

**BEFORE THE MISSISSIPPI BOARD OF EXAMINERS
FOR LICENSED PROFESSIONAL COUNSELORS**

IN THE MATTER OF STANLEY G. SMITH

**CAUSE NOS. 2013.07
and 2013.02**

ORDER REVOKING LICENSE

THIS MATTER, came on for hearing before the Mississippi State Board of Licensed Professional Counselors (hereafter sometimes referred to as (“the Board”), as authorized by statute, on the 18th and 19th days of June, 2015, against the Respondent, Stanley G. Smith. Board Member Glenn R. Waller, Ph. D., LPC-S, was present at the hearing of this matter but recused himself and did not participate in the deliberations of such. The Board Panel consisted of Susan Carmichael, PhD, LPC; Diane Williams, PhD, LPC, NCC, NCSC; Juawice McCormick, PhD, LPC-S, NCC, NCSC; and Walter Frazier, Ph. D., LPC-S, resulting in a quorum. Bridgett Williams Wiggins served as Administrative Hearing Officer and presided at the Hearing. The Board, having considered the evidence and testimony and being otherwise fully advised in the premises, finds, based upon clear and convincing evidence, as follows:

FINDINGS OF FACT

1. The Board is the duly constituted authority established pursuant to Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, for the licensure and regulation of the counseling profession in the State of Mississippi.
2. The Respondent holds license number 0496 which is subject to suspension and revocation by the Board pursuant to Section 73-30-21, Mississippi Code of 1972, as amended.
3. In 2013, the Board received two complaints against Dr. Stanley G. Smith. 2013-02 was filed by K. K. and Reeves Jones and 2013-07 was filed by the Mississippi State

Board of Psychology. The Board initiated an investigation and assigned Glenn Waller as the Investigating Board Member in this matter.

4. Based on the investigation, the Board issued a Notice of Hearing and Complaint dated February 13, 2015, to the Respondent charging him with violating Section 73-30-21(1)(f) and 73-30-23, Miss. Code Ann. (1972, as amended), along with 2005 American Counseling Association's *Code of Ethics*, C.2.a (Boundaries of Competence); E.2.b. (Appropriate Use), E.6.a. (Appropriateness of Instruments), E.6.a. (Referral Information); E.2.b. (Appropriate Use); E.3.b. (Recipients of Results), C.6.b. (Reports to Third Parties); E.13.b.(consent for Evaluation); C.6.b. (Reports to Third Parties); C.6.b. (Report to Third Parties); C.3.a. (Accurate Advertising); and C.2.a. (Boundaries of Competence), adopted through Section 73-31-13, Mississippi Code of 1972, as amended.
5. The Notice of Hearing and Complaint was served on the Responded by personal service at his address of record with the Board, as evidence by the Affidavit of Service by Chris Easthurn admitted into evidence in this matter. The hearing in this matter was initially set for March 19, 2015 at 9:30 AM and all the parties were present at that date. The Board granted Respondent's motion to continue until June 18th. Respondent and his counsel were noticed of the hearing and appeared at the June 18th hearing with witnesses.
6. The charges of the complaint were presented by Special Assistant Attorney General Wm. Jeffrey Jernigan.
7. K.K. and S.B. have two children together, but were not married. The couple separated and a child custody dispute developed before the Madison County Chancery Court.
8. S.B.'s attorney Petsey Smith contacted Dr. Stanley G. Smith¹, an LPC, who agreed to conduct an evaluation of S.B. and her minor children with regards to allegations of child sexual abuse by the natural father, K.K. Dr. Smith began seeing S.B. on or about August 1, 2012, where he administered several tests. Over the following weeks, he administered additional tests to S.B., who answered the tests on behalf of herself, and her two minor children that were the ages of five (5) and three (3). On or about September 10, 2012, Dr. Smith produced a report titled *Psychological & Neuropsychological Forensic Report For [S.B.] (mother) and Dependent Children [S.K.] (Age 5) & [E.K.] (Age 3) Further Interviews & Testing: [O.E.] (Age 18) & [Si.B.] (Age 12) (the "Report")*. The Report was filed by S.B.'s attorney in Madison County Chancery Court.
9. During S.B. and her minor children's assessment period, Respondent administered over 20 tests. The tests administered to S.B., which were answered on her and her

