

IOM Sides with Psychological Science

In an April 10, 2015 report, Institute of Medicine (IOM) authors sided with psychological science saying that not only should psychological testing be routinely performed in many types of Social Security Disability claims, but that the use of symptom validity testing in particular is needed when there are questions of credibility.

The IOM’s findings are another volley in the now decade-long debate between psychological scientists and policy makers at the Social Security Administration (SSA). The IOM began its review in 2013 after members of Congress and the Office of Inspector General put pressure on the SSA to change its policy. Instead of complying, the agency

said it disagreed and would seek out an independent review from the IOM.

If the SSA follows the IOM recommendations it could save taxpayers between \$20 billion and an estimated \$68 billion or more, per year.

At the center of the debate is New Orleans clinical neuropsychologist, Dr. Michael Chafetz, one of a small group of psychological scientists around the country who began to notice disturbing patterns as he went about performing routine disability evaluations as a consulting psychologist.

The controversy hinges on the agency’s steadfast resistance to using modern psychometric

tools to measure malingering despite the consensus in scientific circles these tools are needed for accuracy. This position also runs counter to other federal agencies and private industry.

On the surface of the issue, the debate has involved the use of symptom validity tests, known as SVTs, in disability evaluations. But underneath, the politically sensitive and disturbing problem of malingering in disability claims is at issue. As psychological science has improved its methods, research with SVTs has shown that up to 40 percent or more of claims include some level of malingering. This can be an



Dr. Michael Chafetz has been at the center of the debate about improving validity in SSA disability exams. The SSA Inspector General, members of Congress, and now the Institute of Medicine, support his views.

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Dr. Paul Frick Takes the Crumpler Chair at LSU

Dr. Paul Frick will be the inaugural recipient of the Roy Crumpler Memorial Chair in Psychology at Louisiana State University, Baton Rouge campus. Frick most recently served as the Department Chair in Psychology at the University of New Orleans.

In a Louisiana State University (LSU) press release last month by Tara Kistler, Dr. Frick said

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Dr. Bonnie Nastasi
(Courtesy photo)

Dr. Nastasi at United Nations

Tulane Professor Dr. Bonnie Nastasi spoke at the 8th Annual Psychology Day at the United Nations, held April 30 at the UN headquarters in New York City. Dr. Nastasi presented, “Promoting Psychological

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Researchers Present at APS

The Association for Psychological Science will hold its 27th Annual Convention May 21–24 in New York City. Researchers from Louisiana State University, Louisiana Tech, Tulane, University of Louisiana–Lafayette, and Xavier will be presenting their work.

Jeffrey Brown and Michael Brachfeld from Tulane psychology, and Ashley Galsky

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Legislators Search for Ways to Fund Higher Ed/Healthcare Budget Crisis Draws Host of Bills

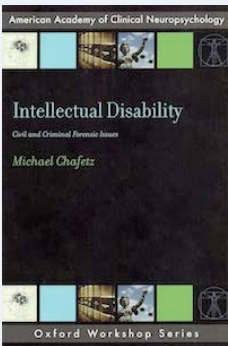
Responding with ideas to the \$1.6 billion shortfall, legislators have come out with a host of bills to piece together a state budget during the crisis. The outlook is particularly gloomy for education and healthcare, but measures include efforts to change the state’s constitution to help lawmakers take some of the pressure off the two areas that are not protected from the chopping block.

Left: DHH Secretary Kathy Kliebert and Under-secretary Jeff Reynolds testify about Medicaid.

The patchwork quilt of bills put forward to both to help balance the budget include a number of measures to do away with tax credits. Examples are HB 366 by Representative Bryan Adams that would change refundable tax credits to nonrefundable credits. HB 563 would also reduce tax credits, HB 659 sunsets all tax credits, and HB 749 calls for a review of all tax credits. HB 629 reduces corporation tax credits. But most of these measures are pending.

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Editorial Page – Opinions

The SSA Flies Like a Beetle *by J. Nelson*

The Institute of Medicine came out hands down in favor of science—empirical rather than emotional problem-solving methods. This is in no small way due to our colleague Dr. Mike Chafetz. Two points to Mike, psychological science, and innovation, for dunking the ball. But we shouldn't break out the champagne yet.

This is not the first time the SSA has been told by its authority figures to make changes. Its Inspector General (OIG) told it to conduct disability reviews when they are due, to conduct additional work-related reviews, to revise future benefit payments regardless of when the error is discovered, and to seek prosecutions or sanctions for false applications. Did any of this get done? Nope.

If the SSA were open to feedback, the early efforts of the neuropsychologists would have been enough, rather than having to be nagged for almost a decade.

The SSA exhibits some of the same organizational symptoms that we have seen in the IRS recently, marked group defensiveness and arrogance. IRS Commissioner John Koskinen repeatedly said—under oath—that Louis Lerner's emails could not be recovered. The Oversight Commission sent subpoenas, held hearings, and sent letters. The IRS said, 'Nope, there are no emails. They're all destroyed, not available, can't be recovered, yada yada.'

Oops. Now a Deputy OIG has located about 33,000 of Lerner's emails, in only two weeks. And he's discovered that the IT guys in charge of those emails had never even been asked for them.

Perhaps instead of an Office of Inspector General, whose job appears to be to nag the SSA and the IRS, the taxpayer might be better served if we install a Twelve-Step Program.

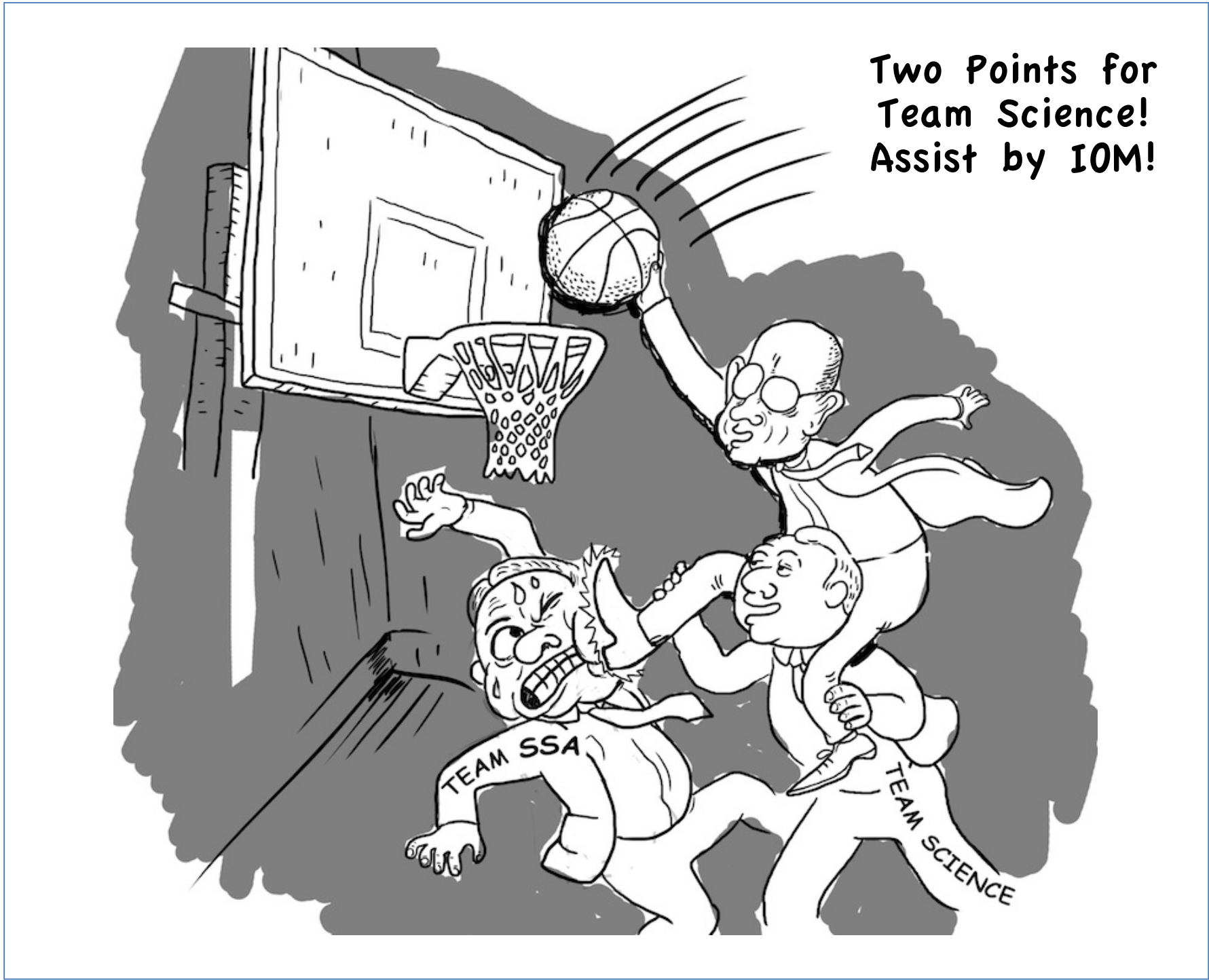
What symptoms tell us that a group or organization is dysfunctional? Characteristics we can observe fairly easily are the group's boundary and its leadership. Group boundaries are important causes of other group outcomes, described by Clayton Alderfer in his theory of embedded group relations. When a group becomes resistant to information and defensive, faulty decision-making occurs because of lack of information flow. Then, group-think can increase and so can over-confidence in leaders and members. Did Commissioner Koskinen have the correct information when he told Congress that there were no emails to give them, or was this something even more serious?

Groups that malfunction like this can lose track of their core mission. The SSA seems very resistant to innovation, the OIG, and Congress. Who does SSA really consider its customer to be? The claimant, the taxpayer, or itself?

Things should go more smoothly. We are in need of knowledgeable, virtuous, and wise leaders, who work to understand these complexities. We can't always count on someone like Chafetz to stumble into a leadership role for the rest of us. Not only did he stumble into the data, he also conducted scientific studies, withstood unusual pressure from his client, reported to authorities, and persisted for a decade. It doesn't matter if he is right in every single issue, he is a model for the rest of us as to the role of applied science in our society.

But, maybe humankind makes changes in just this awkward way. Bertrand Russell wrote an essay about his friend and author, Joseph Conrad, remarking on Conrad's "deep-seated sense of fatality governing this man-inhabited world."

"Man," Conrad told Russell, "...doesn't fly like an eagle, he flies like a beetle. You must have noticed," Conrad said, "how ugly, ridiculous and fatuous is the flight of a beetle."



IOM Sides with Psychological Science, continued

especially thorny issue in claims of mental impairment (low IQ), in emotional disorders such as depression, and in some physical claims, such as chronic pain.

In the IOM report, titled *Psychological Testing in the Service of Disability Determination*, authors recommend the use of standardized psychological tests, administered and interpreted by psychologists, for mental disorders and whenever somatic complaints are not fully supported by physical test results. They also recommend the use of SVTs when needed for accuracy.

Chafetz and colleagues collected archived data to understand the accuracy of their results, also called validity, research that the SSA does not do for itself. But the reception for their efforts has not always been welcoming.

