Cell phone distraction affects true and false memory very differently. Persons on their phone or texting have poorer true memory in comparison to persons without distraction. In contrast, false memory is greater in distracted persons than persons that are not distracted. Essentially, if distracted, you tend to recall fewer true details, and recall more details that are false."

How has his book, *Cell Phone Distraction, Human Factors, and Litigation*, been received? "I feel it has been received very well," Smith said. "It has been vetted in law libraries across the Nation, including Yale, Baylor, Texas A & M and others. Additionally, it has been placed in libraries in Asia. Furthermore, it has good sales. It reached #2 in the Personal Injury, Law category on Amazon."



The National Safety Council sees the most dramatic increase in auto deaths in 53 years.

Related to cell phone distraction, what does he think people least understand about the effects of cell phone use? "First, people do not realize how cell phone use affects their socialization, particularly in comparison to the past," he said. "People often today forego face-to-face communication to send a post on Facebook or offer multiple texts. This affects the ability for people to practice negotiation and the ability to establish rapport."

"Second, people do not realize how cell phone use affects learning, particularly learning processes. The days of traditional hard and soft cover books is quickly ending," he said. "Libraries are getting away from holding books, to places for people to access computers. For young children, and even today's college students, study materials are accessed through their cell phone, and tests similar through the same format. Information can be accessed quicker from the Internet. There is a concern that information may not be processed deeper, considering past learning styles."

"Third, alongside the last discussion, cell phones in my prediction affect our ability to suspend award or accept that time is needed to process information. Cell phones enable us to demand immediate feedback through texts or calls or emails. Learning itself demands consolidation. And, personal communication requires processing time. Cell phones dissuade these natural processes."

Fourth, while cell phones are beneficial, they obviously are distracting. They affect walking, with many accidents having an origin with both walking and using a cell phone. Also, obviously, they particularly affect our ability to drive. David Strayer, a researcher out of the University of Utah, equates cell phone use to drunk driving. In my opinion, this represents an accurate depiction."

What are some of the misperceptions people have about cell phone distraction

and driving? "First, people think that they are excellent dual taskers. Humans have limits regarding their ability to process information. People may "get by" dual tasking, or using their cell phones and driving, but their ability to perform both is indeed equivalent to a drunk driver assuming that he is able to drink and drive."

"Second, people think hands-free phones solve the problem, or that ear buds or speakerphones equate to distraction free driving. This is false. Driving requires touch or haptic, visual, and cognitive demands. Speakerphones may reduce haptic demands, but there still is the attentional demand. The attentional demand through cell phone use reduces the ability to make critical thinking decisions. It increases reaction time. It also prompts a series of dangerous behaviors, such as following too close, frequent breaking and inconsistent speed."

Should we try and eliminate cell phones? "No. That is not reasonable," he said. "They enable us to communicate, access information, and keep in touch with the world. However, any tool must be used wisely."

Dr. Smith notes that the research is mixed when it comes to legislation. "Some studies show that states with strict restrictions result in fewer cell phone related accidents and other students have failed to show any differences pre- and post-legislation."

What has been effective? "Research has shown that educational interventions have been effective, particularly if focused towards children and young adults less than 25. Public awareness, followed by educational interventions have showed some success."

"The cell phone will not fade away. However, as a tool, people must critically evaluate when it is okay and not okay to use this tool."

A Shrink at the Flicks

Manchester by the Sea

by Alvin G. Burstein, PhD

Manchester by the Sea is not a chick flick. It is a dark story with sparse flashes of humor that serve to highlight the essential darkness. It pivots on issues of male bonding. Of the females portrayed, the one that provides the most gratification to the men in the story is a fishing boat, the *Claudia Marie*.

The movie opens with the central character, Lee Chandler, struggling to unclog a toilet for an impatient woman occupant of the building in Boston where he is the janitor. Lee goes on to deal with a plumbing crisis in another apartment whose snarky tenant provokes Lee's ire, leading to a consequent rebuke from his employer. The emphasis on cleaning up messes is a signal that anger, in Freudian terms an anal issue, will be key in the film.