¹ Petsey Smith and Dr. Stanley G. Smith are not related.

minor children's behalf, included, but was not limited to, the Behavioral Assessment Screen for Children, Second Edition (BASC-2) – Parent Rating Scales –P, Behavior Rating Inventory of Executive Function – P (“Brief-P”), Millon Behavioral Medicine Diagnostic (“MBMD”), PDS, Behavior Rating Inventory of Executive Function-Adult Version (“BRIEF-A”), and the Trauma Symptom Checklist for Young Children (“TSCYC”). Many of these tests were administered to S.B. multiple times, often in the same day. For example the BRIEF-A was administered to S.B. three (3) times on August 16, 2012 and the TSCYC was administered to S.B. on behalf of S.K. twice on August 27, 2012 and once to E.K. on the same day. The Report did not include the date of the tests, the number of times they were administered, the protocol for administering the same test multiple times, and any explanation of variance test results.

10. Dr. Smith administered to S.B. the Posttraumatic Stress Diagnostic Scale (“PDS”) test. The Report stated that S.B.’s “Symptom Severity Score was very high at 47.” According to Respondent’s records, the test was administered once on August 1, 2012 and twice on August 16, 2012.² Respondent’s Report did not state that two weeks prior to scoring a 47, she scored a 24. The report did not include any reference to the score of 46 on a test that was administered on that same day as the 47. No explanation was provided for the variance of the test results in the Report. There was no protocol information included in his report for administering the test multiple times.
11. According to the Report, Respondent administered the Child Sexual Behavior Inventory (CSBI) for each minor child and included the results. The Report did not contain the test date of the CSBI. According to the CSBI test booklet from Dr. Smith’s records and the Assessment Declarations from Dr. Smith’s records, the CSBI tests were administered on November 15, 2012, two months after the Report was tendered.
12. Once the Report was filed, Reeves Jones and his client hired Gilbert S. Macvaugh III, Psy.D. to analyze the Report. He found that the report contained errors, which prompted Reeves Jones and K.K. to file complaints with the Mississippi Board of Psychology and the LPC Board (#2013-02). The MS Board of Psychology issued a Cease and Desist letter to Respondent and filed a Complaint with the LPC Board (#2013-07). Dr. Waller conducted his own investigation of Dr. Smith’s Report for violations of the LPC Rules and Regulations.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 73-30-7 and 73-30-21 of the Mississippi Code of 1972, as amended. Likewise venue is properly placed before the Board to hear this matter in Jackson, Mississippi.

² The August 16, 2012 tests were distinguished by handwritten words “physical assault” and “sexual assault of son.”

2. Pursuant to Sections 73-40-7 and 73-30-21 of the Mississippi Code of 1972, as amended and Chapter 8 of the Board's *Rules and Regulations*, the Board may among other things, suspend or revoke a license, refuse to renew a license, reprimand a licensee, and/or impose such other requirement or restrictions on the licensee as the Board finds proper in this matter.
3. The Respondent received due, proper and timely notice of the charges against him, and of the time and the place of the hearing. Therefore, this matter is properly before the Board.
4. The Board has complied with all relevant procedural legal requirements.
5. Pursuant to Section 73-30-13 of the Mississippi Code of 1972, as amended, and Chapter 7 of the Board's *Rules and Regulations*, individuals licensed by the Board adhere to the American Counseling Association's *Code of Ethics* 2005.
6. The Board pursuant to Sections 73-30-21(1)(f) and 73-30-23, Miss. Code Ann. (1972) along with other referenced provisions finds that the Respondent has intentionally violated the rules, regulations and laws governing Licensed Professional Counselors along with the 2005 ACA Code of Ethics. Specifically, the Respondent has violated the following provisions:

a) C.2.a. Boundaries of Competence

Counselors practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience. Counselors gain knowledge, personal awareness, sensitivity, and skills pertinent to working with a diverse client population.

Through actions including, but not limited to, misrepresentation of certain publications and research as described in Respondent's Curriculum Vitae, forensic report, webpage, and during Respondent's deposition. The misrepresentations demonstrated an over-estimate of Respondent's credentials and competence to provide a forensic evaluation which he used to find the father guilty of sexual abuse of children.

b) E.2.b. Appropriate Use.

