# HOW TO PREPARE FOR THE GEORGIA JURISPRUDENCE EXAMINATION William Doverspike, Ph.D. Drdoverspike.com 770-913-0506

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# Prepare for state jurisprudence examination.

After the national Examination for Professional Practice in Psychology (EPPP-2) is passed, the next step is a jurisprudence exam of laws, rules, and regulations of states in which one intends to practice. Candidates in Georgia are required to pass the Georgia Psychology Jurisprudence Exam. The following information is quoted from the Psychology FAQ page of the Georgia State Board of Examiners of Psychologists:

"The Georgia Psychology Jurisprudence Exam is a computer based exam designed to assure that Georgia licensees possess knowledge at a level which will allow them to practice in a manner consistent with the Laws and Rules of Georgia applicable to the practice of Psychology. The exam consists of a timed, closed-book, multiple-choice examination covering current law, rules and regulations, and general provisions. After an individual's application has been approved by the Board to take the exams, applicants will receive correspondence via e-mail from the Board on how to register for the exams through the vendor administering the exam for the Board. The ASPPB national licensure exams, the EPPP Part 1 (Knowledge) and Part 2 (Skills), must be taken and passed first. Then an applicant will be contacted by the administrating vendor for the Georgia Jurisprudence exam and may then register and sit for the exam on a date and time of their choice. Refer to Board Rule 510-2 Licensure by Examination."

(Georgia Secretary of State, 2023, Question 4).

### Prepare for a closed-book examination.

The closed-book examination contains 50 multiple-choice questions that must be completed in no more than 60 minutes. A passing score consists of correctly answering 38 out of 50 questions. In addition, 5–10 experimental questions may be administered during the exam. The experimental questions are not scored and the time taken to answer them does not count against the time remaining in the examination.

# Use evidence-based study techniques.

A number of effective study techniques have been developed by educational and school psychologists. One useful technique is known as the PQRST method (Preview, Question, Read, State, Turn Back). This technique is also known as SQRRR (Survey, Question, Read, Recite, Review), designed to improve retention of material that has been read (Doverspike, 2008).

# Use knowledge and skills to manage anxiety.

When anxious, people often feel the urge to avoid or escape the source of the anxiety. However, procrastination works against candidates who postpone their preparation. Use the concept of opposite action, which allows the choice of doings exactly the opposite of what one might feel like doing. Using opposite action can allow one to take a pause and, when it is appropriate, make a conscious choice to do the opposite of what emotions are driving one to do. Acting in opposition to natural impulses sometimes means simply approaching rather than avoiding the things that are dreaded or feared. Furthermore, by reframing of thoughts, anxiety can be transformed into excitement that can energize the task of preparation.

Use distributed learning over a period of time.

Distributed learning (aka, distributed practice, spaced repetition, the spacing effect, or spaced practice) is a learning strategy in which learning are practice are broken up into a number of short sessions over a longer period of time. Items in a list are learned more effectively when they are studied in sessions spread out over a long period of time, rather than when studied over a short period of time. Massed practice (which is the opposite of distributed practice) consists of fewer and longer training sessions. It is generally a less effective method of learning. When studying for any exam, spreading out study sessions more frequently over a larger period of time (distributed learning) results in more effective learning than "cramming" or intense studying over a few days before an exam (mass practice).

# Use personality style to assist studying.

Although many introverts prefer studying alone or with a study partner, extraverts often benefit from having a study group. Old-fashioned note cards and online Quizlet tests can be useful. Note cards can often become more effective if they are used to connect single pieces of information on each card to other concepts through a concept map. Whether the maps are drawn by hand or created with software, they should emphasize substance over form. Their purpose is to make connections that help you see the content from different perspectives (Berry & Chew, 2008).

# Consider using the priority principle.

Practice tests can also be helpful in identifying weak areas that may require extra attention. Competitive weightlifters and professional bodybuilders often use the so-called *priority principle* of training. This principle focuses on training a weak muscle group or lift first in a workout or first in the week, when one is fully energized and fully recovered from the previous training. One former competitor used this principle in studying for the jurisprudence exam, by essentially doing no studying at all in legal and regulatory areas that were already overdeveloped and focusing the majority of study in areas that were underdeveloped. Yes, it not only worked very well, but the technique required some use of opposite action, since it is easier to focus studying in areas of scholarly strengths than our weaknesses.

