

BEFORE THE WEST VIRGINIA BOARD OF EXAMINERS OF PSYCHOLOGISTS

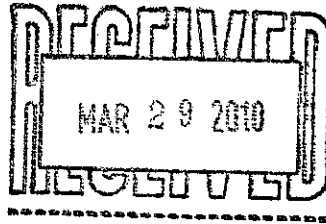
WEST VIRGINIA BOARD OF EXAMINERS
OF PSYCHOLOGISTS,

Complainant,

v.

MARIE VEITIA, Ph.D.,

Respondent.



Case No.: 2009-4

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint, the West Virginia Board of Examiners of Psychologists ("Board") determined that there was probable cause to believe that Marie Veitia, Ph.D. ("Dr. Veitia") has exhibited conduct in the practice of psychology in violation of the provisions of W. Va. Code § 30-21-1 *et seq.* and the Rules of the Board, at 17 C.S.R. § 1-1 *et seq.* The Respondent was provided with written notice of the allegations against her pursuant to the Rules of the Board and the laws of the State.

Now, in lieu of a hearing, the parties have reached an agreement for the resolution of this case matter and the parties agree to the entry of the following Order in disposition of this matter.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That Dr. Veitia is a licensee of the Board, License No. 437, and is subject to the license requirements of the Board.
2. That Respondent was, at all times material hereto, employed as a psychologist with University Physicians and Surgeons, Inc.
3. That on March 16, 2009, the Board received a Complaint against the Respondent related to a Fitness for Duty Evaluation (FFD Evaluation) that the Respondent had performed of the Complainant.
4. That Respondent was contracted by the Department of Veteran Affairs to perform the FFD Evaluation as part of her employment with University Physicians and Surgeons, Inc.
5. That Respondent performed the FFD Evaluation on January 21, 2009, and at the time, the Complainant was a police officer employed by the Department of Veteran Affairs.
6. That Respondent had performed previous FFD evaluations of the Complainant.
7. That Respondent's evaluation consisted of an interview of the Complainant and included the use of a questionnaire developed in collaboration with the Complainant's supervisor. Moreover, Respondent reviewed a rating of the Complainant prepared by the Complainant's supervisor.
8. That in the FFD Evaluation, Respondent concluded, among other things, that the Complainant was unfit to "fulfill his duties as a VAMC police officer at this time." In apparent reliance on Respondent's FFD Evaluation, the Department of Veterans Affairs temporarily suspended the Complainant's duties as an armed police officer, and

assigned the Complainant to desk duties pending resolution of the issue of his fitness for duty.

9. That on February 10, 2009, the Complainant underwent a "forensic psychiatric evaluation" by Dr. Bobby Miller, M.D., at the request of his employer to determine, not only the Complainant's fitness for duty with the Department of Veteran Affairs, but also to provide any psychiatric diagnosis and the Complainant's mental status. Dr. Miller determined that the Complainant was presently fit for duty, had no mental illness diagnoses, and had a normal mental state. That Dr. Miller noted specific concerns about the Respondent's report and the inadequacy of her methodology in conducting the initial FFD Evaluation.

10. That the Respondent's FFD Evaluation is incomplete and inadequate because she failed to (1) perform the proper psychological testing necessary for conducting an FFD Evaluation; (2) incorporate in her evaluation a reference to the Complainant's police service history; and (3) interview the Complainant's co-workers.

11. That further, because she failed to perform a proper assessment of the Complainant, Respondent's FFD Evaluation contains an unsubstantiated opinion that the Complainant was unfit for duty as a police officer.

12. That the Board adopted as its code of ethics the American Psychological Association, Ethical Principles of Psychologists and Code of Conduct (Code of Ethics).

13. The Board conducted an investigation, during which time the Board's Ethics Committee reviewed relevant information and sought opinions regarding this matter.

14. That the Board's Ethic Committee upon completion of its review did make a recommendation to the Board for a finding of probable cause.

15. That by vote at its July 31, 2009 Board meeting, the Board determined that Dr. Veitia violated section 9.01(a) of the Code of Ethics along with W. Va. Code § 30-21-10 and 17 C.S.R. § 3-7-1.

16. That Dr. Veitia advises the Board that she has not performed any FFD evaluations since receiving notice of this complaint and that she will not perform any FFD evaluation in the future unless the Board enters an order authorizing her to do so.

