

**BEFORE THE ARKANSAS PSYCHOLOGY BOARD**

**IN THE MATTER OF:**

**H. GENE CHAMBERS, Ph.D.  
RESPONDENT**

**CASES C-12-04 and C-12-05**

**CONSENT ORDER &  
RESOLUTION AGREEMENT**

Comes the Arkansas Psychology Board ("APB"), in agreement with Gene Chambers, Ph.D. ("Respondent"), and states as grounds for this Consent Order the following:

**HISTORY OF CASE**

1. Respondent is a Psychologist licensed by APB (# 93-19P) and therefore is subject to APB's licensing law and regulations (including the American Psychological Association's *Ethical Principles of Psychologists and Code of Conduct*) and APB's disciplinary jurisdiction.

2. This case was initiated by APB upon review of a professional reference Respondent supplied for an applicant for provisional licensure as a psychological examiner who was working for his clinic. It appeared from the reference's content that the applicant was engaging in unlicensed provision of psychological services (APB Complaint Case # C-12-02 as to that applicant). After receiving an explanation from Respondent's attorney about the basis for Respondent to be expressing opinions about the applicant's competencies in various psychological categories, APB concluded there was insufficient evidence to pursue that potential ethical violation (Standard 5.01 Avoidance of False or Deceptive Statements). During the course of the investigation of that dropped violation allegation, however, additional established violations surfaced as described as follows:

**C-12-05:**

3. Respondent practices neuropsychology and is a principal in the MindWorks clinic along with fellow neuropsychologist Dr. [REDACTED] (license # 97-17P). They both qualify to be supervising psychologists for the use of neuropsychological technicians. In 2009, Respondent performed a neuropsychological evaluation on a client and in the course of doing so used a neuropsychological technician to administer and score some of the involved tests. Respondent had not registered that technician, although Dr. [REDACTED] had, and Respondent did not reference anywhere in his report of the evaluation the name of the technician or her credentials nor the fact that one had been used. An APB member filed a complaint relating to these facts.

**C-12-04:**

4. From 2010 through 2012, Respondent has used the technician services of [REDACTED] an employee of the MindWorks clinic, on multiple occasions. Respondent initiated the process of registering Ms. [REDACTED] as his technician with APB on September 29, 2010, but APB determined that Ms. [REDACTED] required educational training was deficient in several academic [REDACTED]

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course subjects. On April 27, 2011, both Ms. [redacted] and Respondent were issued cease-and-desist letters by APB since Respondent acknowledged that [redacted] had already been participating in neuropsychological evaluations as a technician for some time. Ms. [redacted] was not registered as a technician at any time with APB prior to March 20, 2012, when Respondent arguably completed that registration process regarding Ms. [redacted] via her submission of additional transcripts pertaining to her previously deficient academic courses.

5. In the numerous neuropsychological evaluations utilizing Ms. [redacted]'s technician services, Respondent failed to mention the use of Ms. [redacted] as a technician and her credentials in the written reports of those evaluations.

6. From a review of the clinic's evaluation case files generated from March to August 2012, it was discovered in one case (12315) that Respondent had used testing and scoring services by an applicant for a psychological examiner's provisional license who had not been granted that provisional license at the time by APB (and still has not been granted that status) and who had not been registered with APB as a neuropsychological technician. The applicant was the same individual identified in #2 hereinabove.

### FINDINGS OF FACT and CONCLUSIONS OF LAW

1. There is probable cause to believe that the following violations have been committed by Respondent in case # C-12-04:

A. A supervising neuropsychologist is required to register with APB any technician being used by that psychologist before using that technician to provide test administration and scoring services. The numerous instances of Respondent's use of Ms. [redacted] as a neuropsychological technician before her registration by him had been completed each constitute violations of *Arkansas Code Annotated* § 17-97-403 and the implementing APB Rules 7.7.B.(6), 7.7.C.(1), and 7.7.(G).(1).(a and b). Respondent's use of Ms. [redacted] for technician services before her registration was completed also constitutes a violation of APA ethical Standard § 9.07 (Assessment by Unqualified Persons).

