

malpractice. The Applicant submitted official verification of his internship and licensure as a psychologist in the state of Tennessee. (Testimony of Sharon Dozier; State Exhibits 6, 10, 12)

2. The Applicant was awarded a Master of Science Degree in Guidance with a minor in Psychology from East Texas State University in Commerce, Texas (now Texas A & M University) on May 17, 1975. The Applicant was awarded a Doctor of Education Degree in Guidance with a minor in Psychology from East Texas State University on December 17, 1976.

The American Psychological Association (APA) accredited the School Psychology Program within Texas A & M University Department of Educational Psychology on October 29, 1985. The doctoral level Counseling Psychology Program within the Department of Educational Psychology was designated a doctoral program in psychology in 1981. The doctoral level School Psychology Program within the Department of Educational Psychology was designated a doctoral program in psychology in 1985. (Testimony of Sharon Dozier; State Exhibits 4, 7-9)

3. The Applicant took the Examination for Professional Practice in Psychology (EPPP) in Nebraska on October 14, 1977. His official score report from the Association of State and Provincial Psychology Boards (ASPPB) Mobility Program indicates that he did not obtain the applicable EPPP passing score of 70%. (Testimony of Sharon Dozier; State Exhibits 10, 11)

CONCLUSIONS OF LAW

I. Failure To Appear

645 IAC 11.6(1)"b" provides that the statement of charges and notice of hearing may be served by restricted certified mail, return receipt requested. The Applicant was properly served with the statement of charges and notice of hearing by restricted certified mail on August 17, 2006 but failed to appear for the hearing. (State Exhibit 2)

If a party fails to appear or participate in a contested case hearing after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of

the party. 645 IAC 11.21(1). The Board was authorized to proceed with the hearing.

II. The Merits of the Application

Iowa Code section 154B.6 (2005) provides, in relevant part:

154.6 Requirements for Licensure

Except as provided in this section, an applicant for licensure as a psychologist shall meet the following requirements in addition to those specified in Iowa Code chapter 147:

1. Except as provided in this section, after July 1, 1985 a new applicant for licensure as a psychologist shall possess a doctoral degree in psychology from an institution approved by the board and shall have completed at least one year of supervised professional experience under the supervision of a licensed psychologist.

2. Have passed an examination administered by the board to assure the applicant's professional competence. The examination of any of its divisions may be given by the board at any time after the applicant has met the degree requirements of this section.

645 Iowa Administrative Code (IAC) 240.3(3) provides:

240.3(3) As of January 1, 2006, at the time of an applicant's graduation:

a. The program for which the doctoral degree in psychology is granted must be:

(1) Accredited by the American Psychological Association; or

(2) Accredited by the Canadian Psychological Association; or

(3) Designated by the Association of State and Provincial Psychology Boards (ASPPB)/National Register Designation Project as a doctoral program in psychology; or

b. The applicant must hold a specialty diploma by examination from the American Board of Professional Psychology.

645 IAC 240.4 provides, in relevant part:

645-240.4(154B) Examination requirements. An applicant must pass the national examination and Iowa jurisprudence examination to be eligible for licensure in Iowa.

...
240.4(3) The EPPP passing score shall be utilized as the Iowa passing score.

The preponderance of the evidence in this record supports the Board's Preliminary Notice of Intent To Deny License. The Applicant does not have a doctoral degree in psychology from a program that was accredited by the APA or designated as a doctoral program by the ASPPB at the time that the applicant graduated from the program. The Applicant obtained his doctoral degree on December 17, 1976 from East Texas State University, but his doctoral program was not accredited by the APA or designated by the ASPPB until the 1980's. In addition, the Applicant has not obtained a passing score on the Examination for Professional Practice of Psychology (EPPP). The Applicant clearly does not meet the educational or examination requirements for licensure as a psychologist in Iowa. Therefore, the Board did not consider the issue of whether the revocation of the Applicant's license in Tennessee provides additional grounds to support the license denial.

DECISION AND ORDER

IT IS THEREFORE ORDERED that the application for a license to practice as a psychologist in the state of Iowa, filed by David Bass, is hereby DENIED.

Dated this 27th day of December, 2006.

Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final agency action, unless, within 15 days after the date of notification or mailing of this decision, a motion to vacate is filed and served on all parties or an appeal of the decision on the merits is timely initiated. A motion to vacate shall state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each

fact so stated must be substantiated by at least one sworn affidavit or a person with personal knowledge of each such fact attached to the motion. 645 IAC 11.21(3). The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate. 645 IAC 11.21(4).

Any appeal to the district court from disciplinary action of the board or denial of license shall be taken within 30 days from the issuance of the decision by the board. It is not necessary to request a rehearing before the board to appeal to the district court. 645 IAC 11.25(1). The party who appeals a decision of the board to the district court shall pay the cost of the preparation of a transcript of the administrative hearing for the district court. 645 IAC 11.23.

This findings of fact, conclusions of law, decision and order are approved by the board on December 27, 2006.