Psychology’s efforts to help SSA innovate have been ineffective

In 2007 Dr. Michael Chafetz and coauthors published the first peer-reviewed research article about malingering in Social Security

claims, “Malingering on the Social Security Disability Consultative Examination: A New Rating Scale,” in *Archives of Clinical Neuropsychology*.

Prior to this, in 2003, Chafetz had shared his research with the local Disability Determinations Service (DDS) for a training workshop, “Malingering on the DDS consultative examination in psychology.” The DDS coordinator congratulated him on his research efforts and thanked him for the workshop, according to internal emails obtained by the *Times*.

But after publication of the 2007 article, DDS severed their relationship with Chafetz. He had previously performed almost 1,000 disability evaluations for the agency over the years, without complaint.

According to emails obtained from DDS, the officials were concerned about the article and study of claimant results, and were in contact with the regional office about what to do

about Chafetz. The emails were not specific on the reason for his release.

Chafetz has repeatedly declined to comment on this issue, saying that it is private and that the agency had the right to discontinue with him at any time.

However, along with colleagues in other areas of the country, Chafetz continued to do basic research, using anonymous claimant data, and in particular, the use of SVTs. The researchers began to see troublingly high “base rates.” As part of a series of research articles, researchers have found base-rates of malingering in social security claims of 41.8 percent. This is higher than the 30 percent that is typically found in legal cases.

Researchers have also demonstrated that malingering is “dose dependent.” There are higher levels of malingering in those seeking the higher benefits or compensation, and also higher levels when the claimant is seeking federal dollars. Chafetz has also described malingering by “proxy,” where children were coached to fake by a parent.

One of SSA’s complaints is that low-IQ individuals, those seeking benefits for intellectual disability, are unfairly labeled as malingering. However, in a study titled, “To Work or Not To Work: Motivation (Not Low IQ) Determines Symptom Validity Test Findings,” Chafetz and colleagues Drs. Erica Prentkowski and Aparna Rao cast doubt on this concern. They compared three groups of low IQ individuals. One group was seeking disability benefits, another group was seeking employment, and a third group was trying to get custody of their children. Only those seeking compensation scored high on malingering.

Chafetz and colleagues have published 15 articles on the topic. He has presented his work repeatedly, including at the American Psychological Association and the Louisiana Psychological Association (LPA). Recently Chafetz has authored *Intellectual Disability: Criminal and Forensic Issues*, published by Oxford Press, which includes many of these issues.

However at one point, officials at DDS sent a letter to all of its

consulting psychologists cautioning them about the content of a presentation by Chafetz, hosted by LPA. DDS officials were not willing to provide comment on the matter.

Psychologists have had little success influencing SSA positions. In 2008 the president of the National Academy of Neuropsychology, president of the American Academy of Clinical Neuropsychology (AACN), and others, joined in signing a letter by Chafetz sent to SSA advocating the use of validity tests. According to Chafetz, shortly after that the AACN created a committee on the issues and held a teleconference with SSA to discuss the issues. In 2010, the neuropsychology division of the American Psychological Association also created a task force that then provided guidance on new SSA rules.

Congress and OIG get involved

By 2012 U.S. Senator Tom Coburn became involved in trying to update procedures at the SSA. Coburn, now retired, is known for his efforts to uncover government waste.

In 2011, through the U.S. Senate Permanent Subcommittee on Investigations, committee on Homeland Security and Governmental Affairs, Coburn was studying problems with backlogs in disability appeals. Appeals rose from 12,000 in 1999 to 817,000 in 2012, according to the U.S. Budget Office. The increase had to be processed by Administrative Law Judges (ALJs) who were struggling with extremely high case loads causing years long wait times for decisions.

Coburn’s research found errors rates of 25 percent and insufficient evidence in decisions by ALJs. Some judges approved appeals simply because they did not have time to study the case, according to a report by the Cato Institute.

Senator Coburn was referred to Chafetz by an ALJ, Chafetz explained to the *Times*. And in September 2012, Chafetz provided a special presentation in the public interest for Coburn’s office, through the Louisiana Psychological Association Online Academy.

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The Psychology Times

Member, Louisiana Press Association

Published monthly
by Nelson News, LLC.
psychologytimes@drjulienelson.com

Publisher: Julie Nelson, PhD

Journalism Consultant:
Robert Holeman,
Editor (Ret.), The Coushatta Citizen,
Winn Parish Enterprise.

Columnists/Reporters:
Shane Lowery, MS, Intern
Dr. Susan Andrews, Dr. Alvin Burstein

Cartoonist: Jake Nelson-Dooley

Photography: Yael Banai, M. Dooley, Tom Stigall,
Britney Waters

Social Media: Jamilah Muhammad

We welcome ideas for news, features, Letters to the Editor, photos, and other material related to psychological community of Louisiana.

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Corrections & Clarifications

For our April issue Dr. Marsha Redden corrected us that she is not teaching, but studying, at the U. of South Carolina. She’s taking statistics.

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

IOM Sides with Psychological Science, continued

By January 30, 2013, Coburn wrote to SSA Commissioner, Michael Astrue, asking that the agency fund psychological tests that measure malingering.

“... the agency's decision stands in stark contrast to current scientific research and findings,” Coburn said and pointed out the support for use of symptom validity tests to identify malingering in psychological evaluations. “In fact, there is broad consensus within the medical community that malingering is a problem and must be addressed,” he wrote.

Coburn noted that there could be \$20 billion in a single year of benefits for “malingered mental disorders alone.” He also said, “Translating these base-rates of malingering to benefit payments is alarming.” And, “If one considers that ‘disability,’ which is defined as an inability to work, can be feigned no matter what the illness, then the agency spent approximately \$68 billion (or 40 percent of \$170 billion in total net benefit payments) in 2011 on disability beneficiaries who were likely malingering.”

Coburn criticized the SSA, saying “... the agency has no idea of its inability to measure the impact of the fraud occurring under its own roof.”

In March 2013, Chairman for the U.S. Committee on Oversight and Government Reform, Darrell Issa, wrote Acting SSA Commissioner Carolyn Colvin. Issa pointed to a number of OIG recommendations that SSA had not implemented. These included improvements to continuing disability reviews, reporting to Congress, conducting of additional work related reviews, revisions to benefit payments, and prosecuting false applications. According to Issa’s letter, the recommendations either had not been implemented or the outcome was unknown. Issa and coauthors also cited Coburn’s findings and the agency’s failure to address “insufficient, contradictory or incomplete evidence,” in disability claims.

Office of Inspector General

In April 2013, Chafetz was asked to present for the Inspector General’s Office (OIG) and by September 2013 the OIG released a report pointing to flaws in SSA’s policy. In “Congressional Response Report: The Social Security Administration’s Policy on Symptom Validity Tests in Determining Disability Claims,” the OIG investigators said that the SSA runs contrary to scientific and medical consensus, other federal agencies such as Veterans Affairs, and standard practice in the private insurance sector, when it refuses to allow the use of SVTs.

The OIG concluded, “While SSA does not allow the purchase of SVTs for its disability determinations, we found that medical literature, national neuropsychological organizations, other Federal agencies, and private disability insurance providers support the use of SVTs in determining disability claims.”

The SSA was still resistant. Their response was authored by a CPA and Financial Manger, Mr. Gary Hatcher.

Mr. Hatcher wrote, “We believe that tests cannot prove malingering, as there are no tests that conclusively determine the presence of inaccurate patient self-reporting. We do not give greater weight to a test than to other symptom validity factors.”

“In addition,” Hatcher wrote, “we plan to seek external expertise on psychological tests from the Institute of Medicine [IOM] to include an examination of published research and studies on SVTs, including those published by Dr. Chafetz. Our goal is to determine the effectiveness and costs of requiring and purchasing SVTs under our disability programs, as well as their applicability to anyone who claims they are disabled.”

Hatcher concluded, “We provided technical comments and listings from medical literature on the shortcomings of SVTs at the staff level.” And, “We have no further comments,” he said.

IOM Recommendations

1. The SSA should require psychological testing for “all applicants” when claims relate to either a) mental disorders unaccompanied by cognitive complaints; or b) claims where “somatic symptoms are disproportionate to medical findings.” Statements of validity should be included, which “could include” symptom validity tests.
2. The SSA should require standardized cognitive testing for “all applicants” when claims do not include objective, medical evidence. Again, a statement of validity should be included, and could include performance or symptom validity testing.
3. The SSA should require that testing be performed by “qualified specialists properly trained in the administration and interpretation of standardized psychological tests.” The IOM says the specialist must be licensed or certified to administer and interpret psychological tests.
4. The SSA should conduct research to investigate the “accuracy and consistency of SSA’s disability determinations with and without the use of recommended psychological testing.”
5. The SSA (in collaboration with other agencies) should evaluate the impact of these recommendations on its outcomes, including backlogged cases, time delays, number of appeals, accuracy, and “Effect on state-to-state variation in disability allowance rates...”
6. The SSA and other agencies should support a program of research to “investigate the value of standardized assessment, including psychological testing, in disability determinations.”

Source: Uncorrected on-line copy, *Psychological Testing in the Service of Disability Determination*, by National Academies Press, 2015. For purchase go to nap.edu.

Last week the *Times* asked the IOM if there was a committee or other action to address the report findings and the IOM said that while they work closely with SSA, this has not been addressed as yet. As of this date, the *Times* has not found any public response from the SSA about the April report.

[Editor’s Note: The IOM report can be obtained from the Academy of Sciences at IOM website under the section on reports. See Dr. Chafetz’s book reviewed in this month’s Bookshelf. Also see “OIG Shakes Its Finger at SSA,” and “Did SSA Try to Kill the Messenger,” in October 2013 issue of the Times (Vol. 5, No 2).]

Budget Crisis Draws Host of Bills, continued

HB 766, also by Bryan Adams would allow educational institutions more autonomy over their operations and decisions. This measure moved out of committee on April 21 with a favorable vote of 15 to 1, but also was returned to the calendar.

Representative Adams’ office told the *Times* he is working around the clock, and consulting with the Board of Regents, to find compromises and ways to help higher education.

Bills that search out additional tax revenues are mostly pending in committees, perhaps because of the interconnected tapestry of nickels and dime saving efforts. Bills include HB 80 by Carmody that would funnel a certain portion of state sales and use taxes from out-of-state vendors to a fund from highways and education. HB 523 would use funds from Deepwater Horizon collection fund and dedicate it to higher education. HB 768 would dedicate part of the current personal property tax for education.

Some efforts to give the university systems more autonomy are doing a little better. HB168, authored by Rep. Steve Carter, authorizes higher education management boards to establish and modify, as they deem necessary, tuition and fees charged for graduate, professional, and other postbaccalaureate programs. It passed favorably out of committee, 11 to 0 and was scheduled for debate on April 30.

But then the bill was returned to calendar.

Two bills to expand Medicaid and retrieve money from the federal system have stalled in committee. One such measure, HCR 3 was heard on April 29 and failed. Department of Health and Hospitals Secretary Kathy Kliebert and Undersecretary Jeff Reynolds testified about how the department was planning to cope with the budget shortfalls and uncompensated costs of uninsured people served at hospitals. She noted that her group planned a “more flexible use of federal dollars” and “better integration of behavioral health services and public-private partnerships.”

The legislature has until June 11 to work out the billion plus shortfall, when it must adjourn by 6 pm.

