

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
PSYCHOLOGY BOARD

IN THE MATTER OF:

JERRY B. HUMPHREYS, M.A.,
Respondent.

FINAL DECISION

The North Carolina Psychology Board ("the Board") heard this cause on July 16, 2008. The Notice of Hearing, dated May 29, 2008, was hand delivered personally to Jerry R. Humphreys, M.A., ("the Respondent") notifying him that the hearing would take place on July 16, 2008, beginning at 9 a.m., at the Homewood Suites by Hilton Raleigh Crabtree, 5400 Homewood Banks Drive, Raleigh, North Carolina. A statement of charges, contained in a letter to the Respondent from Martha N. Storie, Executive Director of the Board, dated March 4, 2008, incorporated by reference therein, was served upon Respondent via certified mail and was signed for by Respondent on March 5, 2008. Respondent was not represented by counsel, nor did he appear at the hearing before the Board. Ms. Sondra C. Panico, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board heard testimony from Randy Yardley, M.A., Staff Psychologist to the Board, and accepted exhibits into evidence in a public session. After hearing the closing argument of counsel for the Board, the Board retired into an executive session to deliberate, during which deliberations it made the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Board finds, by a preponderance of the evidence, that the following facts are true and relevant:

1. At all relevant times the Respondent was a psychological associate licensed by the Board.
2. Randy Yardley, M.A., Staff Psychologist, testified at the hearing of this matter. (T p 7). He testified that he investigated this matter that came to the Board's attention as a result of a complaint filed with the Board by Thomas J. Thompson, Ph.D. Further, Mr. Yardley followed up on communications that Respondent did not respond to from April Everett, Communications Specialist for the Board, with regard to a supervision contract that Respondent failed to submit to the Board. (T p 7).
3. On or about October 15, 2007, Dr. Thompson filed his complaint with the Board. In the complaint, Dr. Thompson stated that on November 16, 2006, Respondent tested a client that was received at Murdoch Center, in Butner, N.C., using the Wechsler Adult Intelligence Scale-Revised (WAIS-R), which is an outdated test that was replaced in 1997 by the Wechsler Adult Intelligence Scale -III (WAIS-III). Dr. Thompson also noted that Respondent used the Vineland

Adaptive Behavior Scales, which was replaced one year prior to the evaluation, and was published in 2005. Dr. Thompson was also concerned that the client was incorrectly diagnosed and had concerns about Respondent's use of the WAIS-R in general because of the sub-scale scores that the client received. (T pp 7-8; Board Exhibit Number 8).

4. Respondent provided no written explanation for why he used a test that was replaced nine years prior to his use of it. (T p 8). Respondent provided no written communication in response to the complaint at all. (T p 8).

5. Mr. Yardley testified that after he received the complaint, on October 26, 2007, Respondent was sent a letter and an Order for a written response to the complaint and for his records. (T p 8; Board Exhibit Number 6).

6. Respondent received the letter and Order, which were sent via certified mail, and signed for receipt of the documents on November 5, 2007. (T p 9; Board Exhibit Number 6).

7. Respondent did not at any point in time comply with the Order for a written response to the complaint and for records. (T p 9).

8. Mr. Yardley testified that Respondent's response to the Order would have been due 30 days after November 5, 2007. When Respondent had not responded within the required 30 days, and had not contacted Mr. Yardley to ask for an extension, Mr. Yardley attempted to contact Respondent. (T pp 9-10).

9. On December 18, 2007, Mr. Yardley spoke with Respondent. Respondent told Mr. Yardley that he forgot about responding to the Order and asked what records were needed. Mr. Yardley referred him back to the Order for the details of what records were needed. Mr. Yardley told Respondent to call him if he had any questions. (T p 10; Board Exhibit Number 3). Mr. Yardley also explained to Respondent that there were two separate issues that he needed to respond to: the letter that Ms. Everett had sent him regarding filing a supervisor contract; and the complaint. (T p 10).