The next day, Lee learns that his brother, Joe, in nearby Manchester is gravely ill. Before Lee can get to the hospital, Joe dies. We see Lee's farewell kiss on his brother's cold cheek. Lee goes on to search for Joe's son, Patrick, and his breaking the news of his father's death to the teenager. In another reference to anger, when Lee finds Patrick the boy is embroiled in a hockey rink exchange of fisticuffs.

A tangled, hard-to-follow series of flashbacks provide context. Earlier, living in Manchester, Lee's drunken carelessness caused a house fire in which his two young children died. When the police decide that Lee will not be charged, he seizes an officer's gun and attempts suicide. It requires several officers to restrain him.

In other flashbacks, we learn that Lee's embittered wife, Randi, left him and remarried. We also learn that the initial



diagnosis of Joe's cardiac problems had panicked his wife, Elise, who deserted him and their son, Patrick.

In the main story line, Lee learns that his brother's will designates him as Patrick's guardian. Lee and Patrick try to become reacquainted and to resolve complications. One focus of their struggle is where to live. The boy does not want to leave Manchester and his hometown friends. On the other hand, Lee feels like an outcast in Manchester and wants to return to Boston where he has no past.

Another fraught issue is what to do with the *Claudia Marie*, an old fishing boat has taken generations of Chandlers on all male fishing expeditions, now decrepit and in need of expensive repairs. Lee cannot see a way of paying for them; Patrick is adamant about keeping the boat.

Patrick persuades Lee to abet him in his sexual adventures with high school girlfriends. The single mother of one of the girls tries unsuccessfully to arouse Lee's interest. Her awkward efforts and the teenagers' clumsy, error prone sexual scrambles provide comic relief. Additional comic relief flickers when Patrick's mother invites her son to dinner. The hyper-religious new husband is markedly unenthusiastic about acquiring a son.

In poignant contrast to these humorous elements, Lee's former wife, newly pregnant, accidentally encounters him and attempts to apologize for her initial lack of forgiveness. Lee cannot accept the tenderness. He responds with mute avoidance.

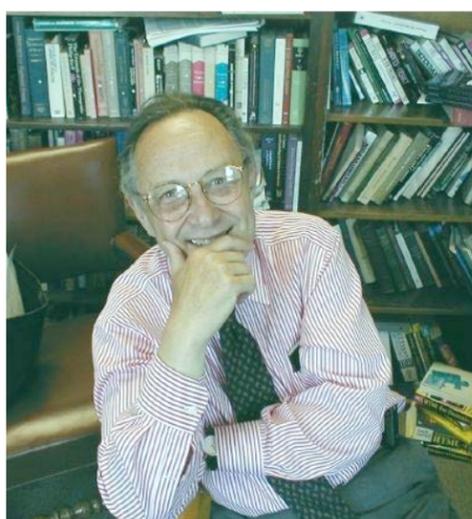
In another meaningful scene, one that echoes with the movie's opening, we see Lee, alone and feeling misunderstood, having a drink in a bar. He thinks one of the locals is staring at him and provokes a fight that leaves him bruised and battered.

The focus returns to the *Claudia Marie*. To Patrick's delight, Lee realizes that his brother's collection of expensive rifles can be sold to raise the money to repair the boat. Lee also persuades an old friend in Manchester to adopt Patrick, permitting the boy to finish high school in Manchester and freeing Lee to leave town. Patrick, grown fond of his surrogate dad, tearfully asks why Lee can't stay. Lee confesses that he "can't beat it"—can't find a way to accept closeness.

The movie ends with Lee and Patrick fishing on the refurbished boat. Lee tells his nephew that he will look for a new apartment with a guest bedroom, hinting at the possibility of a relationship, albeit an attenuated one.

Manchester by the Sea is remarkable in its depiction of male bonding, of the kind of tenderness than can exist between men. In contrast, it is unremitting in its depiction of flawed women. That misogyny made me wonder.

The movie clearly stresses the connection between Lee's angry outbursts and his depression. His self-hate like all depression, is self-directed anger.