# Consider using pre-test cards and checklists.

Some candidates find that it helps to hand write pre-test clue cards or crib notes. Although her recommendations are intended for candidates preparing for the EPPP-2, APA staff writer Helen Santaro (2023) provides some useful tips for those preparing for exams. Santaro recommends making a "cheat sheet" of concepts that are frequently seen on practice tests. Learn the cheat sheet so that the terms and concepts are stored in memory. Set aside the notes before entering the test center. When starting the exam, recommends Santaro, quickly write down the facts, terms, and concepts that were memorized. Do not bring cards, notes, or sheets into the PSI center. According to the Candidate Information Bulletin (PSI Services, 2023), "You will be given a piece of scratch paper and a pencil. These will be returned to the proctor at the end of your examination" (p. 3).

# Preparation includes practicing self-care.

Learning new material, reviewing old material, and managing pre-test jitters are all enhanced by the practice of self-care. Although it is vogue in some circles to brag about sleep deprivation, it reduces learning efficiency. Because learning is consolidated in the brain during sleep cycles, getting sufficient sleep each night improves learning.

# Stay current with updated information.

To stay informed about current developments, check the websites of these three organizations: (1) ASPPB's EPPP-2 webpage (https://www.asppb.net/page/EPPPPart2-Skills), (2) the state psychological association (SPA) in the state in which you intend to become licensed, and (3) the licensing board in the state in which you plan to practice.

In Georgia, follow the Georgia Psychological Association (<u>https://www.gapsychology.org/</u>) and the State Board of Examiners of Psychologists (<u>https://sos.ga.gov/georgia-state-board-</u>

<u>examiners-psychologists</u>). To stay current with proposed changes in rules and regulations of the licensing board, consider joining the Georgia Secretary of State's "Interested Parties List for Proposed Rule Changes and Other Notifications" (<u>https://sos.ga.gov/form/interested-parties-list-</u> proposed-rule-changes-and-other-notifications).

Additional information on the Georgia Jurisprudence Exam can be found on the *Georgia Psychology Jurisprudence Examination: Candidate Information Bulletin* (PSI Services, 2023).

## Areas of Knowledge Sampled on the Exam

When it comes to learning laws, rules, and regulations, there is nothing worse that borrowing someone's old study materials and then later learning that the laws, rules, and regulations have changed. Georgia laws, rules and regulations, and proposed rules can be accessed through the official website of the Georgia State Board of Examiners of Psychologists ("Georgia Board of Psychology"), which is under the Licensing Boards Division of the Georgia Secretary of State's office. See Appendix section.

# Georgia Board of Psychology

# **Georgia Rules and Regulations**

For access to Georgia rules and regulations for the professional practice of psychology, go directly to the source. The official site is under the Georgia State Board of Examiners of Psychologists ("licensing board"), which is under the Division of Professional Licensing Boards, which is under the office of the Secretary of State, which is part of the Executive branch of government of the State of Georgia.

# Rules of State Board of Examiners of <u>Psychologists</u>

Licensing boards live by rules, so it is important to learn the rules by which they live.

Chapter 510-1	Organization
Chapter 510-2	Licensure by Examination
Chapter 510-3	Licensure by Endorsement
Chapter 510-4	Code of Ethics
Chapter 510-5	Supplemental Code of Conduct
Chapter 510-6	Disciplinary Hearings
Chapter 510-7	Renewal/Reinstatement/Inactive License
Chapter 510-8	Continuing Education Requirements
Chapter 510-9	Licenses of Limited Duration
Chapter 510-10	Unlicensed Practice

### **Georgia Statutory Law**

There are two sites that provide reliable information for the Official Code of Georgia Annotated (OCGA).<sub>1</sub> The Code of Georgia site contains citations and dates that laws have been amended. The public access LexisNexis® site contains annotations and some citations of case law, judicial decisions, and statutory law.

