

OHIO BOARD OF PSYCHOLOGY

POLICY AND PROCEDURE MANUAL

CHAPTER 12: ENFORCEMENT

POLICY 12.3: INVESTIGATOR STANDARD OPERATING PROCEDURES

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REVIEWED AND APPROVED



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Purpose

This document sets forth expectations and standard operating procedures (SOP) for the Ohio Board of Psychology (Board) investigators specific to complaint ownership, case management, and the efficient conduct of complaint investigations. These SOP's are intended to foster efficiency and to set forth parameters in most situations encountered in complaint processing and investigations. The SOP's may be amended on a case-by-case basis by the executive director verbally or in writing based on the specific circumstances in a given complaint.

SOP 1: Handling Complaints Outside Board Jurisdiction

New complaints are queued under the "PSY All Open Complaints" under the Complaints tab in eLicense. The queue shall be checked daily by an investigator on a rotating weekly basis. Complaints against individuals who are not under Board jurisdiction shall be identified and an email shall be sent to the eLicense Customer Service Center (CSC; csc@ohio.gov), within 24 hours of its discovery, to have the complaint transferred to the appropriate board. Variations to this are acceptable based on the preference of boards receiving referrals. Non-jurisdictional complaints remain in the "All Open" queue until they are re-assigned by CSC. Investigators shall communicate about intentions to have a complaint transferred to another board so the process is not duplicated. Investigators shall copy each other on emails to CSC.

SOP 2: Complaint Assignment and Ownership

Board investigators shall generally alternate taking assignment ("ownership") of new complaints based on date/time of submission, unless the executive director approves of an alternate assignment because of workload or variables related to a given complaint. The executive director may review the new complaint queue and assign cases by changing "owner" status. The investigators are expected to maintain a cooperative process of maintaining reasonably similar caseloads. All complaints under Board jurisdiction shall be self-assigned on an alternating basis by changing the "Owner" status in the Complaint Detail so that each complaint is, within 24 hours of being viewed in the "PSY ALL Open Complaints" tab, clearly the responsibility of one investigator.

The size of an active caseload should be determined by the number of Open cases assigned to each investigator. "Pending" and "new" cases should not be conceptualized as part of an investigator's active caseload because pending and new cases are generally not consuming time and effort like open cases. Once an investigator takes ownership of a case, the case appears in her complaint queue regardless of its status (new, pending or open).

SOP 3: Initial Complaint Processing Requirements

The assigned investigator is responsible for all case processing and documentation. The first step is reading the complaint and conceptualizing what violation(s), if any, are being alleged. As warranted to clarify allegations, the investigator shall collect more information from the complainant via telephone interview to inform decision-making. The second step, unless the complaint does not allege violation of the law and rules, is requesting signed releases from the complainant and communicating deadlines for closing the case if there is a lack of responsiveness from the complainant. New complaints under ownership of an investigator shall be reviewed in an expeditious manner to determine if releases for records are needed or, alternately, if the case should be formally opened if enough documentation has already been received.

Signed releases of information shall be requested in writing from the complainant by email or US Mail within five (5) business days of complaint *submission*. The investigator shall acknowledge receipt of the complaint, identify any required missing materials (i.e., releases), and indicate that the initiation of an investigation is pending the receipt of appropriate materials. These emails shall be sent from the Salesforce database or shall be noted in the "Notes and Attachments" section so the executive director can easily determine what actions have or have not been completed relative to a complaint.

After releases are sent to the complainant, the status of the complaint is changed from "New" to "Pending," as in, the receipt of signed releases is pending.

The "Submitted" date is the date the complaint was filed with the Board or received from another board upon referral. The "Opened" date is the date signed releases are received and the case is opened. The investigator shall record this date in the "Date sent to investigator," which informs the "Days Open" count under Investigation Information.

Complaints that do not allege violation of the laws and rules governing psychologists shall be prepared for review by the executive director, who will determine if there shall be Board member assignment vs. referral to Board counsel for review and authorization to close.