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.

courtesy photo

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**Gary Dohanich, Ph.D., Professor, Department of Psychology,
Program in Neuroscience, Tulane University**

“Updates in the Neuroscience of Stress: ‘What’s Happening Inside My Brain?’ ”

Dr. Dohanich is the co-founder of Tulane’s major and masters programs in Neuroscience, and is the current director of Tulane’s doctoral program in Neuroscience. He teaches courses in Stress and Trauma, Psychopharmacology, and Behavioral Endocrinology. He is the recipient of Tulane University’s highest teaching awards, including the 1996 Sheldon Hackney Award for Excellence in Teaching, the 2007 Weiss Presidential Fellowship for Undergraduate Education, and the 2014 President’s Award for Excellence in Graduate Teaching.

**Susan Tucker, PhD, Clinical Psychologist
Warden, Bossier Parish Medium Security Facility**

“How to Design Complex, Comprehensive Change Programs”

Dr. Susan C. Tucker is a Licensed Clinical Psychologist and the Assistant Warden at the Bossier Parish Medium Security Facility. She developed the Steve Hoyle Intensive Substance Abuse Program which has earned national recognition for excellence. In 2016 the Louisiana Legislature commended Tucker and her team in a House Concurrent Resolution, pointing to multi-million dollar cost savings for the state. She has been honored by the Ash Center for Democratic Governance and Innovation of the John F. Kennedy School of Government at Harvard University and the Vera Institute of Justice and a frequent invited speaker across the nation.

**Tom Davis, Ph.D., Associate Professor of Psychology, LSU
Director of the Psychological Services Center**

***“One-Session Treatment of Specific Phobias: An Introduction to Rapid
Cognitive-Behavioral Exposure Therapy for Youth”***

Dr. Davis is an international expert on the science of one-session CBT treatment. He is on the editorial boards of the *Journal of Anxiety Disorders*, *Behavior Therapy*, the *Journal of Psychopathology and Behavioral Assessment*, and *Clinical Child and Family Psychology Review*. One of Dr. Davis’ books, *Intensive One-Session Treatment of Specific Phobias*, published by Springer, is considered to be the treatment manual for this approach. He is currently working with research scientists in the United Kingdom as part of the \$2 million research program and grant from the U.K. National Institute for Health Research on CBT approaches.

Special Report

What's Behind Door No. SB 37? *by J. Nelson*

In early March, the Louisiana State Board of Examiners of Psychologists (LSBEP) sprung the news on the community that it was crafting legislation for the 2017 session.

Senate Bill 37 was a surprise. At the November 2016 LSBEP Long-Range Planning meeting, the board had said it would work collaboratively with the community leaders to develop administrative Rules, not a new statute, to deal with its problems.

However, on or around March 3, LPA was contacted by the LSBEP Executive Director, Ms. Jaime Monic, with the news that there was now going to be a piece of legislation. Rulemaking had been abandoned, along with joint-decision making.

Putting aside the problem with agencies in the Executive Branch intimately participating in the Legislative Branch (a violation of the separation of powers), the current question is why legislation is really needed and why now.

According to the January LSBEP minutes, rulemaking was sidelined after a discussion with one of the attorneys. Darla Burnett, PhD, MP, had already met with Deborah Harkins [board lobbyist] to discuss a contract to assist with “legislative issues,” noted the minutes. By February, Burnett and Harkins had met with Legislative Attorney Michelle Ducharme on issues “that may require statutory revisions.”

In early March the board finally alerted LPA officials to their plans, but the had been cast.

Senate Bill 37 includes one routine clean-up issue and two significant and potentially serious matters that involve the Complaints Committee, issues

that the board has been dealing with under the radar: 1) skyrocketing legal fees in the complaints and investigations subcommittee, and 2) the “prescription” or time-limit on investigations.

The Complaints Committee, is a subcommittee that operates without direct oversight of the board members. The reason for this is to keep board members free of exposure to information, so they could vote at hearings.

So, the subcommittee has a good deal of power and authority delegated to it by the board, performing functions of disciplinary matters until a complaint rises to the level of a hearing or other recommendation. This includes a good deal of control over Consent Orders, making decisions about how and when to investigate, decisions about when to hold an informal hearing or recommend a formal hearing, what evidence is required, how valid the evidence is, or when to engage a respondent (defendant) into the impaired psychologist program.