Code of Georgia

LexisNexis®

### Georgia Case Law

The Georgia Jurisprudence Examination does not sample from decisions of the Georgia Court of Appeals, although a licensing board member may ask a question during the Oral Examination.

In the professional practice of psychology in Georgia, the most often cited case is *Bradley Center v. Wessner* (1982), in which the Georgia Supreme Court upheld an appellate decision that determined a failure to exercise control over a potentially violent inpatient who made a clear threat toward a readily identifiable intended victim. In affirming the appellate decision, on October 27, 1982, the Georgia Supreme Court held that the Court of Appeals properly identified the legal duty in this case. An analysis of this case is provided in Doverspike (2018, p. 4). The court decision can be accessed at the following link:

## Bradley Center v. Wessner (1982)

There are a few other cases involving Georgia licensed psychologists that have been decided by the Georgia Supreme Court.

Georgia Supreme Court

#### Notes

1. Future academicians and forensic psychologists might find a way to integrate some of this information into their responses during the Oral Examination, which will be the last hurdle to jump for those who pass the Georgia Jurisprudence Examination. Do not pay attention to this section unless you have APA Style Legal Geek potential:

The section sign (§) is a symbol for referencing individual numbered sections of a document, frequently used when referring to legal code. The symbol can be inserted through Microsoft Word through the "symbol" drop down menu. It can also be added to a Word document by encoding a character code of 00A7 (Unicode) or 167 (ASCII). The Word shortcut key is Alt+0167. The section sign is also called a section symbol, section mark, double-s, silcrow, or "squiggly" mark. In some parts of Europe, it is known as a paragraph mark although in the U.S. the paragraph sign is known as a pile pilcrow (¶). When duplicated as §§, the section sign is read as the plural "sections" (e.g. "§§ 13–21"), much as "pp." (pages) is the plural of "p."

**2.** As discussed in Paul Milich's (2012) *Law Review* article "Georgia Law §24-5-501 (Certain communications privileged) was previously listed as §24-9-21. On May 3, 2011, Governor Nathan Deal signed into law House Bill 24 (HB 24) bringing a new set of evidence rules to the State of Georgia. The new rules went into effect on January 1, 2013" (Milich, 2012, p. 1).

# References

- Berry, J. W., & Chew, S. L. (2008). Improving learning through interventions of studentgenerated questions and concept maps. *Teaching of Psychology*, 35, 305–312.
- Bradley Center, Inc. v. Wessner, et al., 161 Ga. App. 576 (287 SE 2d 716) (1982a).
- Bradley Center, Inc. v. Wessner, et al., 250 Ga. 199, 296 SE 2d 693 (1982b).
- Doverspike, W. F. (2007). The so-called duty to warn: Protecting the public versus protecting the patient. *Georgia Psychologist*, 61(3), 20. <u>https://gapsychology.site-</u> <u>ym.com/associations/3558/files/GPSu07f</u> <u>ull4.pdf</u>
- Doverspike, W. F. (2008, December 01). *How to* be a better reader: A key to effective reading. <u>http://drwilliamdoverspike.com/files/how</u> <u>to be a better reader.pdf</u>
- Doverspike, W. F. (2018). The so-called duty to warn: Protecting the public versus protecting the patient (Rev. ed.). <u>http://drwilliamdoverspike.com/publicatio</u> <u>ns</u>

This resource is a revised and updated article, based on original 2007 article, that contains some updated content and citations.

Doverspike, W. F. (2023, April 15). *How to* prepare for the psychology licensing examination. http://drwilliamdoverspike.com/files/how \_to\_prepare\_for\_the\_psychology\_licensin g\_examination.pdf