10. Mr. Yardley testified that he did not receive any response from Respondent nor did Ms. Everett. (T p 11).

11. On January 25, 2008, Mr. Yardley left a telephone message for Respondent, but Respondent did not return the call. (T p 11).

12. Mr. Yardley testified that in addition to the complaint that Respondent was ordered to respond to, Ms. Everett also sent Respondent a letter on September 14, 2007, requesting that he file a revised supervision contract because of a change in conditions of his supervision contract that was on file with the Board. (T p 11; Board Exhibit Number 10). Specifically, Respondent submitted a supervisor report to the Board indicating that he was retired. Ms. Everett requested that the new supervision contract form be filed in the Board office no later than September 28, 2007. (Board Exhibit Number 10).

13. Respondent did not respond to Ms. Everett's letter by September 28, 2007. (T p 13). As a result, Ms. Everett sent Respondent a letter, via certified mail, on October 11, 2007, again directing that he file a revised supervision contract with the Board. She requested that he file the contract no later than 10 days of receipt of the letter. (T p 13; Board Exhibit Number 9). Respondent signed for receipt of the letter on October 12, 2007.

14. Respondent did not respond to Ms. Everett's letter within 10 days of receipt. (T p 13). As a result, on November 5, 2007, Ms. Everett sent Respondent another letter, via certified mail, again reminding him of his obligation to submit a supervision contract, and informing him that the Board was investigating the matter because of his failure to respond. (T pp 13-14; Board Exhibit Number 5). Respondent was requested to file a supervision contract and also a written response to explain his failure to respond to previous correspondence and steps that he intends to take in the future to respond promptly to the Board and to file any subsequent supervision contract forms in a timely matter. Respondent signed for receipt of the letter on November 6, 2007. (Board Exhibit Number 5).

15. Respondent failed to respond to Ms. Everett's letter. (T p 14). In Mr. Yardley's telephone conversation with Respondent on December 19, 2007, he reminded Respondent to respond to Ms. Everett's letters. (T p 14). When Mr. Yardley spoke with Respondent on that date, Respondent stated that he thought he had responded to the letter dated November 5, 2007, but when asked if he kept a copy he responded, "heavens no." Respondent told Mr. Yardley that he would check into these things the following day. (Board Exhibit Number 3).

16. The Statement of Charges letter, dated March 4, 2008 was sent to Respondent via certified mail. Respondent signed for receipt of the letter on March 5, 2007. (T p 15; Board Exhibit Number 2).

17. Respondent did not claim the Notice of Hearing when it was sent via certified mail. As a result, the Notice of Hearing was hand delivered to Respondent through a process server. (T p 15; Board Exhibit Number 1) The notice was personally served on Respondent at his home address on June 18, 2008. (T p 15).

18. At no point in time has Respondent responded to the Board Order for a response to the complaint and for records, sent to him on October 26, 2007. (T p 11; Board Exhibit Number 6).

19. At no point in time has Respondent filed a new supervision contract or a response to explain his failure to do so. (T p 15; Board Exhibit Number 5).

CONCLUSIONS OF LAW

I. The Board has jurisdiction of the subject matter of this contested case and over the Respondent.

II. The Respondent's conduct violated N.C. Gen. Stat. § 90-270.15(a)(10), insofar as he is guilty of "unprofessional, or unethical conduct as defined in this subsection, or in the then-current code of ethics of the American Psychological Association . . . ," which alone warrants the disciplinary action taken by the Board

III. The Respondent's conduct violated N.C. Gen. Stat. § 90-270.15(a)(22), insofar as he has "failed to cooperate with or to respond promptly, completely, and honestly to the Board . . . ," which alone warrants the disciplinary action taken by the Board.

IV. The Respondent's conduct violated N.C. Gen. Stat. § 90-270.15(a)(7), which states, "Has violated any provision of this Article or of the duly adopted rules of the Board," which alone warrants the disciplinary action taken by the Board.