So, to help connect dots with SB 37, the *Times* requested public documents from the board about personnel and attorney fees for 2015 and 2016 and also the Policy & Procedures. Other public documents and private documents and information was gathered, and some people interviewed. Since the LSBEP prohibits press interviews, I was not able to ask anyone at the board direct questions or clarifications.

We found that the Policy and Procedures (P&P) have been changed dramatically over the last decade, such that now the composition of the Complaints

Committee, once staffed by experienced psychologists, who could call upon other subject matter experts in psychology when needed, are gone. In their place are a Private Investigator and a Prosecutor. In the past, the technical leader was the Complaints Coordinator, required to be a former board member. Now, the Coordinator is no longer required to have board experience. And it is not clear who has leadership control and accountability of the Committee.

The Committee screens, investigates, and prosecutes. It is not clear how exposure to information at one point is protected from influencing matters at another point, looking at the P&P.

The description of exactly how things are to be done, provided in the current P&P, lacks a high level of precision and clarity. There are inconsistencies. It appears that many decisions, between the initial assessment of a complaint, and before the referral to a formal hearing, may rest primarily on the abilities and wisdom of those in the Complaints Committee, most of who make decisions for which they are compensated.

The program design is a concern, possibly having led to certain odd happenings: attorneys debating the definition of “a complaint;” a prosecution seemingly requiring over 200 hours.

By policy, the Committee appears to be self-managed, which can lead to problems with self-correction and, if unrecognized, groupthink problems. The “prescription” issue appears to be an example. It seems now that the

LSBEP attorneys were confused on matters of time-limit in the Psychology Practice Act. If proved valid in District Court, the mistake has resulted in tens of thousands of dollars in wasted legal fees, on both sides.

This problem with management control and efficient processes also looks to be a concern, as invoices for the Prosecutor came to \$146,987 for three cases. One was dismissed for what appeared to be the time-limit mistake, and another might be dismissed for the same reason. There were 534 hours of prosecution on three cases. Cases, while some tend to forget, are misdemeanors.

It is not clear how SB 37 might fit in to this picture, but here is some of what was found.

Fees in the Investigations Subcommittee

According to records obtained, the escalating legal fees at the LSBEP stem primarily from charges from the Board Prosecutor, a member of the Complaints Committee, and held currently by Mr. James Raines.

Over 2015 to 2016, and into January 2017, Mr. Raines prosecuted 16 cases. Many of these were for small amounts, which suggests consultation and rather prosecution services. Since notations on the invoices were redacted, specific services are not known. However, as Board Prosecutor, his job, as noted in the P&P, is to prosecute cases before the board.

Three of these 16 cases amounted to \$146,987 of charges from Mr. Raines and were consistent with formal hearings, and cases where psychologists fought the charges against them.

Cont'd next pg



A recent disciplinary hearing held at the Louisiana Municipal Building. Prosecution and the defense costs in the dispute combined may have reached \$150,000.

What's Behind Door No. SB 37? *continued*

Complaints Coordinator, also a member of the Committee, is Dr. Shasha Lambert. Dr. Lambert was licensed in February 2013 and took on duties to assist Dr. Christopher Garner, but then Dr. Garner resigned in the fall of 2016 and Dr. Lambert appears to be serving alone.

Over the two-year period, the Complaints Coordinator, the only psychologist in the Committee, charged some of the lowest fees.

Dr. Gary Pettigrew, who retired at the end of 2015, submitted invoices of between \$150 and \$250 monthly. Dr. Garner submitted invoices of between \$100 and \$300 monthly. Dr. Lambert attended two recent hearings and these appeared to be reflected in the invoices. One invoice was for \$700 and \$1,000 and then for a higher than average number of hours that coincided with two hearings, with charges of \$6,500. Her fee is \$100 per hour.

The Board Investigator is Mr. Tony McCoy, Statewide Surveillance & Investigations. Mr. McCoy is a Licensed Private Investigator. He is not a psychologist. He submitted fees from some months during 2015 and 2016. His invoices averaged \$771.31 per month and ranged from \$36.98 to \$2,630.78. His fee is \$60 per hour.