- Georgia Secretary of State, Georgia State Board of Examiners of Psychologists. (2023). Frequently asked questions related to the Georgia Board of Psychology. https://sos.ga.gov/page/psychology-faq
- Milich, P. S. (2012). Georgia's New Evidence Code: An Overview. Georgia State University Law Review, 28(2), 3. <u>http://scholarworks.gsu.edu/gsulr/vol28/is</u> <u>s2/3</u> Paul S. Milich's (2012) Law Review article is also available at this link: <u>https://readingroom.law.gsu.edu/gsulr/vol28/iss2/3</u>
- PSI Services, LLC. (2023, November 13). Professional Licensing Boards Division: Georgia Psychology Jurisprudence Examination: Candidate Information Bulletin. <u>https://candidate.psiexams.com/bulletin/di</u> <u>splay\_bulletin.jsp?ro=yes&actionname=8</u> <u>3&bulletinid=377&bulletinurl=.pdf</u> Under document properties, the author is listed simply as Cathy.
- Santaro, H. (2023, April). New psychology licensing exam expands. *Monitor on Psychology*, 54(3), 24–27. <u>https://www.apa.org/monitor/2023/04/psy</u> <u>chology-licensing-exam-expands</u>

### Resources

# Georgia Psychological Association. (2023, June 1). *EPPP2 focus group summary*. 2022– 2023 Early Career Psychologists Committee.

## https://www.gapsychology.org/

This resource was created on June 5, 2023, modified on June 5, 2023, and published on June 5, 2023 by the Georgia Psychological Association (GPA). The document was prepared by the 2022–2023 Early Career Psychologists Committee of GPA. The committee recruited licensed psychologists who passed the EPPP2 to share their experience in preparing for and passing the EPPPs between 2021 and 2022. To learn more about this resource or to join the state's psychological association, visit GPA's official site:

https://www.gapsychology.org/default.aspx

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This resource does not contain any proprietary or privileged information about the EPPP-2, the Georgia Jurisprudence Examination, Georgia laws, Georgia Rules and Regulations, or Georgia Psychology Licensing Board procedures. In other words, everything in this article has been obtained from sources that are available to the general public. Furthermore, I have no knowledge of the test items and I have not been involved in the construction of the EPPP-2 or the Georgia Psychology Jurisprudence Examination. With the exception experiences of personal and information shared retrospectively with me by licensed psychologists who prepared successfully for the exams, the information contained in this resource is available from the source documents listed as reference entries. Candidates who are interested in learning more about the examination should contact PSI Service LLC. I receive no financial compensation or other for the information herein.

William F. Doverspike, Ph.D.

# Appendix A: Georgia Statutory Law

# Official Code of Georgia Annotated (OCGA)

These sections of the Georgia Code are relevant to the practice of psychology in Georgia:

#### **Title 43 Professions and Businesses**

- §43-1-27 Licensee required to notify licensing authority of felony conviction.
- §43-1-19 Refusal to grant, revocation, and reinstatement of licenses; surrender; probationary license.

#### **Psychology Practice Act**

§43-39-1 to §43-39-22 (This section of Georgia Law is known as the Psychology Practice Act) and it consists of 22 sections contained in Article 1 (20 sections) and Article 2 (2 sections).

#### Article 1 General Provisions (§§ 43-39-1 — 43-39-20)

- 43-39-1 Definitions.
- 43-39-2 Creation of board of examiners; immunity.
- 43-39-3 Appointment to board; qualifications; terms; vacancies; removal.
- 43-39-4 Oath of office; certificate of appointment.
- 43-39-5 Officers; meetings; seal; procedures; expenses.
- 43-39-6 Authority of board to establish code of conduct and of ethics, administer oaths, summon witnesses, and take testimony; issuance of licenses; enforcement of chapter.
- 43-39-7 Practicing without a license; use of title; exceptions.
- 43-39-8 Application for license; qualifications.
- 43-39-9 Examination of applicants.
- 43-39-10 Reciprocity.
- 43-39-11 [Reserved] Recordation of licenses; clerk's fees; report by clerk to joint-secretary.
- 43-39-12 Biennial renewal of licenses.
- 43-39-13 Denial, revocation, suspension, and reinstatement of licenses; other disciplinary actions; hearings; appeals.
- 43-39-14 Temporary and provisional licenses.
- 43-39-15 Continuing education.
- 43-39-16 Privileged communications.
- 43-39-17 Use of title "psychologist."
- 43-39-18 Injunctions against violators.
- 43-39-19 Penalty.
- 43-39-20 Immunity from civil and criminal liability for certain good faith actions.

