

SEQ CHAPTER \h \r 1Disciplinary Actions by a State Board of Psychology:

Does Gender and Association Membership Matter?

Samuel Knapp, Ed.D.¹

Pennsylvania Psychological Association

Leon VandeCreek, Ph.D.²

Wright State University

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Abstract

A review of disciplinary notices published in the newsletter of the Pennsylvania State Board of Psychology from 1997 to 2007 revealed 140 disciplinary actions against psychologists. An analysis of those actions showed that male psychologists were more likely to be disciplined than female psychologists and non-members of the state psychological association were more likely to be disciplined than members of the state psychological association. However, when association membership and gender were combined, non-member males accounted for almost half of all disciplinary actions and almost all boundary violations. Implications of these findings are discussed.

Disciplinary Actions by a State Board of Psychology:
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Licensing boards are charged with the goal of protecting the public. On a proactive level (as a before-the-fact control), licensing boards ensure that the licensees obtain the necessary educational background; have an acceptable moral character; pass the necessary examinations in order to become licensed; and complete continuing education (CE) as a condition of licensing renewal. On a reactive level (as an after-the-fact control), licensing boards discipline psychologists who fail to adhere to the standards of the profession as found in the licensing laws, regulations, or the ethical standards that they adopt.

Other groups besides licensing boards engage in proactive or before-the-fact controls. Training programs seek to ensure the competency of the students they graduate; some professional liability insurance carriers have extensive risk management programs; and professional organizations often offer continuing education and consultation to their members on ethical and legal issues.

The goal of reducing licensing board complaints is laudable from several perspectives. Actions by psychologists that lead to formal disciplinary sanctions often place members of the public at risk of harm and tarnish the image of the profession among members of the public. In addition, it is a costly and frightening experience for a psychologist to address an allegation of an infraction before a licensing board.

This study used archival data on licensing board adjudications from a state board of psychology from 1997 to 2007 with the goal of finding patterns or trends that could help guide preventive strategies. Specifically, we examined data regarding state association membership and

gender, since data from the APA Ethics Committee show that men are involved in a disproportionately larger number of boundary violations (Report of the Ethics Committee, 2006; 2007). Method

Data were gathered from archival sources from the Pennsylvania State Board of Psychology (Board) and the Pennsylvania Psychological Association (PPA). The newsletters of the Board contain brief notices of the disciplinary actions they have taken. These notices typically include the names of the individuals disciplined, a brief description of the infraction that led to the action, and the nature of the disciplinary action taken. The authors reviewed all of the State Board of Psychology newsletters from 1997 to 2007 and identified 150 separate disciplinary actions. Ten of these actions were against non-psychologists who were prosecuted for the illegal practice of psychology; they were removed from further analyses. The remaining 140 complaints were categorized according to the nature of the complaint as described in the newsletter, the gender of the psychologist, and whether or not the individual was a member of the Pennsylvania Psychological Association.

The gender of the psychologists was determined by relying on the common gender identification of the first name of the psychologist, or by noting the personal pronoun used in the description of the case. For example, an individual was classified as a female if the first name was one commonly used by a woman or if the notice referred to the psychologist with the pronouns “she” or “her.” For two psychologists, however, the gender could not be determined.

State association membership was determined by looking in the copy of the association directory that overlapped with the year of the Board newsletter. Several individuals were

disciplined twice by the Board. Two of these individuals were listed as association members for one of the infractions, but not listed as association members for the second infraction, as they had allowed their association membership to lapse.

Determining the percentage of psychologists who belong to the state association was not straightforward. The number of licensed psychologists varies over the course of the two-year license renewal period and is highest before licenses expire on November 30 of odd years, and lowest at the beginning of each renewal period on December 1 of odd years. The number of licensed psychologists who belong to the state association is highest at the end of the calendar year, and lowest at the beginning of the calendar year when the number of members dropped for non-payment of dues is highest. Consequently, the percentage of licensed psychologists who belong to the state association varies anywhere between 40% and 50%, depending on what figures are used. For purposes of this study, the data used underestimated the percentage of licensed psychologists who belonged to the state association by using the number of licensed association members in January 2009 just after a number of members were dropped for non-payment of dues. The number of licensed psychologists was 5619 in October 2008, the middle of the licensure renewal period. Thus, for this analysis, we assumed that 40% of licensed psychologists in the state belonged to the state psychological association. Separate analyses were not done for every year of the study as the number of licensed psychologists and association members was relatively stable during this time period.

The analyses over the years covered by this study assumed that the number of male and female psychologists had been equal during this time period. Although the Board keeps no data

on the gender of licensees, this assumption is based on data from the annual surveys that the state psychological association took of its members. Whereas in 1998, 47% of state association members were female (Knapp & Keller, 1998), by 2007, 56% of state association members were female (Knapp & Keller, 2007). A decision, therefore, was made to consider the number of male and female psychologists to be equal for purposes of the analyses of infractions over a 12-year period. Although proof is lacking that the gender distribution of the membership in the state association generalizes to the entire population of psychologists licensed in Pennsylvania, the trend for the increased number of women psychologists is consistent with nation-wide trends in psychology (Cynkar, 2007).