General Council is not listed as part of the Complaints Committee, but it appears that these attorneys do have some overlap. Taylor Porter attorneys are Mr. Lloyd Lunceford and Ms. Amy Groves Lowe. Fees are \$225 per hour and their monthly charges ranged from zero to \$2,470 over the 2015 to 2016 time period. After removing the outliers for August and September 2015 [see the "prescription" issue below], the average fee per month for Taylor Porter was \$933.68.

Mr. Raines is the Board Prosecutor, and a partner in the law firm of Breazeale, Sachse & Wilson. Mr. Raines' fee is \$275 per hour. For large cases another attorney was involved, at \$150 per hour, and a paralegal at \$60 per hour.

Over the two-year period (and into January 2017 when there was a hearing) the Board Prosecutor submitted charges on 16 cases. Information as to the actual service was redacted.

Seven of these cases resulted in fees from the Prosecutor ranging from \$165.00 to \$550.00.

Another six of the cases resulted in fees for the Board Prosecutor: \$1,244.25, \$1,801.75, \$3,292.50, \$3,478.75, \$3,849.50, and \$6,780.78.

One of these appears to have been closed in 2016 with a reprimand related to mandatory reporting issues but this cannot be verified.

Another appears likely to still be open, but it is not clear which of the others have been closed, dismissed, or remain open.

The remaining three cases included what looked like fees for hearings and coincided with known dates of hearings.

The first of the three appears to be the case reported on in the *Times* in 2015 involving Dr. Alicia Pelligrin. The case against her stemmed from high-conflict custody situation, and Pelligrin asked for a public hearing and asked that the *Times* attend the proceedings. Before the hearing, another hearing on what is known as "prescription" or the time-limits for investigations, was called. Then that was moved to a decision on Pelligrin's case and the case was dismissed.

The total legal fees for the case against Dr. Pelligrin by Mr. Raines came to \$29,436. Fees from board general council, Mr. Lunceford and Ms. Groves, appeared to coincide with the hearing. Calculating this amount, minus the average monthly fee, equals \$15,833.50 at that time for general council attorneys. If this estimate is valid, then the case, which was dismissed, included legal fees to the LSBEP of \$45,269.50.

Another case appeared to begin in 2014 or before, and resulted in a hearing in 2015. The case is being appealed in District Court. Legal fees for Mr. Raines totaled \$50,168.91 with another \$5,500.50 for the administrative law judge. If the psychologist wins on appeal, it may be that the board could have to reimburse the legal fees for the defendant.

A third case was heard in January this year. The defendant

fought the charges, producing several witnesses including an expert in forensic psychology, Robert Gordon, PhD, ABPP. The board's decision was to revoke the psychologist's license. It is not known if it will be appealed.

Mr. Raines fees were \$67,383 and general council attorneys, one serving as the hearing officer or administrative law judge, appear to have come to \$10,912. These fees are to be paid by the defendant, who was judged in violation of professional standards and the misdemeanor crime.

Composition of Complaints Committee is Very Different than in the Past

The Policies & Procedures (P&P) obtained from the board show that personnel in the Complaints Committee have changed dramatically over the last decade. Ten sets of P&Ps were produced by Ms. Monic, and there appeared to be gaps and inconsistencies in these various documents.

By far the most dramatic changes however, were in the composition of the Committee. Current P&P list four positions: A.) Complaints Coordinator, B.) Board Investigator; C.) Board Prosecutor; and D.) Executive Director.

The Complaints Coordinator is the only psychologist. In the early version of P&P (2007–2009), the Complaints Coordinator was required to have been a former board member. The requirement for board experience appears to have been removed.

In the past, the Investigators were often recruited from the available subject matter experts in the at-

large psychology community by specialty or subspecialty, according to sources.

Currently the Investigator is not required to be a psychologist, but must be a Licensed Private Investigator.

In 2007–2009, there was no position called "Board Prosecutor." In the past, "... an attorney for the Board may be consulted by the Complaints Coordinator or an LSBEP Investigator." In comparison, the 2017 version identifies the "Board Prosecutor" as a regular member of the complaints committee.

It is not clear from the documents when the Prosecutor position was added. The first notation appears to be in a February 2016 version of the P&P. A June 2015 revision, that was discussed, does not include the Prosecutor position. However, Mr. Raines' employment was announced in December 2014.