### Article 2 Psychology Interjurisdictional Compact (§§ 43-39-21 — 43-39-22)

43-39-21 Short title.

43-39-22 Compact terms.

#### **Title 24 Evidence**

- §24-5-501 Certain communications privileged. [This section of Georgia law was previously classified as §24-9-21 until 01-01-2013.]<sup>2</sup>
- §24-9-21 [This section of Georgia Law, which was titled "Certain communications privileged," has been classified under §24-5-501 (Certain communications privileged) since 01-01-2013.

#### **Title 19 Domestic Relations**

§19-7-5 Reporting of child abuse; when mandated or authorized; content of report; to whom made; immunity from liability; report based upon privileged communication; penalty for failure to report; spiritual treatment for illnesses.

#### **Title 16 Crimes and Offenses**

- §16-6-5.1 Improper sexual contact by employee, agent, or foster parent; consent not a defense; penalty.
- Title 16 (Crimes and Offenses), Chapter 13 (Controlled Substances), Article 5 (Sanctions Against Licensed Persons for Offenses Involving Controlled Substances or Marijuana).
- §16-13-110 to §16-13-114
- §16-13-110 Definitions
- §16-13-111 Notification of conviction of licensed individual to licensing authority; reinstatement of license; imposition of more stringent sanctions.
- 16-13-112 Applicability of administrative procedures
- 16-13-113. Article as supplement to power of licensing authority.
- 16-13-114 Period of applicability of article.

Georgia Statutory Law (continued)

#### **Title 30 Handicapped Persons**

§30-5-4 Reporting of need for protective services; manner and contents of report; immunity from civil or criminal liability; privileged communications.

#### **Title 31 Health**

- §31-7-160 to §31-7-165
- §31-7-160 Health Service Provider Psychologist.
- §31-7-161 Appointment to staff of medical facility or institution.
- §31-7-162 Training and experience requirements.
- §31-7-163 Status of present psychologist staff members.
- §31-7-164 Limitation or revocation of staff privileges.
- §31-7-165 Report of denial of staff privileges.

#### **Title 37 Mental Health**

§37-3-41 Emergency admission based on physician's certification or court order; report by apprehending officer; entry of treatment order into patient's clinical record; authority of other personnel to act under statute; annual reporting.

# Appendix B: Rules and Regulations

### **Comprehensive Rules and Regulations**

These sections of the Rules and Regulations are relevant to the practice of psychology in Georgia:

#### **Professional Relationships (14 Items)**

Avoiding Harm Conflicts of Interest Continuity of Care: Interruption/Termination **Definitions of Relationships** Informed Consent Informed Consent to Research **Multiple Relationships** Referrals, Client Consideration **Research and Publication Relationships** Services Delivered to or through Organizations Sexual Misconduct: Laws Sexual Misconduct: Relationships Student Disclosure of Personal Information Supervisory Relationships Therapy Provided to Those Served by Others Third-Party Requests for Services

### Licensure and Regulations (13 Items)

Advertising Avoiding Deceptive Statements About Credentials Delegation of Work to Others **Disciplinary Actions** False and Deceptive Statements/Testimonials Immunity License Requirements Limited Practice Powers of the Licensing Board Refusal to Grant/Revocation of License Renewal/Reinstatement Reporting Child Abuse Statements by Others Supervisory Requirements Temporary/Provisional License **Unlicensed Practice** Use of Title Violations

#### **Competence (9 Items)**

Competence/Practice within Area of Expertise Maintaining Competence and Continuing Education Resolving Ethical Issues Recognizing Impairment Emergency Services Electronic Transmission Design of Training Programs

#### Assessment (6 Items)

Basis for Assessment Forensic Assessment Informed Consent for Testing Release of Test Data Scoring, Interpreting, and Explaining Test Results Test Security Use of Assessments Use of Obsolete or Outdated Tests User Qualifications

#### Privacy and Confidentiality (5 Items)

Limits of Confidentiality Privileged Communication Recordings Responsibility for Confidential Information Use of Confidential Information in Research

#### **Recordkeeping and Fees (3 Items)**

Accuracy in Reports to Payors Bartering Documentation and Maintenance of Records Fees and Financial Arrangements Record Retention Referrals Withholding Records for Nonpayment

# Appendix C: Georgia Case Law

# **Appellate and Supreme Court Decisions**

These decisions are relevant to the practice of psychology in Georgia. Listed in alphabetical order rather than the year of the decision, each of the cases below is shown as a text citation and then followed by a reference entry.