CONCLUSIONS OF LAW

1. That the Board is a state entity created by W. Va. Code § 30-21-1 *et seq.* and is a regulatory board created for the purpose of regulating the practice of psychology. W. Va. Code §30-21-1 *et seq.*

2. That in order to carry out its regulatory duties, the Board is empowered to suspend, revoke, or otherwise discipline an individual's psychology and/or school psychology license because of the authority granted to it by W. Va. Code § 30-21-10.

3. That the Board has adopted the American Psychological Association, Ethical Principles of Psychologists and Code of Conduct and that failure of a licensed psychologist to comply with that document is a violation of 17 C.S.R. § 3-6 and may be grounds for disciplinary action by the Board pursuant to W. Va. Code § 30-21-10 and 17 C.S.R. § 4-4.

4. That a psychologist shall act in accordance with this Code of Ethics. 17 C.S.R. §§ 3-6 and 3-7.

5. That the Board finds probable cause that Respondent violated Section 9.01(a) of the Code of Ethics in the performance and completion of the FFD Evaluation. Section 9.01(a) specifically requires that "psychologists base the opinions contained in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings." In conducting the FFD Evaluation, Dr. Veitia failed to administer appropriate and necessary psychological tests to the Complainant and, in the absence of such tests; Dr. Veitia's recommendation that the Complainant was unfit for duty is unsubstantiated. Moreover, the Board finds probable cause that the Respondent failed to perform and complete the FFD evaluation in compliance with 17 C.S.R. § 3-7.1, W. Va. Code § 30-21-10 and 17 C.S.R. § 4-4.

CONSENT OF LICENSEE

I, Marie Veitia, Ph.D., by affixing my signature hereto, agree and acknowledge the following:

1. I have had the opportunity to consult with counsel and execute this Consent Order voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.
2. No person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.
3. I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. Moreover, I am aware of my legal

rights regarding this matter, but I have intelligently, knowingly and voluntarily waive such rights.

ORDER

On the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Veitia, the West Virginia Board of Examiners of Psychologists hereby **ORDERS** and **DECREES** that:

1. Respondent shall not perform any fitness for duty evaluation of any person from the date of entry of this order unless and until such time as she has made application to the Board for probationary re-authorization to perform such evaluations and the Board has entered an order subsequent to this Order authorizing her to do so after completion of the requirements set forth below or such other or additional requirements as the Board may deem appropriate.

2. If the Respondent desires to perform any fitness for duty evaluations in the future, she shall apply to the Board for authorization to do so and shall complete the following requirements or such other requirements as the Board may deem appropriate during a probationary re-authorization process.

a. Upon application to the Board and approval by the Board to begin a probationary re-authorization process, the Respondent shall perform no fitness for duty evaluations unless the same are conducted under the supervision of a psychologist who is licensed by the Board and approved by the Board.

b. Upon approval by the Board to begin a probationary re-authorization process, the Respondent shall complete at least six (6) Board approved

continuing education hours in the performance of fitness for duty evaluations. These continuing education hours are in addition to the regularly mandated continuing educational hours that a licensee must complete for license renewal, and shall not be obtained via any online courses, except upon approval by Respondent's Board-approved supervising psychologist.

c. Within 30 days of the completion of Respondent's first year after her application for authorization to perform fitness for duty evaluations, Respondent shall submit to the Board at least three fitness for duty evaluations that were completed during the prior probationary re-authorization year. Such fitness for duty evaluations shall be co-signed by the Board-approved supervisor. The Board shall review such reports and make recommendations to the Respondent and/or take any such action as the Board deems appropriate.

3. Dr. Veitia shall reimburse the Board a total of \$1,500 for all of the administrative and legal expenses incurred by the Board in the investigation and disposition of the Complaint. Said amount shall be paid within 30 days of the entry of this **ORDER**.

4. Should the Respondent fail to complete any of the terms of this Order after beginning a probationary re-authorization process, her license to practice psychology in the State of West Virginia shall be suspended, effective immediately, without further process or hearing.

5. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting.

6. This document is a public record as defined by W. Va. Code §29B-1-2(4).

7. This Consent Agreement and Order constitutes the entire agreement between the parties.

The foregoing Order was entered this 23rd day of April 2010.

WEST VIRGINIA BOARD OF EXAMINERS OF
PSYCHOLOGISTS

By: Tina Yost Ed.D.
Tina Yost, Ed.D.
President

Entered: 4/23/10
Date

Agreed to by:

Marie Veitia Ph.D.
Marie Veitia, Ph.D.
March 22, 2010
Date

Sworn and subscribed before me this 22nd day of March, 2010.

My Commission expires: July 6, 2018

Wanda L. Webb
Notary Public