In the past, there did not appear to be a separate role for the Executive Director to be a member of the Committee. The current P&P identifies the Ex. Director as committee member and a participant in face-to-face meetings with individuals involved in the disciplinary process.

There have been changes in duties. For example, in the earlier version of P&P, the Consent Order is "prepared by the Investigator (in consultation with the attorney for the Board if necessary)." In the 2017 version, the Consent Order is to be "prepared by the Complaints Coordinator or Board Prosecutor."

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Board's general council, Mr. Lunceford, presiding at a hearing.

What's Behind Door No. SB 37? *continued*

It is not clear that all procedures are being followed. For example, both versions of the P&P note that it is the Investigator who presents the evidence in the formal hearing, and may be assisted “by the Board’s attorney.” However, in a recent hearing the evidence was presented by the Board Prosecutor.

There are similarities carried over the years in certain steps and processes. For example, both versions allow for a “Letter of Instruction,” where a minor offense is corrected with feedback only, and not public record. The P&P from both time periods also notes that the respondent/defendant may participate in an “informal hearing process.” This includes the decision to participate in a Consent Order.

One-Year Time Limit —Is the Board Glossing Over Mistakes?

A second issue in SB 37 is that it deletes the one-year time limit for investigations to be completed. This issue, called prescription, came to light in 2015 when the investigative subcommittee ignored the time limit wording in the Psychology Practice Act.

One of the highest cost cases is waiting in District court now, filed in 2015, and one of the issues on appeal is the time-limit. If the defendant wins the appeal, the LSBEP may have to repay his costs.

The issue with time limits came to public attention in a September 2015 hearing, after Dr. Alicia Pelligrin exercised her right to an open hearing and asked that the press attend. The complaint against her was from a high-conflict child-custody evaluation.

At that meeting the board members appeared to be guided by general council attorney Lloyd Lunceford, to avoid an open discussion of the time-limit issue.

During Dr. Pettigrew’s (Complaints Coordinator at that time) review of his findings, attorney Mr. Lunceford interrupted and asked Pettigrew, “Based on the pre-hearing investigation, do you have a recommendation to make?”

Pettigrew responded, “Yes. My recommendation is that, purely upon the advice of the prosecuting attorney, that this case be dismissed.”

The Chair, Dr. Marc Zimmermann then asked, “Do any of the board members have any questions at this point?”

Immediately Mr. Lunceford asked, “Is there a motion to go into Executive Session to discuss with legal council a recommendation?”

They moved into executive session and it was not clear on what grounds this closed meeting was allowed. When they emerged from the session, Dr. Jessie Lambert, said, “... I put forth a motion to dismiss this matter on legal advice.”

Zimmermann said, “We have accepted the dismissal of—has it risen to the point of a complaint yet?—of the investigation slash complaint. Okay, the next item on the agenda would be—”

Lunceford interrupts again and said, “That actually moots consideration of a motion to dismiss on prescription.”

Prior to that meeting, according to the defendant and her council, the agenda had



Dr. Robert Gordon, expert witness for the defendant, at a recent disciplinary hearing of the board.

been changed to hear Dr. Pettigrew first, rather than the motion to dismiss based on the time-limit. This change caused the issue of time-limits to become “moot.”

Before leaving the meeting, Mr. Lunceford spoke about the issue to the Chair. “Although the matter on motion to dismiss based on prescription is moot,” he said, “there are some significant issues that are raised in that, that will be the subject of attorney advice recommendations by both Amy [Groves] and me ...” he said.

“I know there have been a lot of turnover from an administrative standpoint, I’m not sure where things took a different path, but Amy and I will be happy to elaborate on the pros and cons of that ...” Lunceford said to Zimmermann.

The time limit had been the source of previous debate between Pellegrin’s team, the Board Prosecutor, and staff in the subcommittee, including debate on what exactly constituted a “complaint.” At one point, the board attorney argued that the board did not receive a complaint, that the subcommittee was separate from the board.