B. Supervising neuropsychologists who use a technician to administer and score psychological tests as part of a neuropsychological battery are required to include the name and credentials of that technician on written reports prepared by the psychologist. Respondent's failure on multiple occasions to name Ms. [redacted] in the former's written reports as the technician that was used in the evaluations each constitute violation of *Arkansas Code Annotated* § 17-97-406(d)(3)(B).

C. Psychologists are not to use psychological paraprofessionals to provide actual psychological testing services unless the latter are either licensed by APB or have been registered by APB as a technician. Respondent's use of a psychological examiner applicant to test a client when that applicant has not been granted a provisional license or been registered as a technician constitutes a violation of APA ethical Standard 9.07 (Assessment by Unauthorized Persons). If the applicant's use was intended to be equivalent to the use of a technician, then such use constituted violations of *Arkansas*

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*Code Annotated* § 17-97-403 and APB Rules 7.7.C.(1) and 7.7.G.(1) (a and b).

2. There is probable cause to believe that the following violations have been committed by Respondent in case C-12-05:

A. A supervising neuropsychologist who is sharing the services of a neuropsychological technician with another supervising neuropsychologist who has registered that technician must also comply with all registration and supervision requirements. Respondent's failure to also register the technician he used in the 2009 neuropsychological evaluation and which technician had previously been registered by his partner constitutes violations of *Arkansas Code Annotated* § 97-17-403(a)(1)(A) and APB Rule 7.7.A.(5).

B. Supervising neuropsychologists are to acknowledge use of a technician in their written reports of evaluations. Respondent's failure to acknowledge and name in his report the technician he used and her credentials constitutes a violation of *Arkansas Code Annotated* § 17-97-406(d)(3)(B).

3. The foregoing violations expose Respondent to discipline under *Arkansas Code Annotated* §§ 17-97-310(a)(8) and 17-97-311(a)(1)(A)(ii) and implementing APB Rules 11.6.H.- I.

4. Respondent would be entitled to an adjudicatory hearing in this matter. Nevertheless, the parties herein have deemed it appropriate to resolve this case without a hearing while still serving APB's goals of ensuring ethical practice by its licensees and protection of the public. As part of this resolution, Respondent hereby admits having committed the violations enumerated in the Findings of Fact and Conclusions of Law.

### ORDER

For the established violations, the following are the agreed sanctions to be applied:

1. Respondent shall be on probation for a minimal period of one (1) year from the date this Order becomes effective (as subsequently defined herein). During this probation and thereafter, Respondent is admonished to cease using unregistered neuropsychological technicians or other non-licensed individuals for test administrations and scorings in his practice and to henceforth comply with all of APB's statutes and rules pertaining to use of technicians.

2. Respondent shall pay a fine of \$5,000.00 to APB within sixty (60) days of the effective date of this Order (as subsequently defined herein).

3. Respondent's evaluation files shall be subject to a random audit by APB within one (1) year of the effective date of this Order to ensure compliance with APB's statutes and rules. Should that audit fail to find any additional violations, the probationary period will cease one (1) year from the effective date of this Order (as subsequently defined herein).

4. A copy of this Consent Order & Resolution Agreement shall be placed in Respondent's general licensure file, as well as the maintained specific complaint file. Failure to *MS*

DEC 13 2012

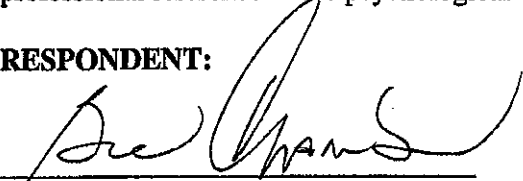
comply with the Consent Order's terms and conditions may result in further disciplinary proceedings, including, but not limited to, extension of the probationary period.

5. The effective date of this Order shall be the latter date by which both signatories have executed it.

6. Except as provided herein regarding discovery of additional established violations during the period of probation, this Consent Order disposes of all disciplinary matters involved in Complaint Cases C-12-04 and C-12-05 (as well as C-12-02 regarding the provision of the professional reference in the psychological examiner's application).

RESPONDENT:

ARKANSAS PSYCHOLOGY BOARD:

  
\_\_\_\_\_  
H. Gene Chambers, Ph.D.

BY: \_\_\_\_\_  
Executive Director

12-7-12  
DATED

12/14/2012  
DATED

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