#### Bradley Center Inc. v. Wessner (1982)

- Bradley Center, Inc v. William Kenneth Wessner, et al., 250 Ga. 199, 296 SE 2d 693 (1982).
- Bradley Center, Inc. v. William Kenneth Wessner, et al., 161 Ga. App. 576, 287 SE 2d 716, (1982).

Georgia Supreme Court upheld an appellate decision that determined a failure to exercise control over a potentially violent inpatient who made a clear threat toward a readily identifiable intended victim. In affirming the appellate decision, the Georgia Supreme Court held that the Court of Appeals properly identified the legal duty in this case: "Where the course of treatment of a mental patient involves an exercise of "control" over him by a physician who knows or should know that the patient is likely to cause bodily harm to others, an independent duty arises from that relationship and falls upon the physician to exercise that control with such reasonable care as to prevent harm to others at the hands of the patient." (Bradley Center v. Wessner, 161 Ga. App. 576, supra, at 581, 1982a)

### Cooksey v. Landry, et al. (2014)

Crit Reon Cooksey, M.D. v. Christopher Michael Landry, et al. (\$14A0926) (Ga. Sup. Ct. June 30, 2014)

On June 30, 2014, the Georgia Supreme Court reaffirmed that mental health records have a higher level of privilege than other types of health records, described as "nearly absolute" privilege. The Court specifically indicated that this privilege remains "inviolate even though the patient's care and treatment or the nature or extent of the patient's injuries are put in issue in a civil proceeding." In line with the decision of *Sims v. State* (1984), this case is often cited as a legal precedent that "the psychotherapy privilege survives death."

#### Cranford v. Cranford (1969)

On September 30, 1969, the appellate court held that the mere fact of employment [of a licensed psychologist by a patient receiving psychotherapy] is not protected from disclosure in court. The case arose out of a suit for divorce, alimony, and child support. The parties were previously before the Supreme Court on appeal by the defendant (Peter G. Cranford, Ph.D.) in the divorce action, and the judgment of the lower court granting divorce and alimony was affirmed as to the grant of divorce but reversed for new trial as to the award of alimony and child support. The appellant's contention on this appeal was that the law afforded protection not only against the revelation of certain communications between psychologist and patient, but the fact of the relationship (i.e., the fact of employment) as confidential. The appellate court held that the mere fact of employment is not protected from disclosure.

### Garner v. Stone (1999)

#### Jack Garner v. Anthony Stone, No. 97A-320250-1 (Ga.,

DeKalb County Super. Ct. Dec. 16, 1999.

Although the case was never appealed and therefore never established as case law or a legal precedent, on December 16, 1999, a 6-person jury in a DeKalb County, Georgia, Superior Court found in favor of a former police officer with Gwinnett County, Georgia, who sued a licensed psychologist for violating the physician-patient privilege after the psychologist made a warning call to an identifiable third party. This nationally publicized legal case is a matter of public record and has been the subject of discussion in ethics training (Doverspike, 10°8, p. 7).

Peter G. Cranford v. Helen T. Cranford, 120 Ga. App. 470, 170 S.E.2d 844 (1969).

Georgia Case Law (continued)

#### McGarrah v. Posig (2006)

Nancy McGarrah v. Michelle Posig, 635 S.E.2d 219 (Ga.

App. 2006).

The appellate court reversed a lower court's denial of the defendant's motion for summary judgment, held that the plaintiff's affidavit cannot create a legal duty where none existed before, and held that OCGA § 19-7-5 does not create a private cause of action for damages for failure to report child abuse.