The Investigations Subcommittee Needs Study and Reform

In 2015, the Executive Director, Ms. Kelly Parker, who has been a member of the Complaints Committee, and who was said to have a background in investigation, resigned. Dr. Greg Gormanous took over as Ex. Director, assisted in the September hearing, but then three months later he resigned. In late 2015, the Complaints Coordinator of ten years, Dr. Clinton (Gary) Pettigrew resigned. He was replaced by Dr. Chris Garner, but then Garner resigned in 2016.

Several sources in the community have reported an adversarial tone in the subcommittee over the last years. “You’re guilty until proven innocence,” one source said. Another recently stated that the case against him was “...built on lies...” It was noted in an email exchange by the board’s

general council, that a defense attorney used the term “repugnant” to describe his feelings about the process.

The process is very hard on people emotionally:

“My heart was pounding at every meeting.”
“You feel isolated and helpless.”
“It has been devastating.”

It is difficult to remember when one’s career hangs in the balance that these mistakes, even when valid, are misdemeanors. And defending can easily cost \$50,000 or more.

This review caused more questions than we started with: What is happening that a Prosecutor needs 200 hours to prosecute a case? Why is the Board Investigator not presenting the evidence? Where are the subject matter experts? How do non-psychologists judge the validity and relevance of evidence, that is, by definition, often made by an individual with mental/emotional issues? When exactly is the person “judged” or “arrested” in this process? Where are the checks and balances and protections against groupthink and confirmation bias? Where is the protection from economic incentives leading to motivated reasoning?

And when does the mental status of the defendant come into play? Do we provide for the rights of everyone’s mental health but those of our own colleagues?

It is not clear what is behind SB 37 but possible fixes should wait until a comprehensive study is done and linked to meaningful reforms.

[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 reporting for the Times and any opinions expressed in analysis here, are those of her own, and do not represent any group or association. She and the Times receive no money or compensation other than paid advertising. Email her at drj@drjulienelson.com. —she welcomes feedback.]

Board to Coordinate Anti-Trafficking Programs is Proposed

Senator Johns has proposed a measure to create the Louisiana Human Trafficking Prevention Commission and Advisory Board in the office of the governor. SB 42 was recommended by the Louisiana State Law Institute, according to the text.

The bill seeks to assist state and local leaders in developing and coordinating human trafficking prevention programs, and asks that officials conduct a review of all existing public and private human trafficking programs.

The new board is to make recommendations with respect to human trafficking prevention and intervention and also develop a state needs assessment. Another goal is to establish a method to transition human trafficking service providers toward evidence-based national best practices focusing on outreach and prevention.

One goal includes promoting training courses and other educational materials for use by persons required to undergo training on the handling of, and response procedures for, suspected human trafficking activities, and to develop a framework to collect and integrate data and measure program outcomes.

Dr. Rafael Salcedo, licensed psychologist, and wife Beth Salcedo, licensed speech-language pathologist, are founders of The Louisiana Coalition Against Human Trafficking, the only licensed, therapeutic group home in the state for helping teen girls escape the physical and psychological bonds of sex-trafficking.

Dr. Salcedo, Chair of Community Psychology Committee, told the *Times* he would look into the legislation.



Attendees at the Annual Mindfulness Day, Saturday, April 1, in Baton Rouge held at the Tam Bao Buddhist Temple. Front Row (L to R): Dr. Christiane Creveling-Benefield, presenter Dr. Emily Sandoz, Dr. Gail Gillespie and Dr. Charles Burchell. Second Row (L to R): Presenter Corey Porche, Dr. Sumer Ledet, Dr. John Pickering, Dr. David Weibel, presenter Thay Dao Quang and Dr. Jeanne George. Back Row (L to R): Dr. Richard Flicker, Dr. Randy Lemoine and Dr. John Brun. (Photo courtesy of Dr. Flicker.)

Annual Mindfulness Day Draws a Wealth of Psychologists

Dr. John Pickering, organizer of the Baton Rouge based Mindfulness Day workshop, presented in conjunction with Thay Dao Quang and the Tam Bao Buddhist Temple, declared the recent April gathering one of the largest turnouts and especially of psychologists he's seen.

"This was the biggest turn-out of psychologists we've had in our eight years of doing the workshop," Dr. Pickering noted.