HB 301 Increase in Court-Ordered Mental Health Treatment Sought

Representative Gordon Dove has authored HB 301, to increase the maximum period of initial treatment and subsequent treatment for court-ordered outpatient mental health treatment. The proposal increases the maximum period of initial treatment from six months to one year.

The current law provides that if a patient has been ordered to receive outpatient treatment for four consecutive 180-day periods, the period of any subsequent

LSBEP’s SB 113 is Concern For Some in Community

The Louisiana State Board of Psychologists Examiners initiated a measure proposed by Senator Rick Gallot from the Monroe area to make several changes in the psychology practice act.

Senate Bill 113 would remove the Louisiana State Psychological Association from the elections for the state board positions, and also from providing the names to the Governor’s office, and give that role to the psychology board or its designee.

SB 113 would also eliminate the psychologist emeritus status.

Also, the bill would remove the requirement that a licensed psychologist from out-of-state has to associate with an in-state psychologist, if he or she is working temporarily in Louisiana for less than 30 days per year. It adds that the out-of-state psychologist would be required to file an application with the board.

The measure also changes requirements for serving on the board, changing the clause for five years of experience to five years of experience in the state of Louisiana. And, the proposed law adds wording so that anyone recently employed by the board would have to wait 12 months if he or she wants a position on the board.

The proposal changes the way and time period for certain records to be maintained, providing for electronic storage and would clean up wording having to do with changing from three to five year terms, terms in the law from 1987.

The psychology board reviewed the changes at their long-range meeting last November, but sources in the Louisiana Psychological Association have said that there are some concerns circulating about certain aspects of the bill, in particular the removal of LPA from all aspects of the election. Other sources, also undisclosed, have voiced concerns about the removal of the Emeritus status.



Legislators scramble to find ways to cut and paste the state’s budget. Here, members of the film industry ask the lawmakers not to cut tax credits to their industry.

At the center microphone is Michael Papajohn, an actor and stuntman, who tells how he was able to return to Louisiana from Hollywood due to the tax incentives.

Papajohn played for the LSU Tigers baseball team coached by Coach Skip Bertman. In the movie *Spiderman*, Papajohn played the man who killed Uncle Ben. He told the Committee, “I’ve made over 30 movies, and died in most of them.”

(Photo is a screen capture courtesy of the state legislature. The House Ways and Means Committee meeting was on April 28. Most meetings are streaming and available online.)

HB 573 Proposes Major Changes to Medical Board Investigation & Complaints

HB 573 by Representatives Hazel, Hoffmann, and Jackson, put forth 33 pages of changes and additions to the methods for dealing with complaints in the Louisiana State Board of Medical Examiners.

Among the many changes, the proposed law prohibits the LSBME from expending any funds, directly or indirectly, on any activity or function which is sponsored, supported, or in any manner associated with, in whole or in part, the Federation of State Medical Boards.

The proposal would provide that a member of the board to act as the supervising member for each complaint received by the board. The proposed law retains present law but clarifies the following causes: professional incompetency, medical incompetency, and unprofessional conduct.

Proposed law requires all complaints and investigations of alleged violations to be supervised by a board member. Further requires members of the LSBME to serve two months out of every calendar year as the supervising member.

The proposed law requires the dismissal of complaints which are not regulated under the jurisdiction of the LSBME or that lack probable cause to justify further investigation. While present law authorizes the LSBME, as part of a decision, consent order, or other agreed order, to require a license or permit holder or an applicant to pay all costs of the proceedings, and to pay a fine not to exceed

the sum of \$5,000, the proposed law limits the authorization to adverse decisions.

Proposed law provides for resolution of complaints and authorizes the supervising member to either refer the investigation for an informal settlement conference or file a formal written administrative complaint to initiate a formal adjudication proceeding before the LSBME.

Proposed law provides for dismissal of the complaint if the evidence gathered is insufficient to support the allegation that a violation has occurred and requires notice to be sent to the complainant and licensee.

The proposal provides that decisions by the LSBME in a case of adjudication are subject to rehearing, reopening, or reconsideration pursuant to a written motion filed no later than 10 days after service of the decision on the licensee if the decision is clearly contrary to the law and the evidence, the licensee has discovered evidence which he could not have obtained before or during the hearing, or there exist other good grounds for further consideration of the issues and the evidence in the public interest.

The new law would establish expert physician review panels to assist with complaints and investigations relating to medical competency by acting as expert physician reviewers.

The measure is pending in Health and Welfare.

License Exemption for Mental Health Practitioners Working in Specialty Courts

House Bill 381 allows an exemption to the behavioral health services provider licensure requirement for providers operating for the sole purpose of furnishing substance abuse or mental health treatment services to specialty courts certified by the La. Supreme Court.

The present law requires behavioral health services providers to be licensed by the Dept. of Health and Hospitals.

The new law retains present law but adds an exemption for providers operating for the sole purpose of furnishing substance

abuse or mental health services to courts certified by the La. Supreme Court as specialty courts.

Included are facilities or services operating for the sole purpose of providing substance abuse or mental health services to courts that are recognized and certified by the Louisiana Supreme Court as specialty courts.

The measure, put forth by Representatives Jackson and Simon, was reported favorably, 13 to 0, out of Health and Welfare and debated on April 28. It passed in House 97 to 0 and moves to the Senate committee.



Last year was an extremely legislative year. Bills about Marriage and Family Therapists, provisional licenses, suicide prevention training, school psychology specialists, and many others, were presented. Above, one of the two bills initiated by the psychology board is being heard in the 2014 session. Above (in screen) are LSBEP Executive Dir. Kelly Parker, Sen. Martiny, and Chair Dr. Rita Culross.

HB 194 by Rep. Helena Moreno Expands Law for Treatment of Victims

House Bill 194, authored by Representative Helena Moreno creates standards and procedures for the examination and treatment of victims of a sexually-oriented criminal offense and the subsequent billing for the services rendered as a result of the offense.

Present law requires the coroner or his designee to examine all alleged victims of rape, carnal knowledge, sexual battery, and crime against nature when such cases are under police investigation. The new law would expand this to victims of any sexually-oriented criminal offense. It would also remove the requirement that the case be under police investigation.

Present law requires all licensed hospitals to adhere to the procedures set forth in present law. HB 194 would expand present law to apply to healthcare providers and provide that the procedures constitute minimum standards of care for healthcare providers. It also notes that failure to comply with the standards shall constitute grounds for denial, suspension, or revocation of license.

Also, the proposed law prohibits a hospital or healthcare provider from directly billing a victim for

services rendered in conducting a forensic medical examination.

The measure is pending in the House Judiciary Committee.

Med Bd’s \$25 Fee Increase Fails

A measure to increase the fee paid by licensees to the state medical board, from \$25 to \$50 per year, to help impaired professionals, failed to receive the needed two-thirds vote on the House Floor. A motion to reconsider is pending.

Present law authorizes the LSBME to collect certain fees at the time of application for licensure, permit, certificate, or registration including an annual assessment of \$25 to be used in the identification, monitoring, assistance, and procurement of treatment of those licensees suffering from substance abuse, chemical dependency, psychiatric conditions, or physical deficiencies which may interfere with their ability to practice their profession with reasonable skill and safety. HB 165 would have raised the fee to \$50. The measure was reported favorably out of the House Health & Welfare committee on April 21 with a 13 to 4 vote.

HB 385 Exempts Mental Health Workers In Legal Team from Mandatory Reporting of Abuse

HB 385 would amend the Children’s Code and provide an exception to the definition of mandatory reporter for mental health and social service practitioners who are serving as part of an attorney’s team rendering legal services to a client. The change was recommended by the Louisiana State Law institute, and bill authored by Representative Nancy Landry.

According to the legislative digest, present law defines "mandatory reporter" to include a mental health/social service practitioner who provides mental health care or social service diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, member of the clergy, aide, or other

individual who provides counseling services to a child or his family.

Proposed law further adds an exception to the definition for mental health/social service practitioners serving as part of the legal team rendering legal services to a client.

“Notwithstanding any other provision of law to the contrary, a mental health/social service practitioner shall not be considered a mandatory reporter under the following limited circumstances: (i) when the practitioner is engaged by an attorney to assist in the rendition of professional legal services to a client and (ii) when the knowledge that would serve as the basis for reporting arises in furtherance of facilitating the rendition of those professional legal services to that client.”

Proposed law also adds behavioral health professional to the definition.

The measure was approved by the Committee on Health and Welfare, with amendments and a 14 to 0 favorable report, on April 22. Scheduled for floor debate on May 4.

Expansion of Medical Marijuana Passes 32 to 0

House Bill 6, authored by Representative Honore, that would expand the current law and authorize the production, prescribing, and distribution of therapeutic marijuana in Louisiana, passed the Senate with 32 yeas and 0 nays. Pending in Transportation, Highways, and Public Works.

Present law authorizes the prescribing of therapeutic marijuana for glaucoma, spastic quadriplegia, and symptoms resulting from chemotherapy. The new law would provide that a neurologist, oncologist, or ophthalmologist could prescribe under certain conditions. Proposed law creates the Therapeutic Marijuana Utilization Review Board and provides for its membership.

The proposed law establishes criteria and licensing qualifications for therapeutic marijuana dispensers, therapeutic marijuana treatment facilities, therapeutic marijuana producers, therapeutic marijuana production facilities, and physicians licensed to prescribe therapeutic marijuana, and authorizes the board to develop the policies to implement proposed law through the adoption of rules. The House and Senate committees on health and welfare shall have oversight over rules adopted by the board.

Proposed law provides that therapeutic marijuana shall not be covered by health insurance and that no licenses shall be issued until all rules have been adopted.

The measure passed the Senate with 32 yeas and 0 nays. It is pending in Transportation, Highways, and Public Works.

LPC Board Publishes Rule

The Licensed Professional Counselors Board of Examiners published a Rule in the April issue of the *Louisiana Register*. The Rule amends existing rules in order to implement Act 484 of the 2014 Legislative Session and also to incorporate changes associated with Act 173 of the 2013 Session, and also Act 736 of the 2014 Session.

The new laws required the board to provide regulation of the practice and use of the titles “provisional licensed professional counselor” and “provisional licensed marriage and family therapist”. The new rules deal with a variety of topics, such as Application, Practice, and Renewal Requirements for Provisional Licensed Professional Counselors and other guidance and definitions for this new category of license. Also clarifications in the scope of practice for Marriage and Family Therapists, rule additions and amendments to the existing rules having to do with practice, were needed to conform to the recent new laws.

HCR 56 Will Continue the Task Force on Art Therapy Licensure

A House Concurrent Resolution, HCR 56 by Representative Stuart Bishop to continue the Task Force on Art Therapist Licensure that began last year is pending in the House Health & Welfare committee, as of last week. The resolution directs that the committee established last year in HCR 159 will reconvene on or before October 1, 2015. The group is to elect a chair and adopt rules, according to the resolution. The resolution also requests a written report be submitted regarding the practice of art therapy. The measure was to have been heard last week.

American Board of Medical Psychology



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

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

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

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Second Annual Legislative Forum Held April 17

The second Annual Behavioral Health Legislative Forum was held April 17 in Baton Rouge. This year the Forum was co-hosted by the Louisiana Counseling Association and the Louisiana Psychological Association, with the National Association of Social Workers Louisiana Chapter helping moderate.