#### Michaels v. Gordon (1993)

Michaels et al. v. Mary Gordon, Ph.D. (1993), 211 Ga.App. 470 [439 S.E.2d 722] (1993).

The Georgia Court of Appeals concluded that the statutory grant of immunity applied not only to a person [in this case, a licensed psychologist who provided a pro bono evaluation of a 4-year old child] who makes a report of child abuse, but also to a person who participates in subsequent proceedings connected with a child abuse report.

#### O'Heron v. Blaney (2003)

- Thomas and Jean Blaney, et al v. Sara O'Heron and the Emory Clinic. 256 Ga. App. 612, 568 S.E.2d 774, 2002 Ga. App. LEXIS 907 (2002).
- Thomas and Jean Blaney, et al. v. Sara O'Heron and the Emory Clinic, 263 Ga. App. 681, 588 S.E.2d 852, 2003 Ga. App. LEXIS 1290 (Ga. Ct. App., Oct. 21, 2003).

On June 30, 2003, the Georgia Supreme Court affirmed the provision of statutory immunity [related to mandated reporting of suspected child abuse].

### Schrader v. Kohout (1999)

Sue Schrader v. Kim Kohout, 239 Ga. App. 134, 519 S.E. 2d 307 (1999)

In response to a lawsuit filed against psychologist Sue Schrader, Ph.D. and several other defendants alleging negligent psychological care and treatment, Schrader filed a motion for summary judgment. Schrader argued that she did not have a professional relationship with the plaintiff (Kim Kohout), did not perform any professional services for the plaintiff, and therefore owed no legal or professional duty to her. Schrader had provided a paid consultation group for several licensed psychologists. Although Schrader had called her group a "supervision" group, she argued in court that it was a consultation group consisting of licensed colleagues over whom she had no authority or control. Furthermore, she never provided treatment to the defendant. The trial court denied the motion, but granted a certificate of immediate review. On appeal, the Georgia Court of Appeals reversed the trial court's decision and agreed with Dr. Schrader that no physician-client relationship existed between her and Kohout.

#### Sims v. State (1984)

Sims v. State, 251 Ga. 877, 311 S.E.2d 161 (Ga. 1984)

The Georgia Supreme Court upheld psychotherapy privilege in the presence of a third party (i.e., the patient's husband, Marshall Sims, who was murdered by his wife Phyllis Gail Sims). This case is often cited as a legal precedent that "the psychotherapy privilege survives death."

#### State v. Herendeen et al. (2005)

- State of Georgia v. Herendeen et al., No. S04G1788 (May 23, 2005)
- State v. Herendeen, 279 Ga. 323, 613 S.E.2d 647 (2005) (May 23, 2005)
- Herendeen v. State, 268 Ga.App. 113, 601 S.E.2d 372 (2004) Dennis Herendeen v. State, 268 Ga. App. 113 (2004)

Dennis Herendeen, Ph.D., Samuel Haskell, Ph.D., and the Psychology Center (a professional corporation) appealed a trial court's order finding that their medical records were not subject to the psychologist-patient privilege. The Georgia Supreme Court granted a writ of certiorari to the Court of Appeals in order to review its decision concerning the scope of the psychologist-patient privilege provided in OCGA §§24-9-21(6) and 43-39-16. The Georgia Supreme Court affirmed the judgment of Georgia Court of Appeals with regard to the privilege and the remand for an in camera review of the mental health records at issue. The Court also directed that the trial court undertake certain additional determinations. The decision upheld the psychologist-patient psychotherapy privilege even for patients who were court-ordered to treatment.

# **Correct Citation for Reference Entry**

The reference entry correct citation styles for this document are illustrated below. Students should defer to the style preferences of their individual course instructors to determine whether the course instructor has preferences that are more specific than those shown below:

# **American Psychological Association**

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# Chicago Manual of Style / Kate Turabian

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# **Modern Language Association**

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Note: MLA guidelines assume that readers can track down most online sources by entering the author, title, or other identifying information in a search engine or a database. Consequently, MLA does not require a URL in citations for online sources such as websites. However, some instructors still ask for it, so check with your instructor to determine his or her preference.

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