The Tam Bao Buddhist Temple and the Meditation Hall in Baton Rouge is the location for the day long workshop every year, usually in April. Like this year, the event is attended by social workers, counselors, and others in the broader community.

Dr. Emily Sandoz and Mr. Corey Porche were 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 on "Acceptance and Commitment Therapy (ACT): Shaping Psychological Flexibility for Mindful, Meaningful Living."

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.

Attendee Dr. Richard Flicker captured the rare event with a photo. "I don't know if you've ever tried to round up a group of psychologists for a photo—of course you have, but after several aborted attempts—there was always someone in the bathroom, talking away from the location, getting something to eat/drink, etc.."

LSBEP Legislative Committee Calls Monday Meeting

The Legislative Oversight Committee of the Psychology Board posted a notice on Friday, March 31, in the afternoon announcing it would meet on Monday, April 3, at 3:00 pm.

The agenda noted that the group, Dr. Darla Burnett and Dr. Jesse Lambert, would address these topics:

"Review and Discuss SB 37 MARTINY – Relative to the Louisiana Psychological Associations concerns and potential amendments.

"Review and Discuss SB 38 MORRELL – Relative to potential concerns regarding privileges for Licensed Professional Counselors to perform psychological testing and diagnose severe mental health disorders.

"Review SB 75 MILLS – Relative to potential concerns regarding the Board's continued autonomy and ability to carry out the adjudication functions in a fiscally responsible and timely manner.

Review and discuss other proposed legislation impacting state boards, mental health issues and the practice of psychology."

Up-Coming Events

Dr. Jack Naglieri to Present on Executive Functioning, June 3 at Louisiana Psychological Association Convention in New Orleans

Jack A. Naglieri, Ph.D., Research Professor at the Curry School of Education at the University of Virginia, Senior Research Scientist at the Devereux Center for Resilient Children, and Emeritus Professor of Psychology at George Mason University, will present a workshop on Saturday, June 3, as part of the Louisiana Psychological Association's Annual Conference, to be held at the Doubletree in Kenner, near the New Orleans airport.

Dr. Naglieri is a well-known teacher, researcher, and test developer. Dr. Naglieri is the author or co-author of more than 300 scholarly papers, books, and tests. His scholarly research includes investigations related to topics such as intellectual disabilities, specific learning disabilities, giftedness, and Attention Deficit Disorder.

In this presentation Dr. Naglieri will describe a five-dimensional model of executive function (EF); intelligence (e.g., CAS2), observable behaviors (e.g., CEFI), social-emotional skills (e.g., DESSA); academic achievement (e.g., FAR); and impairment (e.g., RSI).

The session will include a discussion of the theory, assessment, and research relevance of tools that can be used to form a comprehensive assessment of Executive Functioning across these dimensions and a way to measure the amount of impairment an EF weakness creates. Benefits include a broad view of EF that can be used to guide assessment and improve academic, behavioral and social-emotional skills.

This presentation is designed to help participants learn about the historical, theoretical history of executive function as a major force in the evolution of the human species.

Naglieri's work includes psychometric studies of tests such as the Wechsler Scales of Intelligence, Naglieri Nonverbal Ability Test, Cognitive Assessment System, and the Kaufman Assessment Battery for Children; examination of race, gender, and ethnic differences in cognitive processing.

He has studied fair assessment using nonverbal and cognitive processing tests; identification of gifted minorities, IDEA and identification of specific learning disabilities; and cognitively based academic interventions.

He has authored various books, including Essentials of CAS Assessment (Naglieri, 1999), and co-authored other books including Assessment of Cognitive Processes: The PASS Theory of Intelligence (Das, Naglieri, & Kirby, 1994), Helping Children Learn: Intervention Handouts for Use at School and Home (Naglieri & Pickering, 2003), Essentials of WNV Assessment (Brunnert, Naglieri, & Hardy-Braz, 2009), and Helping All Gifted Children Learn: A Teacher's Guide to Using the NNAT2 (Naglieri, Brulles, & Lansdowne, 2009).

This year's conference theme is "The Evolving Role of Today's Psychologist," and includes presentations by distinguished psychologists and psychological scientists from around the state.

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