V. The Respondent's conduct violated Standard 9.08(a) of the *Ethical Principles of Psychologists and Code of Conduct* (2002), which states, "Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose," which alone warrants the disciplinary action taken by the Board.

VI. The Respondent's conduct violated Standard 9.08(b) of the *Ethical Principles of Psychologists and Code of Conduct* (2002), which states, "Psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose," which alone warrants the disciplinary action taken by the Board.

VII. The Respondent's conduct violated 21 N.C.A.C. 54 .2002(b)(6), which states, "Each supervisee shall file a revised supervision contract form within 30 days of a change in the conditions specified in the supervision contract on file with the Board," which alone warrants the disciplinary action taken by the Board.

VIII. The Respondent's conduct violated 21 N.C.A.C. 54 .2008(e), which states, "A written, notarized supervision contract form shall be filed within 30 days of a change in the conditions specified in the supervision contract form on file with the Board and within 30 days after receiving written notification from the Board that the filing of a new form is necessary to provide for the protection of the public or the regulation of the practice of psychology. A supervision contract form shall document either that supervision is required and shall be received, or that supervision is not required. . . . ," which alone warrants the disciplinary action taken by the Board.

NOW, THEREFORE, the NORTH CAROLINA PSYCHOLOGY BOARD ORDERS:

I. The license of the Respondent, Jerry B. Humphreys, M.A., is REVOKED.

II. The Respondent shall turn in his license to practice psychology in North Carolina and his HSP-PA certificate to the Board no later than two weeks after he receives a copy of this Order. He shall mail his license and HSP-PA certificate to: North Carolina Psychology Board, 895 State Farm Road, Suite 101, Boone, North Carolina 28607.

III. No later than two weeks from Respondent's receipt of this Final Decision, Respondent shall terminate services to all of his patients/clients and make provisions for the appropriate transition of his patients/clients to another therapist, as appropriate. Respondent shall also cease to engage in any other activities that meet the definition of the practice of psychology in N.C. Gen. Stat. § 90-270.2(8). Respondent shall provide a signed affidavit (a written statement made under oath or affirmation taken before a person having authority to administer such oath or affirmation) to the Board no later than three weeks after the execution of this Final Decision attesting that he has terminated and transferred all of his patients/clients within the two week period. He shall further attest that he is no longer engaged in the practice of psychology in any way.

IV. The Respondent shall pay the costs of this disciplinary proceeding in accordance with 21 NCAC 54 .1605(11)(c), which is \$ 300.00.

V. The Board shall maintain this Final Decision as a public record pursuant to N.C. Gen. Stat. §§ 132-1 and 90-270.15(e).

This the 21st day of August, 2008.

NORTH CAROLINA PSYCHOLOGY BOARD

BY: Jane E. Perrin, Ph.D.
Jane E. Perrin, Ph.D.
Board Chairperson

APPEAL

Pursuant to N.C. Gen. Stat. § 150B-45, any party wishing to appeal this Final Decision may commence their appeal by filing a Petition for Judicial Review in the Superior Court of Wake County or in the Superior Court of the county in which the party resides. The party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.

CERTIFICATE OF SERVICE

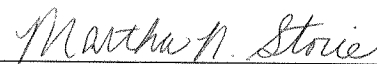
I, Martha N. Storie, Executive Director of the North Carolina Psychology Board, do hereby certify that I have this day served a copy of the foregoing FINAL DECISION upon the following by depositing a copy of same in the United States mail, certified mail, return receipt requested, postage prepaid:

Jerry B. Humphreys, M.A.
4755 Silverwood Lane
Randleman, NC 27317

I do further certify that I have this day served a copy of the foregoing upon the following by depositing a copy of same in the United States mail, first class, postage prepaid:

Sondra C. Panico
Assistant Attorney General
NC Department of Justice
PO Box 629
Raleigh, NC 27602-0629

This the 22nd day of August 2008.



Martha N. Storie
Executive Director
North Carolina Psychology Board
895 State Farm Road, Suite 101
Boone, NC 28607
(828) 262-2258