Organizer and Licensed Professional Counselor (LPC) Cindy Nardini told the *Times* that the goals of forum were to develop relationships between members of the behavioral health community on legislative issues and to identify bills that have been put forth for the current session. She said that the group discussed 21 bills.

“Overall our attendance was increased from last year,” she said. The new associations attending this year were the LASACT (Louisiana Association of Substance Abuse Counselors and Trainers), the LaBAA (Louisiana Behavior Analysts Association), and the LSPA (Louisiana School Psychological Association), she said.

Groups participating both years include the Louisiana Counseling Association, Louisiana Psychological Association, the National Association of Social Workers Louisiana Chapter, Louisiana Association of Clinical Social Workers, and the Louisiana



Representatives from eight associations attended the recent Legislative Forum held on April 17 and hosted by the Louisiana Counseling Association and the Louisiana Psychological Association (LPA). Above, the LPA representatives to the Forum, Dr. Lucinda DeGrange and Dr. John Fanning, chat at a previous meeting.

Association of Marriage and Family Therapists.

Legislative Chair for the Louisiana Psychological Association (LPA), Dr. Lucinda L. DeGrange, said “The Mental Health Forum went very well and is an opportunity for all the various groups with the common focus of mental and behavioral health in the state to get together and discuss upcoming legislation.”

“I was very pleased to see the Louisiana School Psychological Association participating in the

forum this year,” DeGrange said. “This is really Cindy Nardini’s brain child and I applaud her for her vision and hard work to get the, now annual, function going.”

Executive Director for the Louisiana Psychological Association, Ms. Cindy Bishop, said, “Although each of the respective organizations have their own positions on House and Senate measures pending before the 2015 Regular Session of the Louisiana Legislature, it was a good review of the various bills.”

The behavioral health community has had a reputation of poor conflict resolution efforts with the state legislature. The Forum is an effort to remedy that.

“In past years our associations have been known for having conflict and being unable to work together,” Nardini previously told the *Times*. “Of all professional groups we, as behavioral/mental health groups, should be able to do better.

LSBEP Coughs Up a Few Documents for *Times*’ Request

The psychology board responded to a March 19 request by the *Times* for public documents, sending information to the *Times*’ Baton Rouge office. The *Times* had asked for the internal policies and procedures for investigations, for job descriptions for staff and paid investigators, for the resumes and job applications, hiring procedures, and a 2010 memo. At that time on March 19 the *Times* publisher was denied the right to exam documents. The Executive Director, Ms. Kelly Parker, said and noted, “I am invoking our right to have your request and responsive documents reviewed by legal counsel prior to disclosure.”

The board responded by mail in a letter postmarked April 7. In the response Ms. Parker wrote that the board had no internal policies and procedures for investigations.

The documents release did include a copy of the resume for Mr. Tony McCoy who serves as a contract investigator for the

board. His background is in drug and law enforcement, according to his resume.

Ms. Parker’s resume was not included in the document release. Ms. Parker noted that her resume was not available. “There is no resume for the current Executive Director in the LSBEP files. The Custodian of the Records at the time I was hired is no longer employed by LSBEP and we have no access to her electronic emails.”

The documents release also included copies of resumes for three attorneys for the board, downloaded from the websites of the respective law firms. Taylor Porter is the firm for Attorney Amy Groves Lowe and Lloyd Lunceford. Also included was the resume for attorney James Raines, from Breazeale, Sachse & Wilson.

The law firms have contracts with the board for up to \$15,000 each, according to other

government records. Mr. McCoy’s contact is for up to \$12,000. Also listed is a \$19,000 contract for legal services with McGlinchey, Stafford, and Lang, but no information about this attorney was included in the documents.

Parker noted that all attorney services are established by contract and the board follows hiring procedures of the state. No information about their job descriptions were included. There was no job description or work description for Mr. McCoy or Mr. Raines. In her explanatory letter Parker wrote, “The investigator position is established pursuant to contract as referenced in the LSBEP Policies & Procedures manual,” but did not explain further. She noted that all investigators must be licensed with state board for private investigators.

Two job descriptions of staff positions, that of the Executive

Director and Administrative Assistant, were included.

In the March request, the *Times*’ publisher also asked again for the 2009 memo from the board’s attorney to board members about the effects of Act 251 on the LSBEP. In the April response, Ms. Parker included copies of two past denials for this memo, one in 2010 signed by Dr. Joe Comaty and one in 2012 signed by Dr. Tony Young. The letters reference the exceptions to public records due to litigation and attorney-client privilege.

According to the government website, Dr. Gary Pettigrew is also an investigator for the board. No information was included about Dr. Pettigrew. His contract is listed as up to \$4,000 per year.

Dr. Pettigrew appears to be the only psychologist involved in investigations that take place below the board level.

Louisiana Researchers Present at APS, continued

from Louisiana State University, Baton Rouge, will present, “The Effects of Trauma on Social Competence in African American Youth in New Orleans.” Authors will examine the nature of specific traumas experienced by African American youth in New Orleans and the relationship that this experience has to overall psychological functioning.

“Lebanese Youth’s Inclusion Judgments in Intercultural Peer Contexts,” will be presented by researchers: Tina Sahakian from Tulane psychology; Dr. Aline Hitti with American University of Beirut, in Lebanon; Jad Melki, Journalism and Media Studies, American University of Beirut, Beirut, Lebanon; and Melanie Killen, Human Development and Quantitative Methodology, 'University of Maryland, College Park', in Maryland.

Max Seidman from Tulane, will present, “The effect of prosocial behaviors on hypermasculine attitudes in African American Males.” The researchers analysis shows that exposure to community violence, prosocial behavior, and hypermasculine attitudes are significantly correlated.

Maxwell Anderson and Dr. Edward Golob from Tulane will present “Numbers retained in short-term memory bias auditory spatial attention.” This study examined whether long-term knowledge of numeric information in STM can bias auditory spatial attention.

Tulane’s Lisa Chinn, Carolyn Pauker, and Dr. Edward Golob, will present, “The impact of musical experience on cognitive control during an auditory Simon task.”

For “Effects of music listening on creativity and semantic memory

retrieval,” authors Ashanti Anderson and Dr. Katherine Eskine from Xavier University of Louisiana, New Orleans, and Dr. Edward Golob from Tulane University, review two experiments: examining relationships between music and creativity and if music's effect on semantic memory/mood was the mechanism for creativity. Subjects displayed more creativity and memory retrieval after music listening, but neither significantly correlated with mood, according to program materials.

University of Louisiana at Lafayette researchers, Michelle Grisham, Philip Richard, Rebecca Tacke, Jacob Amrose, Kylie Garber, Taylor Schaff, Dr. Valanne MacGyvers, and Dr. Hung-Chu Lin, will present “Dispositional Empathy and Social Inhibition Correlate with Preschoolers’ Responses towards Social Others’ Distress.” Parent-reported trait empathy and sociability were related to

preschoolers’ responses to distress of the parent, a stranger, and an infant manikin.

Christopher Castille and Marangelie Vega from Louisiana Tech University, Ruston, and Ann-Marie Rabalais Castille from Human Resources Development, Villanova University, Villanova, Pennsylvania, will present, “Effect of Leader Presentation Style and Gender on Follower Perceptions.” Results suggest that a communal, not agentic, self-presentation style results in more favorable outcomes for leaders of both genders.

Yong Dai from Louisiana State University, Shreveport, and Qing Zeng from University of Minnesota Duluth, Duluth Minnesota, will present “Self-esteem of Adolescents: A National Survey of High School Seniors.” Results revealed a relation between self-esteem and

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Student Corner

UL Lafayette Student Awarded APA Summer Science Fellowship

Ms. Kylie Garber, a junior in psychology at the University of Louisiana Lafayette, has been awarded the prestigious American Psychological Association Summer Science Fellowship. Ms. Garber is one of only 12 students nationwide to be named for this honor. She is from Crowley, Louisiana.

Ms. Garber works in the Developmental Science Laboratory at University of Louisiana– Lafayette with Dr. Hung-Chu Lin, Dr. Valanne MacGyvers, and Dr. Yang Yang on projects examining the developmental processes of empathy and the effectiveness of a music-integrated preschool program.

The American Psychological Association (APA) Science Directorate with partner with George Mason University Department of Psychology to host the 2015 Summer Science Fellowship (SSF) program, an expenses-paid, intensive summer training program for talented students for laboratory work with outstanding researchers in the Washington, D.C. area.

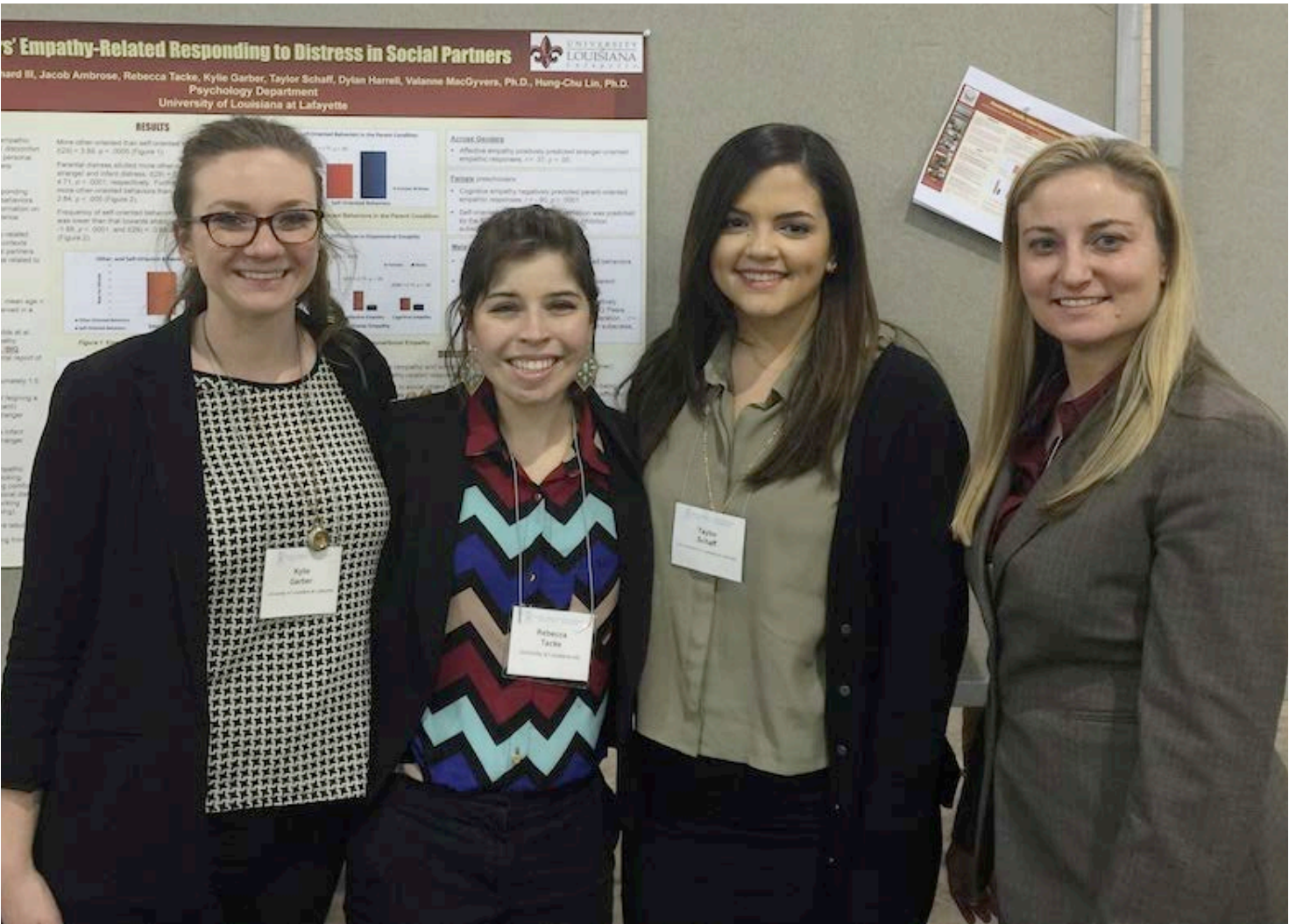
According to APA, “The SSF program gives students an opportunity to explore the intellectual, personal and social processes of scientific inquiry and to experience cutting-edge psychological research through hands-on laboratory activities. SSF

offers promising students the opportunity to equip themselves with skills essential to succeed in graduate school, and gives students who plan to pursue advanced degrees in psychological science the opportunity to be mentored by nationally known faculty.”