Results

Continuing education (CE) violations accounted for 45% of all adjudications against psychologists in Pennsylvania, followed by sexual contact with patients (10%), and other boundary violations (9%). Other infractions such as violations of record keeping standards, breaches of confidentiality, inadequate supervision, and convictions of crimes constituted less frequent sources of discipline.

The data in Pennsylvania differ from national data in that this data set contained far more disciplinary actions for non compliance with mandated CE (Kirkland, Kirkland, & Reaves, 2004), perhaps reflecting a more aggressive prosecutorial stance on this issue by the Pennsylvania Board. The largest category of infractions found by Kirkland et al. in the national data bank managed by the Association for State and Provincial Psychology Boards (ASPPB) was

for sexual intimacies or other boundary violations with patients. These two categories were the second and third largest with our data set, following non compliance with mandated CE. The usefulness of other comparisons with this data with national data was limited because licensing boards varied in how they categorized the data sent to ASPPB, thus leading to inconsistencies in the data across reporting states (Kirkland et al., 2004).

The factor identified as the primary reason for disciplinary action by the APA Ethics Committee is adjudication in another jurisdiction (35 out of 61 cases reported by the APA Ethics Committee in 2006 and 2007 were for loss of licensure and 11 more were for conviction of a felony; Report of the Ethics Committee, 2006; 2007). However, when all of the allegations against the offending psychologists were listed, unethical dual relationships was the other factor most frequently associated with disciplinary action before the APA Ethics Committee, constituting 30 out of 120 possible factors. Thus, with the exception of the offense of non compliance with CE requirements, it appears that the data from the Pennsylvania licensing board are parallel to those of other states and the APA Ethics Committee.

However, the Pennsylvania Board data used in this study were incomplete at times because the brief descriptors of the infraction found in the Board newsletters did not always allow for a more precise categorization. For example, through incidental personal awareness of some of the cases, the first author knew that some of violations described in the notices as unprofessional conduct were primarily boundary violations. The wording of these notices is inconsistent across cases, in part because of the role of consent decrees in determining the final disposition of the case. Consent decrees are cases in which psychologists agree to be disciplined

by the Board without a formal hearing, thus sparing the state and the psychologist the burden of conducting a hearing. As a result, the state may sometimes allow the psychologist greater input into the wording of the disciplinary notice and may, for example, permit the descriptor “unprofessional conduct” to be used rather than more explicit descriptions of the offense. Consequently, the reports from the licensing board under report the number of boundary violations in these notices. The “unprofessional conduct” cases are classified as “other” in Tables 1 and 2.

The likelihood of being disciplined by the Board depended on gender and state association membership. There were 93 infractions involving male psychologists and 45 involving female psychologists (and 2 where the gender of the individual could not be determined; see Table One). This difference was significant $\chi^2(1, 138) = 16.7.3, p < .0001$. Male psychologists committed all of the 15 disciplinary actions involving sexual contact with patients, and 9 of the 12 disciplinary actions involving other boundary violations. However, the gender effect did not appear in all categories, possibly because these categories involved a small number of cases.

INSERT TABLE ONE ABOUT HERE

The results showed 106 infractions involving non-members of the state association and 34 involving members of the state association (see Table Two). Assuming that association

members constituted 40% of the population of psychologists, this difference was significant $\chi^2(1, 138) = 14.4, p < .001$). Non-members committed 12 of the 15 disciplinary actions involving sexual contact with patients and 11 of the 12 disciplinary actions involving other boundary violations.

INSERT TABLE TWO ABOUT HERE

In addition, association membership interacted with gender. Of all the 140 violations, 73 were committed by non-member males. Of the 27 boundary violations reported, 21 were committed by males who were not members of the state association, 2 by males who were state association members, 3 by females who were not state association members, and 1 by a female who was a state association member. Male non-members, who represented approximately 25% of the total number of psychologists in the state, committed 83% of the disciplined boundary violations reported.

Despite the finding of a link between association membership and disciplinary actions, it could be argued that these findings tend to underestimate the impact of membership in professional associations. First, the authors adopted a low estimate of the number of psychologists who belonged to the state association. Furthermore, the percentage of psychologists who belonged to PPA was calculated by dividing the total number of state association members who were licensed in Pennsylvania by the total number of psychologists

licensed by the state, including 576 licensed psychologists who lived out of state and tend to have very low rates of membership in the state psychological association.

Also, the practice patterns of state association members appear to place them at a higher risk of being subject to licensing board complaints. Compared to psychologists in general, members of the state association are more likely to be in an independent practice, and less likely to hold teaching positions. Although many licensed psychologists who are full-time academics have limited professional practices, they tend to see far fewer patients than those delivering services as the primary source of their income. Finally, some of the psychologists told the senior author that they had joined PPA shortly after the complaint was filed with the Board. They apparently knew that they had committed a professional error and knew that they had to change their practice patterns. These psychologists were listed as association members although they did not have the protective benefits of association membership at the time the infraction occurred.