SOP 4: Initial Complaint Conceptualization and Records Request

When one or more complaint allegations, if true, would be violations of law/rules, then the complaint provides a basis to proceed to preliminary investigation and a review of records is critical. The records request is the simplest and quickest investigation task to complete, so it should be done as soon as possible when allegations could reflect violations. The investigator shall request from the respondent the records of services to the complainant by sending the signed releases and a cover letter by certified U.S. Mail within five (5) business days of the investigator's receipt of the releases. This requirement may be moot or extended if the complaint does not allege violations of law, or if the investigator's documented efforts to speak to the complainant to clarify complaint allegations are unsuccessful.

As warranted to clarify complaint allegations and to provide customer service, a telephone interview with the complainant (or at a minimum an introduction by the investigator) should be conducted within two (2) weeks of complaint *submission*.

SOP 5: Review of Records/Investigation Conceptualization

A strategic review of the records with an eye on complaint allegations shall be completed and documented within two (2) weeks of their receipt in the office to determine the best manner for moving forward to address the complainant's right to an efficient and thorough investigation. The executive director shall be consulted to assist in case formulation and understanding data in the records as warranted.

SOP 6: Preliminary Report and Supervising Member Assignment

A Preliminary Report of Investigation (PRI) shall be drafted and emailed to the executive director for review within forty-five (45) days of the receipt of records (by which time the investigator is responsible for documenting interviews and any email correspondence with the complainant and/or the respondent, with an eye on assigning the case to a supervising board member. The PRI is the critical document for communicating investigation findings to the supervising board member (SBM). Barring unusual cases or circumstances, a supervising board member shall be assigned after records have been received, reviewed and summarized, and a PRI completed. The PRI shall include metrics, including the date the complaint was submitted and the date records were received. The PRI shall contain the complaint allegations, interview summaries, evidence review, an analysis of the complaint, and questions for the Board member and/or recommendations or options to the supervising board member for moving forward. The SMB's role is to provide direction, feedback, and leadership specific to the PRI, records, and questions posed by the investigator and executive director.

SOP 7: Consulting a Second Member of the Board

If the SBM recommends case closure without action against the license, a second member review report shall be completed by the investigator within two (2) weeks of the date of the SBM's recommendation to close. The investigator is responsible for identifying a second member for review, after approval of the assignment by the executive director. The PRI shall be formatted and finalized into a Report of Investigation that contains the findings and recommendations of the SMB and the investigator. This eliminates the need for drafting of a distinct "second member memo." If a determination is made that the case is best situated for closure, the case should be closed as soon as possible to foster efficiency in the best interests of the complainant and the respondent. As warranted, educational closure letters should be drafted and sent to the executive director for review and approval within two (2) weeks of second member authorization to close. After approval of an educational closure letter by the executive director, the investigator shall send it by email attachment to the SBM within 48 hours. The investigator shall follow up as directed if the supervising member does not reply to the email within two (2) weeks.

If it's determined that further investigation is warranted after second member review, then correspondence (e.g., a 60-day notification letter) should be drafted and sent to the executive director for approval within two (2) weeks of receipt of the second member's determination. The second member then assumes SBM responsibility status on the case.

SOP 8: Correspondence to the Respondent

A draft of all 60-day notification letters shall be emailed to the executive director for review and editing. Letters shall only be mailed upon the approval of the executive director and the SBM. The involvement of Board counsel may be required depending on the nature of the allegations.

Upon receipt of a reply to a 60-day notification letter, the response should be immediately sent to the supervising board member and executive director for review and feedback. Email or telephone follow-up with the SBM shall be initiated if s/he has not provided a response within two (2) weeks.

If a determination is made by the supervising member, executive director, and the investigator to proceed to more formal processes (e.g., informal meeting, CA proposal or NOH), a copy of the investigation file should be prepared for Board counsel as soon as possible.

SOP 9: Case Closures

Mailing approved closure letters (including educational closure letters) and closing out the case in the database shall be completed within 48 hours of written or telephone approval from the second member.