Dr. Hung-Chu Lin, Associate Professor of Psychology at UL Lafayette, told the *Times* that she is very proud of Ms. Garber’s achievements and excited for her in this honor. “Kylie was one of the researchers that contributed to our presentation at this past biennial conference of the

Society of Research in Child Development, Philadelphia, Pennsylvania,” Dr. Lin said.

Ms. Garber will participate in the Summer Science Fellowship program from mid June to the end of July, for a six-week session, with a stipend, and travel and living paid by APA.



Members of the UL Lafayette Developmental Science Laboratory. (L to R) Kylie Garber, Rebecca Tacke, Taylor Schaff, and Michelle Grisham. The research is under direction of psychology faculty Dr. Hung-Chu Lin, Dr. Valanne MacGyvers, and Dr. Yang Yang. The team contributed to the Society of Research in Child Development, held in Philadelphia.

(Courtesy photo.)

Dr. Frick Takes Crumpler Chair at LSU, continued

that he is very honored by the appointment, and “I have always been a proud LSU alumnus, and I am excited to contribute to the university’s mission as a top research and teaching institution,” Frick said. “I am particularly excited to have the opportunity to mentor the high quality students that attend LSU and help them start a career that makes important contributions to science and that leads to important benefits to society.”

Frick is a leading international authority in child and adolescent diagnosis and behavior and his work focuses on the pathways by which youth develop severe antisocial behavior and aggressiveness. He has published over 180 manuscripts in either edited books or peer-reviewed publications and he is the author of six additional books and test manuals. He is Distinguished Professor and Chair of the Department of Psychology at University of New Orleans, and recently was named the recipient of the Robert D. Hare Lifetime Achievement Award by the Society for Scientific Study of Psychopathy.

LSU Psychology Chair, Dr. Jason Hicks told the LSU press, “We are so pleased to have Paul Frick join our faculty and fill the Crumpler Memorial Chair in Psychology. He will add an immense wealth of knowledge to the scholarly reputation of our

department,” said Hicks. “His internationally-known research on mental illness and disorders—particularly his work on conduct disorders in children and adolescents—will further strengthen the research expertise and clinical training we offer to graduate students in our clinical Ph.D. program as well as our undergraduate students with an interest in clinical psychology.”

Dr. Frick’s research has been funded by the National Institute of Mental Health, Office of Juvenile Justice and Delinquency Prevention, and the John T. and Catherine D. MacArthur Foundation.

In 2008, he received the MacArthur Foundation’s Champion for Change in Juvenile Justice Award for the state of Louisiana. He has been the editor of the *Journal of Clinical Child and Adolescent Psychology*, is past president of the Society for the Scientific Study of Psychopathy. He has an Honorary Doctorate from Orebro University in Orebro, Sweden in recognition of his research contributions in psychology. He is also Professor in the Learning Sciences Institute of Australia at Australian Catholic University.

The Roy Crumpler endowed chair was made possible by a gift in memory of Roy Crumpler by his late daughter, Martha Jeanette Johnson, and her former husband Bruce Johnson.



Dr. Paul Frick (R) explains DSM-5 development to area psychologists. He has served as Chair at UNO and now moves to LSU.

Dr. Nastasi at UN, continued

Health and Well-Being of Children, Youth, and Families Under Stressful Conditions: Engaging Local Communities in Cultural Construction of Programs.”

The American Psychological Association (APA) is one of the sponsors of the event and the goal of the program is to share information about how psychologists can support international development.

“For me,” Dr. Nastasi said, “this is an opportunity to discuss my international and local research and development work focused on using participatory research methods to engage local stakeholders in developing school- and community-based programs for promoting psychological well-being of children, adolescents, and families.”

Nastasi has conducted work in Sri Lanka, India (Mumbai), and New Orleans, and was the lead partner on an international study of psychological well-being, with partners in 14 sites in 12 countries (New Orleans is one of the sites). The study represented an opportunity to involve children and adolescents in helping to understand stress and coping from their perspectives, Nastasi explained.

She is active in promotion of child rights and social justice within the profession of school psychology and is an Associate of the International Institute of Child Rights and Development. Dr. Nastasi is the incoming President-Elect of the International School

Psychology Association. She is also a past-president of Division 16 of APA, and past co-chair of APA’s Committee on International Relations in Psychology.

“The study,” Dr. Nastasi explained, “represented an opportunity to involve children and adolescents in helping us to understand stress and coping from their perspectives,” Nastasi said. “This is also an opportunity to represent school psychologists as well as other psychologists working with children, youth, and families. My work also has a strong foundation in child rights, per the UN Convention on the Rights of the Child (1989),” she noted. Nastasi has been active in child rights advocacy for several years and working with a group of psychology doctoral students at Tulane she has developed materials for professional growth of school psychologists that can be used both nationally and internationally.

The American Psychological Association is one of the sponsors of the UN event with the goal to share information about how psychologists can support international development. This year’s theme was “Reducing Health Inequalities Within and Among Countries: Psychological Contributions to the United Nations Post-2015 Global Agenda.” The event offers UN staff, ambassadors and diplomats, members of the private and public sectors, and others, an opportunity to learn how psychological science and practice contributes to the United Nations agenda and exchange ideas on global issues.

Researchers at APS

continued

religious involvement when control-ling for race, noted the program.

Louisiana Tech University researchers Camille Baker, Esther Grabow, Victoria Felix, Rebecca Granda, and Dr. Walter Buboltz will present, “Sleep Quality Does Not Mediate the Relationship Between PTSD and Aggression.”

Researchers looked at whether sleep quality is a mediator in the relationship between PTSD and aggression. “Based on the results, sleep quality is not a significant mediator in the PTSD and aggression relationship.”

Sarah McConnell, Victoria Felix, and Dr. Buboltz from Louisiana Tech will present, “Authenticity and Lesbian, Gay, and Bisexual Identity: A Preliminary Analysis.” Researchers examined the relationship between lesbian, gay, and bisexual individuals’ self-reported identity as an LGB person and their level of authenticity. A significant positive correlation was found between

the authentic living and identify affirmation subscales. “In other words, there existed a relationship between authentic living and positive feelings about one’s LGB identity. Although this is a preliminary analysis, this provides important information regarding the positive aspects of identifying as LGB. Future directions of this study include examining the relationship between authenticity and LGB identity and coping style, perceptions of social support, and openness to new experiences.”

For, “Eat Well, Sleep Well? The Link Between Nutrition and Sleep Quality,” Louisiana Tech authors Danielle Newman, Victoria Felix, Mercedes Gremellion, and Dr. Buboltz looked at six dietary intake factors and quality of sleep. The results indicated no significant relationships between the dietary variables and sleep quality. “However, as previously stated, this research stream is plagued by mixed results, thus, further research is needed to gain a better understanding of the relationship between nutrition and sleep quality.”

Dr. Scaramella New Chair at UNO

Dr. Laura Scaramella has been named as Chair of the psychology department at the University of New Orleans. She will officially take over on May 18.

Dr. Scaramella is a professor of psychology, has served as Graduate Coordinator and leads the Families in Transition Lab, with on-going projects: Bambini Project, Mothers and Preschoolers Study, and the Family Transitions Project. In 2013 Scaramella was selected as Chairperson of a National Institute of Health (NIH) peer review group. She oversees the Psychosocial Development, Risk and Prevention study section of the Center for Scientific Review.

Scaramella's research focuses on social, genetic, and biological mechanisms affecting the parenting quality as well as the emergence of childhood behavior problems. She has also worked closely with Healthy Gulf Coast/Healthy Communities consortia, a group of researchers from across the gulf coast that are examining the impact of DeepWater Horizon Oil Spill on families and communities.

UNO’s Drs. Weems, Marsee Head to Iowa State University

Dr. Carl Weems, Professor and Vice Chair of Psychology at University of New Orleans (UNO) will assume the leadership of Iowa State University’s Dept of Human Development and Family Studies beginning this July.

Dr. Monica Marsee, faculty member at UNO will also be taking a new position at Iowa State, as Associate Professor in the Psychology Department, she noted to the *Times*.

According to the press release from the Iowa State U., Dr. Weems will lead a large academic department known for research, teaching, and outreach that improves the human condition. Iowa State’s Department of Human Sciences offers programs that prepare students for careers helping diverse individuals and families across their life-span. The department’s teaching and research focus on family health, child and youth development, adult development and aging, family studies, family finances, and research methods.

“It’s a great job,” Dr. Weems told the *Times*. But, he said, he’ll “miss Nola.”

Dr. Marsee said “It’s an exciting opportunity!” She starts her new position in August.

Ms. Parker to Leave LSBEP Executive Director Position

In an email to psychologists this week, the current Executive Director of the Louisiana State Board of Examiners of Psychologists, Ms. Kelly Parker, announced that she would be leaving due to her upcoming marriage and to coordinate with her fiancé for his federal employment in Texas. She noted that she will keep the incoming Executive Director informed on key issues in the community. “I hope to make this a smooth transition for everyone,” she wrote.

Stress Solutions

by Susan Andrews, PhD

Still not Finding Time to De-Stress?

Are you still not finding the time each day to reduce your stress? If so, which of these reasons best fits you?

- I don’t believe in the value of relaxing or de-stressing at least once a day.
- I just forget to do it even though I agree it is important.
- The day gets by me and I still haven’t stopped what I am doing to take a break.
- I know it is important but tomorrow is another day.

If your main reason is that you forget or just cannot find the time to take a de-stress break, then let’s talk seriously about how to fix that. Here are a few hints.

- Set an alarm on your smart phone to remind you to take a 5-minute break at least once a day.
- Set it for that time in the day that you are usually getting tired.
- 5 minutes can be enough, if you do it daily and more than once a day (if you can).
- Like any habit, it takes practice and repetition for a couple of weeks to set it up so that it becomes more automatic.