Conclusions and Recommendations

One limitation of the data is that it looks only at psychologists who were disciplined and not at the psychologists who received complaints against them. In Pennsylvania the licensing board complaint process involves two steps: an informal investigation and a formal complaint process. The identity of psychologists cited in the informal investigation is not in the public domain so no analysis could be done on the gender or association affiliation of psychologists who were subjected to informal investigations. However, there is no reason to suspect that

gender or association membership systematically placed individuals at a higher risk for unfounded complaints.

Nonetheless, gender and membership in a professional association were significantly related to being disciplined by the State Board of Psychology in Pennsylvania. Male psychologists were more likely to have licensing board adjudications, especially boundary violations and sexual boundary violations. Similar findings of an increased risk for sexual boundary violations by male psychologists have been reported elsewhere (Report of the Ethics Committee, 2006; 2007). Various reasons have been proposed to explain why boundary violations occur, including lack of adequate training in handling sexual feelings (Paxton, Lovett, & Riggs, 2001), personal vulnerabilities during times of stress (Jackson & Nuttal, 2001), or loneliness or lack of strong social support networks (Hamilton & Spruill, 1999). Also, male psychologists were more likely to rate non-erotic dual relationships as more acceptable than female psychologists (Baer & Murdock, 1995), perhaps making them more prone to boundary transgressions.

However, this study found that gender alone was not a risk factor for boundary violations; rather, gender combined with failure to belong to the state psychological association placed a male at a much higher risk for all offenses, especially boundary offenses. It is possible that male psychologists had been practicing for longer periods of time and thus had more opportunities to commit unethical acts. Or, it may be psychologists who belong to state psychological associations have a more extroverted orientation to practice and are more likely to

have social support networks that can assist them during times of stress, keep them aware of current standards of the profession, or otherwise help improve the quality of their services.

Membership in a professional association is associated with a lower risk of being the subject of a disciplinary action by the state licensing board, although the reasons for these findings are unclear. One explanation for this finding is that the consultation and education programs of the state association may reduce the risk of misconduct by members. The Pennsylvania Psychological Association offers extensive continuing education in legal and ethical issues; has two full-time employees who, among other services, provide consultation to its members; publishes articles on ethical and legal issues in its newsletters; maintains articles on legal and ethical issues on its website; and has contracts with three attorney-psychologists who offer a legal consultation plan for members (Knapp & Lemoncelli, 2005).

Another explanation is that the more conscientious psychologists self-select themselves into the professional association or otherwise develop professional affiliations that provide protective benefits such as consultation on problem cases, information on current trends in professional practice, or provide an opportunity for colleagues to intervene if problem areas emerge in their practices. Of course, all of these phenomena may be present. That is, the more conscientious psychologists may self-select themselves into organizations that provide consultation, education, and feedback on professional practice issues, or psychologists who join professional association may have a more extroverted approach to professionalism that includes embedding themselves in an environment involving feedback and social supports.

For doctoral trainers these data underscore the importance of emphasizing a career management plan that involves considerable interaction with other psychologists, either through involvement with professional associations or other social activities. Professors can talk about the importance of professional associations to their students, model appropriate behavior by belonging to professional associations themselves, participate in association activities, and encourage their students to do so as well, either through service on committees, submission of academic posters, or as presenters at continuing education activities.

A final implication addresses licensing fees. An analysis of the licensing fees in Pennsylvania showed that the largest portion of licensing board fees is allocated to paying for the investigation and prosecution of offenses by psychologists (Department of State, 2005). If all licensed psychologists had been disciplined at the rate of PPA members, then licensing fees would drop substantially, because the Board would need to spend less money on investigation and prosecutions. In addition to the financial drain on the Board, the large number of disciplinary complaints reduces the time the Board has to perform other duties related to public welfare.

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Table 1

Gender and Disciplinary Actions

	Male	Female	Unknown	Total
Failure to get CE/ false renewal form	37	23	2	62
Sexual intimacies with patients	15	0	0	15
Other boundary violations	9	3	0	12
Felony or misdemeanor in practice of psychology	4	4	0	8
Disciplined by another jurisdiction	6	2	0	8
Presumed impairment	2	4	0	6
Practice on	1	5	0	6

lapsed license				
Records/ confidentiality issue	4	1	0	5
All other	15	3	0	18
Total	93	45	2	140

Table 2

PPA Membership and Disciplinary Actions

	Association Member	Not Association Member	Total Actions
Failure to get CE/ false renewal form	13	49	62
Sexual intimacies with patients	2	13	15
Other boundary violations	1	11	12
Felony or misdemeanor in practice of psychology	2	6	8
Disciplined by another jurisdiction	0	8	8
Presumed impairment	3	3	6
Practice on lapsed license	3	3	6
Records/ confidentiality issue	1	4	5
All other	9	9	18
Total	34	106	140

¹ Dr. Knapp is employed by the Pennsylvania Psychological Association referenced in this study and is partially responsible, along with other staff and volunteers, for ethics education for the state association.

² Dr. VandeCreek is a former president of the Pennsylvania Psychological Association.