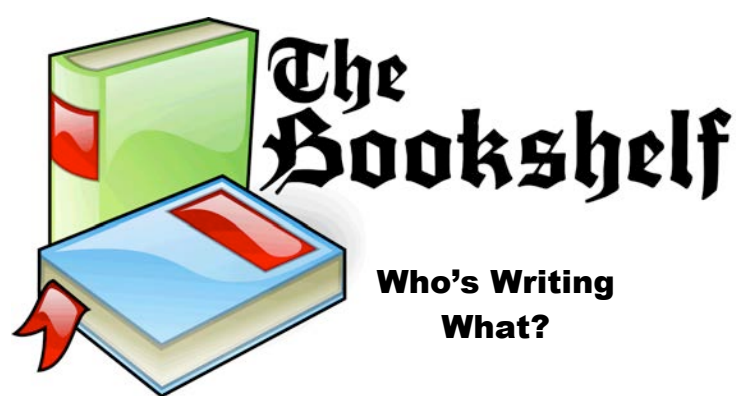
What are the best ways to spend that one or two 5-minute rest breaks? There are always a few things that happen in a normal day that are empty time. By empty, I mean what you are doing in that period of time is usually waiting for something or doing something that does not require much of your attention. Several things immediately jump to mind for working people.

- Usually when you turn on your computer (particularly if you are a PC type), there is a several-minute wait as it boots up and then installs things it thought about during the rest break.
- We all have to use the bathroom a couple of times a day. This is a good time to stay an extra couple of minutes (behind closed doors) and do some focused breathing. Empty your mind, kind of like when you push in the clutch and let the car coast.
- Relax with the Rainbow Shower where after a few breaths, you imagine a rainbow over your head and imagine the rainbow passing through your body from the head to the feet – first with red light, then orange, yellow, green, blue, lapis, violet, and white.
- Not your thing? Then, sit and close your eyes and listen with your mind’s ear or sing or hum a little tune.
- If you can do a little stretching after the mindful breathing, that would be even better.

I know you do not have to be a rocket scientist to come up with this stuff. But, those Rocket Scientist guys are some of the biggest offenders. They can die young from stress-related illness. We are all busy. And, the busiest people are usually the ones who can find or make the time to take better care of their mind and body. Short breaks during a workday are the best way to keep the stress down. Remember, the key to de-stressing is to disengage your mind; stop thinking for a few minutes, feel a positive emotion – smile to yourself. You did it!



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).



Intellectual Disability *Civil and Criminal Forensic Issues*

Michael Chafetz, PhD, ABPP
2015
Oxford University Press

There is more packed into the 206 page *Intellectual Disability, Civil and Criminal Forensic Issues* than you will likely find in much longer books. There are several reasons for this. The author, Dr. Michael Chafetz, has clearly been down in the trench for a while, and presents a clear, cogent, and very useable perspective on important issues in medicolegal assessment of intellectual disability (ID).

Chafetz offers readers a view that feels much like we are shadowing an expert forensic psychologist and hearing him think out loud, to talk to us honestly about the pluses and minuses of one direction compared to another, of what to watch for and what to be sure to consider.

Chafetz takes a topic mired in much human emotion and peels away the layers to expose best practices for those who want to make their decisions in concert with ethical standards, validity, and welfare of others. In honest prose and tight logic, he describes a thoughtful approach for those hoping to do competent and ethical work in the challenging area of forensic neuropsychology.

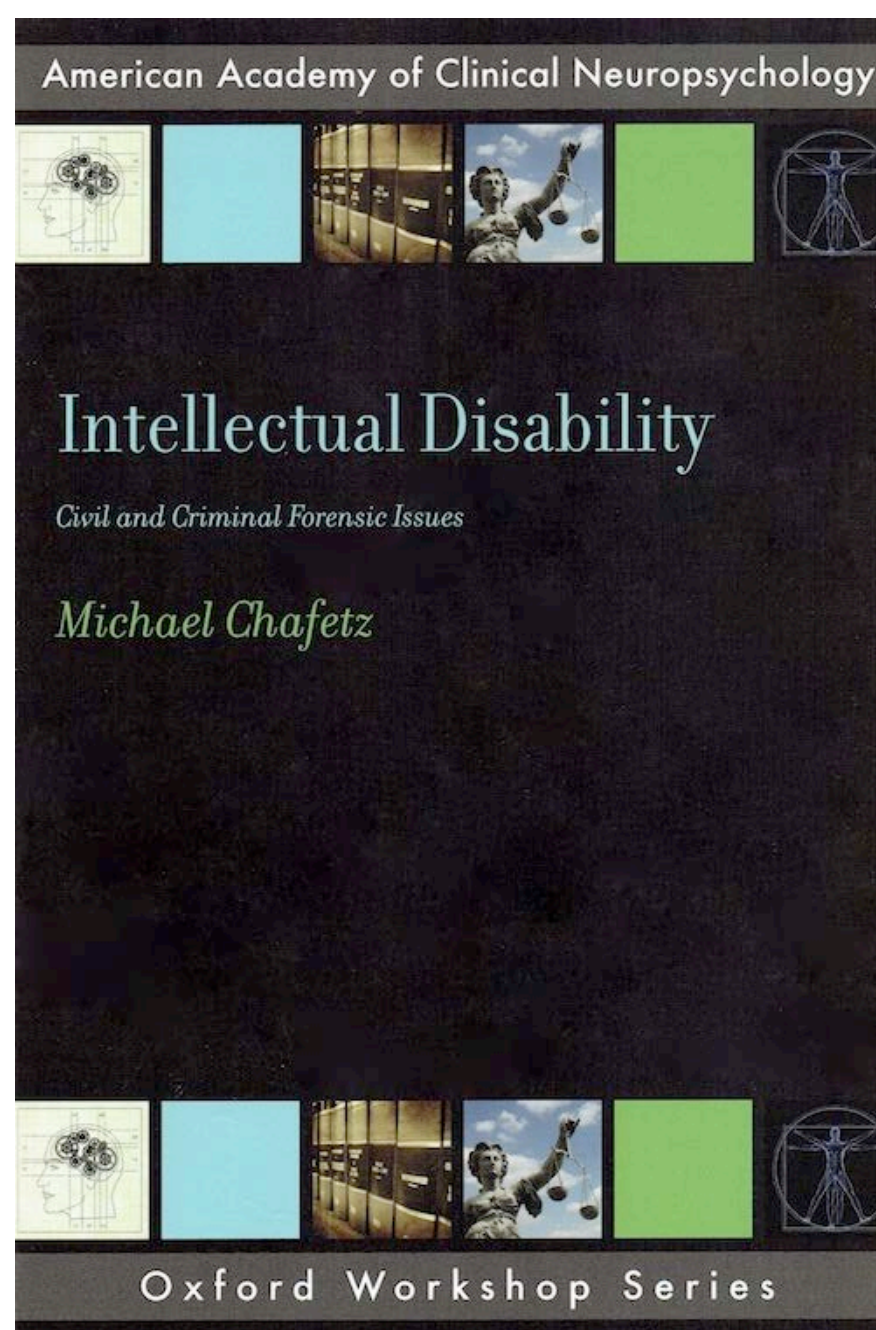
The text is structured and focused in to six lean chapters. While providing current research references and practical advice, the book is not weighted down—and so neither is the reader—with extras that do not add to the goal.

In the preface Chafetz notes his objective. "... this book examines the involvement of intellectually disabled examinees in the medicolegal assessment process through the rigorous lens of validity. It is a book about assessment and about how the finding from a valid forensic neuropsychological or psychological examination inform the referral question and the trier of fact when the examinee is low functioning."

He begins with a review of public law history including key legal decisions in Chapter 1, "Introduction and History." He includes changing terms and thinking about intellectual disability, and the perspective of neuropsychological and measurement science. A section on "Disability Versus Health Condition," lays out the two sides of a philosophical and political debate and points out a quandary. If intellectual disabilities are disabilities and not health conditions, they would have to be removed from the ICD. If they are health conditions, and not disabilities, this would contradict policy and initiatives already adopted by many governments. Chafetz describes the consensus approach and explains behavioral and neurological diagnoses in this context.

He shows how this relates to test accommodations and the courtroom, in two additional sections that help the reader understand the bridge between the science and the practical considerations in forensic applications. "The courtroom is not the place to skip on analysis," he tells the reader. "It is incumbent upon the neuropsychologist to go beyond the narrow constructs frequently seen in court," and describes instances where examiners fell short, information readers will greatly appreciate.

Chafetz goes to the heart of what the forensic examiner is attempting to provide, in Chapter 2, "Through the Lens of Validity."



Considering that everything a psychologist does should be through this lens, it still is wise for the author to bring this idea to the front of the discussion, since it seems frequently lost in the trees. Chafetz describes how many still rely on their training when it comes to validity: "Testing conditions were adequate and the results were thought to be valid." But he writes, "If a psychologist's training did not include forensic activities, the psychologist may not be aware of the fundamental failing of these assertions if the validity of the examination itself has not been assessed."

He explains that research has shown that psychologists can not detect malingering beyond chance levels even when the psychologist was confident that he or she could do so.

Next he defines malingering and the natural human tendency to respond negatively. He lists other type of noncredible behavior that can arise in forensic work. In a section on "Base-Rate of Malingering in Medicolegal Work," Chafetz explains the growing data on malingering and moves the discussion to the issue of base-rates in low IQ examinees, a particular issue in medicolegal assessment of disability and in capital cases.

In these sections, Chafetz digs down to the specifics in tests data, individual and group findings, and how to think about results in a particular case. He provides both sides of the debate, including statistical issues of specificity and sensitivity rates. Next he reviews how comorbidity and other concerns, such as language, may impact the results.

In two sections he presents essential information that forensic examiners will need: "Separating Mild from Moderate-Severe Cases," and "Accounting for Hidden Motivation."

He cautions that it is important to keep in mind that "the arguments of true IQ levels in *Atkins* capital cases typically occur in a 'challenge' range when the IQ is in the low 70s down through the 60s." He discusses detailed aspects of this issue, the research on both sides of the question, various tests and procedures, and results. And, he shows how motivation and IQ level interact in results of validity testing outcomes.

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Bookshelf, *Intellectual Disability* continued

He provides practical advice in sections on accommodating the impaired person, using appropriate cut-off scores and tests, and using tests validated for low IQ individuals.

Chafetz explains the development of guidelines for determining neurocognitive malingering and the first and second generation validity tests. He also describes the Social Security Administration (SSA) fraud guidelines and how these are “guidance and lore, particularly about psychiatric feigning.”

He concludes with sections on “Using the Validity Test to Help Decide Impairment,” and “Malingering is Ultimately a Probability Statement.”

In Chapter 3, “Social Security Disability,” Chafetz gives relevant history and defines the various Social Security Disability (SSD) programs and how these programs define various disabilities.

In “Nature and Ethics of the Consultation,” he points to the role of the psychological examiner in the SSD consultative examinations, and that the claimant is not the client or the patient of the psychologist. And he explains that only the DDS can make the disability determination. Chafetz also reviews role pressures for the psychologist and how those pressures from the SSA with can place the examiner in conflicting ethical positions and how SSA policies can impact the validity of the examiner’s results.

For “Capital Cases,” Chapter 4, Chafetz reviews forensic psychological and neuropsychological assessment in criminal and death penalty cases.

“In *Atkins* cases, the practical issues become intensely debated when the IQ levels are in the high 60s or low 70s, involving analyses of how the IQ is obtained or represented, whether corrections should be made, the nature and extent of adaptive functioning, and whether the characteristics of the defendant (and of the findings) satisfy the three prongs of the diagnosis of mental retardation (intellectual disability),” he writes. He reviews case law and the Daryl Atkins and William Jones case, and presents sections on each of the “Prongs.”

“Intellectual Deficits—The First Prong,” includes the specifics for this diagnosis, psychometric and technical information, and bases for various conclusions. He includes sections on “Hypothesizing Within the Error Term,” “A Perspective on Intellectual Functioning,” and hypothetical cases consistent with and not consistent with ID. He includes discussions of the Rohling Interpretive Method, the moving of the IQ with the Flynn Effect and the criticism of moving the IQ, and test-retest concerns.

In “Adaptive Functioning Deficits: The Second Prong,” Chafetz provides information about “Two Adaptive Behavior Assessment Systems.” He provides sections on avoiding bias in the assessment and practical issues in capital cases. “The assessment of adaptive behavior is about appreciating the adaptive behaviors *typically* displayed by the individual,” he writes, “not the adaptive *abilities* of the individual.” In this section he describes concerns with assessment of death row inmates and limitations, warns about confirmatory bias, and explains issues with retrospective evaluations.

For “Developmental Period—The Third Prong,” he discusses the practical issues with obtaining data on a person’s development and challenges for collecting this information.

Chapter 5 covers “*Miranda* Waiver Capacity,” an area relating to whether defendants can fully

understand their rights. The issue he writes is, “... if statements made by an individual during custodial police interrogation are admissible at trial, and whether procedures that protect against self-incrimination under the Fifth Amendment are necessary.” In “Prevalence of *Miranda* Impairments,” he points out research supporting the concerns such as the finding that for those with mild intellectual disability, about 50 percent fail *Miranda* comprehension. He explains the impact of stress, suggestibility, and *Miranda* language in different states, on the assessment results.

In “Standardized Assessment of *Miranda* Abilities (SAMA)” Chafetz describes recent advancements and sections of the SAMA, subscales and applicable research. He analyzes a *Miranda* warning and discusses the neuropsychological perspective of the analysis, including receptive language and processing speed. Malingering, adaptive functioning, and tips for the evaluator are included.

In the final chapter, “Other Competencies/Capacities: Civil and Criminal,” Chapter 6, Chafetz looks at the issues of capacity (a clinical determination) and competency (a legal determination made by the trier of fact—judge or jury), and the relationship to various legal issues, including competency to stand trial.

He shows examples of the law for “Testamentary Capacity” in three states and reviews definitions, research, and practical issues as to how cognitive functioning is dealt with in various legal situations.

“Neuropsychologists are in a good position to apply their knowledge to a testamentary capacity analysis,” he writes, and explains that in certain situations, a psychologist might be called upon to provide a postmortem analysis, called a *neuropsychological autopsy*.

He includes a discussion, “Treatment Consent Capacity,” for adults who are low functioning, and “Financial Capacity,” which occurs with older adults.

In “Criminal Capacities—Competencies,” Chafetz focuses on “Competency to Stand Trial (CST).” He reviews cases including the original *Dusky v. United States* and those cases that followed. He points out the CST domains, including the capacity to comprehend and appreciate the charges or allegations, the capacity to disclose to counsel pertinent facts, and capacity to understand the adversary nature of the proceedings, among others. He describes the *Bennett* criteria, CST measures, and practical concerns in implementing them.

Intellectual Disability is a must read. It is an in-the-trench, honest, and informative guide for complex and high-states neuropsychological and psychological testing. Those who venture into the forensic sphere intentionally will appreciate the logic and candor in this hands-on advice.

Those who find themselves dragged unwittingly into a courtroom will be thankful they know a little of an insider’s expertise and wisdom in this challenging area of psychological practice.

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New Tools for Expanding Your Practice:

Telemental Health and Tools for Court-involved Cases

Introduction to Telemental Health
Trainers: Charles Safford, LCSW, Ken Scroggs, LPC, LCSW, LMFT, CEAP

Day 1 - Covers clinical, ethical, and technical knowledge needed to conduct ethical telemental health services, including forms, templates and how to develop necessary resources.

Assessment and DSM-5 Diagnosis with Telemental Health
Trainers: Charles Safford, LCSW, Ken Scroggs, LPC, LCSW, LMFT, CEAP and Leslie Todd, LCSW-BACS, ACSW

Day 2 - Covers how to assess and diagnose using the DSM-5, including utilizing TMH approaches in a successful assessment and diagnosis process, including indications and contraindications for the application of TMH approaches.

Tools for Court-involved Cases
Trainer: Leslie Todd, LCSW-BACS, ACSW

Day 3 addresses the spectrum of mental health services we can provide in roles such as parent educator, mediator, coach, visitation supervisor, custody evaluator, parenting coordinator, court-appointed therapist and essential knowledge and skills to proceed within those roles, including a practical guide to navigating the legal system.

Days 1,2,and 3 in Baton Rouge: June 11, 12, & 13
Days 1, 2, and 3 in Shreveport: June 15, 16, & 17

To register go to
www.yourceus.com



A Shrink at the Flicks

Gone Girl by Alvin G. Burstein

[Editor's note: The following review contains direct quotes from movie dialogue that could be offensive to some readers.]

All happy families are alike; each unhappy family is unhappy in its own way.
Leo Tolstoy, *Anna Karenina*

The movie *Gone Girl* is about an unhappy marriage, one that is unhappy in a way that is not only unique but morbidly fascinating.

Amy Elliot and Nick Dunne get involved in a steamily erotic relationship that leads to marriage. Amy is the daughter of a psychologist couple that has written an immensely popular series of children's books about an incredibly wonderful child, *Amazing Amy*. Their daughter, despite her Ivy League education and Manhattan chic, feels diminished in comparison. Nick, a middle-western low brow (he guesses that quinoa might be a fish and is addicted to video games) works as a hack writer.

These opposites attract and their marriage begins ideally. Although Nick chafes at the literary soirées and pre-nuptial arrangements that are required, he is clearly delighted by his conquest; she is intrigued and delighted by his lack of pretension and off-beat humor.

Nick's mother becomes fatally ill, and the couple is required to move from New York, back to Nick's hometown in Missouri. There the relationship begins to fray. Amy is bored by the small town tedium and with Nick's involvement with old buddies and his twin sister, "Go." Nick is increasingly restive about Amy's efforts to buff up his appearance, and resentful when she unilaterally decides to lend her parents, who have run into financial difficulty, most of the million dollar trust fund they had endowed her with.

Although they maintain the public fiction of the perfect marriage, the private relations go sour. Nick gets involved in an affair and struggles to find the courage to tell Amy he wants a divorce; Amy, humiliated by her inability to compete with her fictional namesake and her parents' expectations, decides to disappear, leaving behind an apparent homicide scene that she hopes will result in Nick's conviction for murder—and Missouri has the death penalty.

Nick ultimately is arrested. While he is awaiting trial, Amy, disguised and on the run, is robbed by a pair of red neck psychopaths. Stripped of resources, she re-kindles her relationship with a previous wealthy suitor, Desi. Trapped in his luxe villa, Amy watches an interview Nick gives to a talk show host admitting to his faults and begging for his wife's forgiveness and return. Moved by his reformed sinner persona, she decides to do so—covering her previous manipulation by stage managing another scene—being victimized and raped by Desi, stabbing him to death in quasi self defense.

Literally covered in blood, she returns to a vindicated Nick. He knows that she has murdered Desi and conspired to get her husband sentenced to death; she knows he knows but insists that they need and deserve each other, especially because she is pregnant with his child.

A telling final exchange goes like this:

Nick: "You fucking cunt!"

Amy: "I'm the cunt you married. The only time you liked yourself was when you were trying to be someone this cunt might like. I'm not a quitter, I'm that cunt. I killed for you; who else can say that? You think you'd be happy with a nice Midwestern girl? No way, baby! I'm it."

Nick: "Fuck. You're delusional. I mean, you're insane, why would you even want this? Yes, I loved you and then all we did was resent each other, try to control each other. We caused each other pain."

Amy: "That's marriage."

The movie closes with reprise of an opening clip in which Nick is stroking Amy's hair, reflecting, What are you thinking? How are you feeling? What have we done to each other? What will we do?

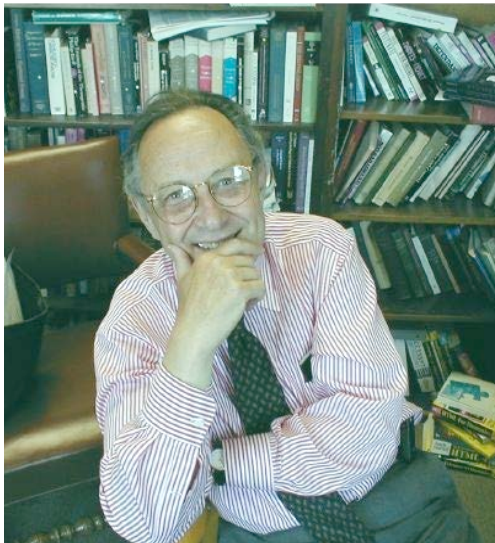
Conscienceless and amoral, Amy is more than a classic psychopath. She is Lillith, the female demon that lures men caught in her arachnoid web to their destruction. The perverse attraction that draws Nick to her is more than the attraction of opposites. It is the dangerous excitement that attends risking death.

Amy's demonic appeal and Nick's seeming paralysis is counterbalanced by two eminently sane characters who serve to reassure us. Boner, the policewoman, and Tanner, Nick's attorney, are like a Greek chorus, observing the Gothic excesses without getting involved. They are realistic, tolerant, forgiving, soothing tonics permitting us to leave the theater with some hope for ourselves.

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

Up-Coming Events

Drs. McCown, Settles, Esteve, Morton, Boake – to Present at Louisiana Psychological Association

Dr. William McCown, Associate Dean of Colleges of Business and Social Sciences and the Director of Data Analytics Laboratory, clinical psychologist, author, and professor, will speak on the “The Impulsive Client,” at the upcoming convention of the Louisiana Psychological Association. McCown co-authored a book on the topic and will update attendees on the importance of this characteristic. He will include connections to substance abuse and non-pharmacological addictions, antisocial behaviors, difficulties in mood regulation, deficits in attention and motivation. It is also one of the most difficult clinical syndromes to treat, noted the program.

In a session on “The Assessment of Autism and Related Disorders,” psychologists Drs. Lisa Settles, Brian Esteve, and Jane Morton will review the assessment and diagnosis of Autism Spectrum Disorders. Dr. Settles is a faculty member at Tulane University School of Medicine. Currently, Dr. Esteve serves as director of an interdisciplinary autism treatment program at Crane Rehab Center in New Orleans, Louisiana. Dr. Morton joined the Emerge Center in January of 2012 and previously was the lead lead psychologist for the Local Autism Team with the Office for Citizens with Development Disabilities which is part of the Department of Health and Hospitals.

Dr. Corwin Boake will present on “DSM-5 and ICD-10 Coding Update for the Practicing Psychologist.” Dr. Boake is a medical psychologist and neuropsychologist at Memorial Hermann Hospital System and the University of Texas-Houston Medical School where he is on the faculty of the Department of Physical Medicine & Rehabilitation. In Louisiana, he practices as a medical psychologist and neuropsychologist at Jefferson Neurobehavioral Group in Metairie.

Dr. Lucinda L. DeGrange, licensed psychologist in private practice in New Orleans and graduate of Tulane University will moderate a panel discussion on “Navigating Medicaid Managed Care: A Panel Discussion with Bayou Health Plan Representatives.” Participants will include representatives from Louisiana Healthcare Connections, United Health Care, Dr. Amerigroup, AmeriHealth Caritas Louisiana, and Aetna.

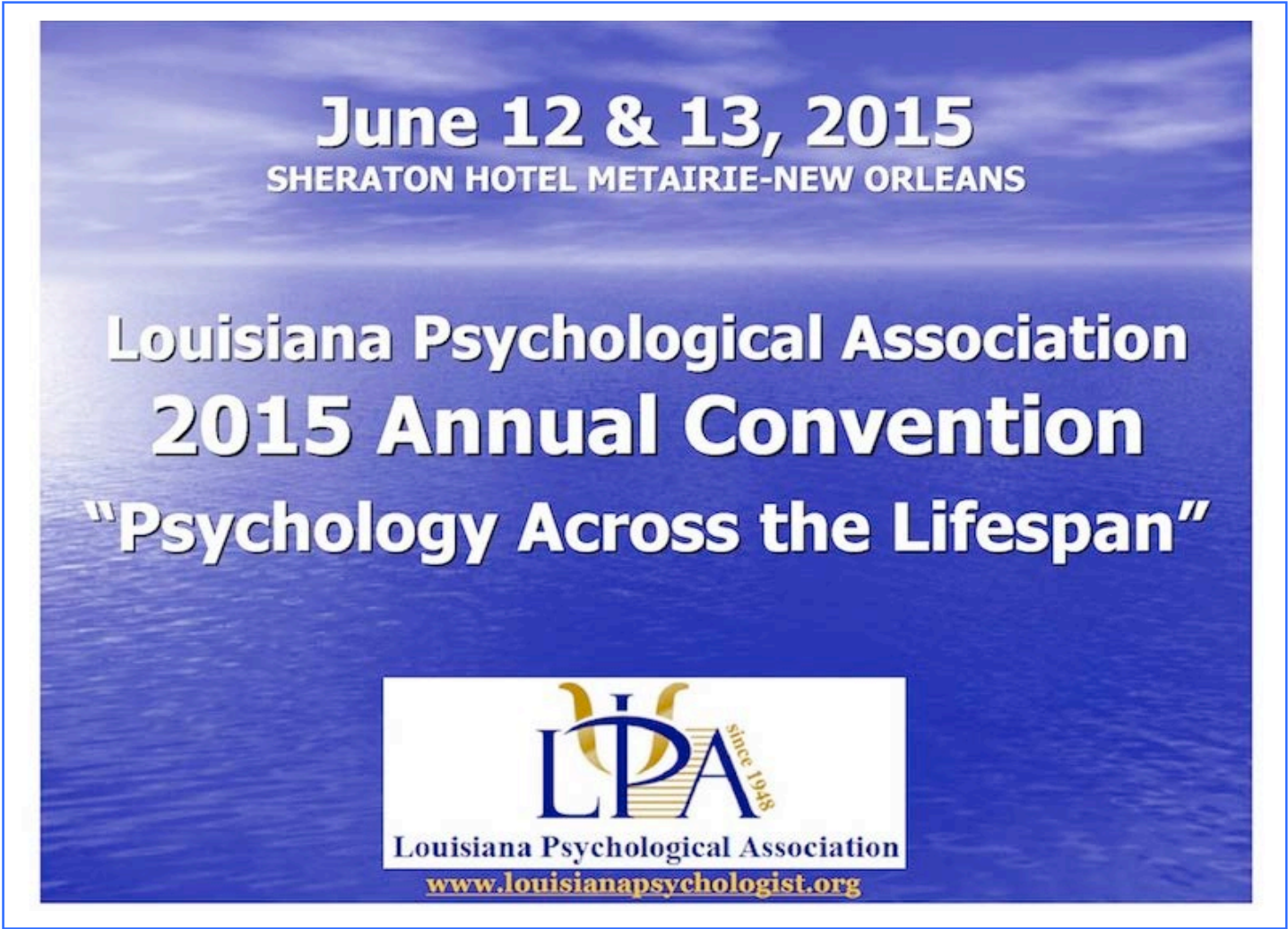
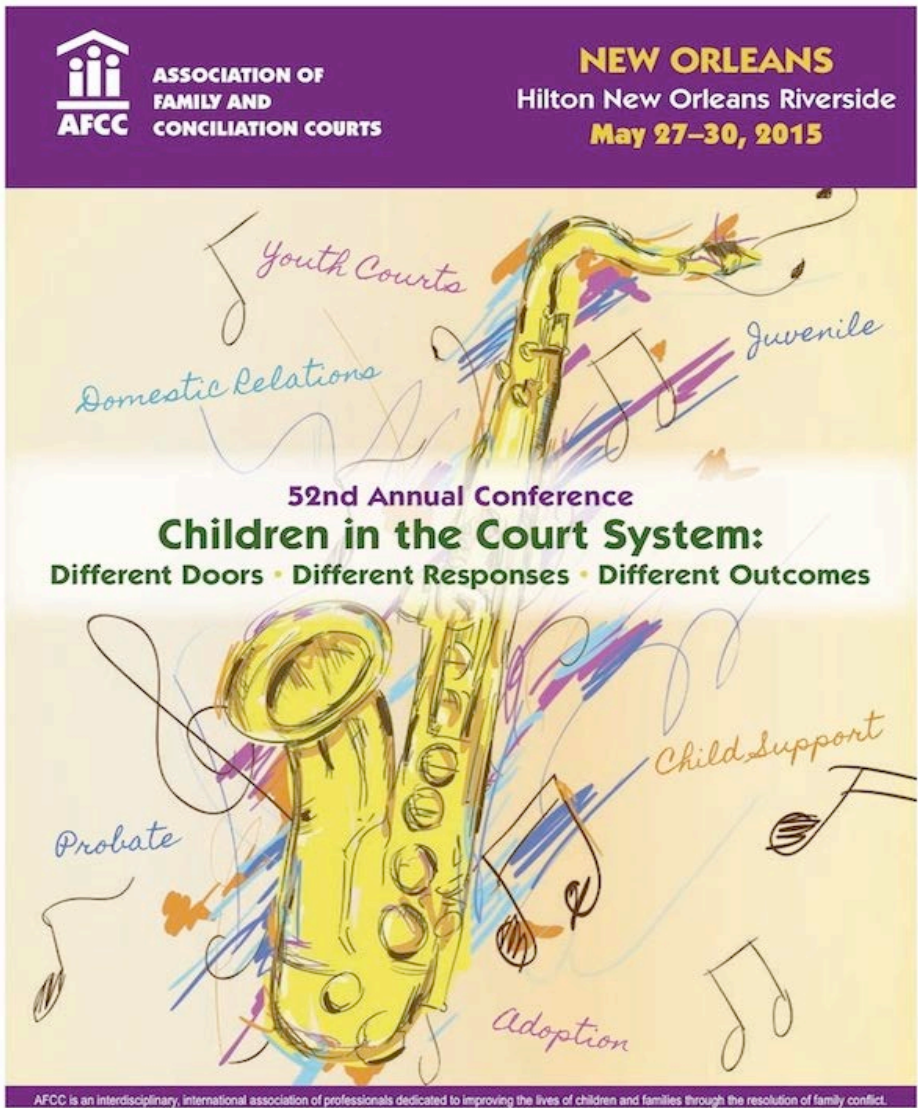
Dr. Joe Comaty and Dr. Phillip Griffin will present “LSBEP Review of Telepsychology Guidelines,” following the development late last year of new guidelines by the board.

Dr. Kim VanGeffen, will also present, and speak on the assessment of dementia. Drs. Darlyne Nemeth, Janet Matthews, Susanne Jenson, Ed Shwery, and Kenneth Bouillion will participate in a symposium on Resiliency in the Practice of Psychology. Dr. Gail Gillespie and Sue Josephson, LCSW, will present on Energy Therapy.

Keynote speaker for the conference is Sister Judith Brun, CSJ, a Sister of St. Joseph and a long-time educator. She is presently the Executive Director of Community Initiatives Foundation. Sister Brun will present the keynote address, “Post-Katrina Interventions with Children.”

The program describes: “As the FEMA parks were closing, her Katrina work shifted to collaborating to provide housing and a service center for 150+ households destined for homelessness. In addition, she assisted in starting a charter school near the service

center. That experience was the motivation for her current work, TakeCare, which is a multi-generational neighborhood re-development initiative with the primary focus of reducing the self-defeating behaviors that keep next generations in





Dr. Steven Welsh was honored by the Louisiana School Psychological Association at its last convention. Here, he speaks at a psychology board meeting on issue with school psychology specialists.

Dr. Welsh, Ratterree, Parr Among Honored by LSPA

Dr. Steven Welsh, retired Dean and Professor from Nichols' State University was named by the Louisiana School Psychological Association with the President's Award for Distinguished Service. Also named for the President's Award for Distinguished Service was Susan Ratterree from the New Orleans College Prep School.

Past President of the association, E. Francoise Parr, certified school psychologist, received the President's Award for Outstanding Leadership.

The association named James Shorter of the Lafourche Parish School Board as School Psychologist of the Year. And Patrick B. Bell, of Tulane University, was honored with the Will Bergeron Memorial Scholarship. Two awards were given for Lifetime Achievement. Robert Hinton and Sam Tingle, both of the Ouachita Parish School District,.

Amber St. Martin, from Lincoln Parish School District, was named Member of the Year. Tulane's Dr. Bonnie Nastasi was presented with special thanks for her contributions.

The Psychology Times

The *Psychology Times* is provided as a **community service** for those in the practice, teaching, and science of psychology and the behavioral sciences in Louisiana, and related individuals and groups.

The *Times* offers information, entertainment, and networking for those in this Louisiana community.

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The Psychology Times' Sunshine Meets Psychology Contest

Submit your favorite quote, comment or idea from psychological science that relates to the importance of freedom of information and open communication for the benefit of individuals, groups or societies.

A \$100 gift certificate or a donation to your favorite charity will be awarded to the winner, plus our eternal gratitude.

Send your ideas to
psychologytimes@drjulienelson.com
by May 20. The contest is open to everyone.

Department of Psychology, Northwestern State University has an opening for an Assistant/Associate Professor or Full Professor

Position: Assistant/Associate Professor or Full Professor – tenure track: Earned doctorate in Psychology (Preferred Clinical Psychology) **Salary:** \$54,000 to \$57,000. Experience the culture and relaxed living in Louisiana's oldest city.

Responsibilities: Responsibilities include teaching courses at the undergraduate and graduate levels, graduate thesis research and paper-in-lieu, advising, university and department service, and research/publication endeavors.

Start Date: Open until filled

Application: Send vita, transcripts, and 3 letters of recommendation: Northwestern State University, Department of Psychology Dr. Susan Thorson-Barnett, Chairperson ATTN: Search Committee 311 Bienvenu Hall Natchitoches, LA 71497. Review of application will begin immediately and will continue until position is filled. Northwestern State.