Counselors are responsible for the appropriate application, scoring, interpretation and use of assessment instruments relevant to the needs of the client, whether they score and interpret such assessments themselves or use technology or other services.

E.6.a. Appropriateness of Instruments.

Counselors carefully consider the validity, reliability, psychometric limitations, and appropriateness of instruments when selecting assessments.

Through actions including, but not limited to, the misuse of psychological tests in application and interpretation. Respondent administered the same test multiple times in the same sitting despite having no protocol that supported this testing strategy. Respondent then interpreted the tests while ignoring potential bias. Respondent's Report was silent on the availability of other sources of data. The instruments were not appropriate as only a single rater was used, when other raters would have been beneficial. See also Reports to Third Parties.

c) E.2.b. Appropriate Use

Counselors are responsible for the appropriate application, scoring, interpretation and use of assessment instruments relevant to the needs of the client, whether they score and interpret such assessments themselves or use technology or other services.

Through actions including, but not limited to, conducting unilateral evaluations based on inadequate methods and data collection procedures resulting in unreliable and arguably invalid conclusions and opinions. Respondent obtained information on the children from one source, which was tested multiple times on the same tests on the same day and provided little, to no, explanation of the variance in results. See Report. The Report lacked any information concerning the testing protocol to explain how and why no other source was located. Respondent also cited his own material, which was not peer reviewed, as the basis for his findings. Such reliance creates an inappropriate basis for scoring and interpretation. The Respondent utilized testing and interpretation procedures to draw conclusions utilizing a protocol that was not supported by any empirically based procedures published in any peer reviewed professional journal.

d) C.6.b. Reports to Third Parties

Counselors are accurate, honest, and objective in reporting their professional activities and judgments to appropriate third parties, including courts, health insurance companies, those who are the recipients of evaluation reports, and others. (*See B.3., E.4.*)

Through actions including, but not limited to, generating a biased report for use in Chancery Court proceedings involving allegations of sexual abuse of

children, when Respondent did not disclose testing protocols or results in his report and when Respondent fabricated test results in his Report.

e) C.6.b. Reports to Third Parties

Counselors are accurate, honest, and objective in reporting their professional activities and judgments to appropriate third parties, including courts, health insurance companies, those who are the recipients of evaluation reports, and others. (*See B.3., E.4.*)

Through actions including, but not limited to, failing to produce records to third parties, when respondent did not provide records to other professionals, even pursuant to a Court Order.

f) C.3.a. Accurate Advertising

When advertising or otherwise representing their services to the public, counselors identify their credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent.

Through actions including, but not limited to, making misleading statements or a misrepresentation of credentials to third parties in court proceedings, when Respondent stated that he was “one of the most famous scientist in the south...” Respondent mislead the public by the words used in the title of his business. Respondent mislead on his credentials, by listing poster presentations as publications. Poster presentations do not carry the same peer reviewed standards as publications in journals, etc. Additionally, six (6) poster presentations were made at the same hour at the Association for Psychological Science in Boston, MA in 2010 that were listed separately as though they were independent presentations occurring at separate periods of time.

g) C.2.a. Boundaries of Competence

Counselors practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience. Counselors gain knowledge, personal awareness, sensitivity, and skills pertinent to working with a diverse client population.

Through actions including, but not limited to, the misuse of psychological tests in application related to a minor child, when Respondent included fabricated testing information on his Report for tests that had yet to be administered to the children, such as the CSBI. Respondent relied solely on

a single biased source for all the children's testing and did not seek additional testing sources.

ADJUDICATIONS

Based on clear and convincing evidence and the above Conclusions of Law; and for each of the violations, separately and/or jointly, the Board finds and orders that:

1. The license of Stanley G. Smith, Licensed Professional Counselor, Number 0496, is hereby revoked.
2. The Respondent may not apply for license reinstatement prior to the expiration of one (1) year from the date of entry of this Final Order. All current requirements for licensure must be met.
3. This action and order of the Board shall be public record and shall be spread upon the Minutes of the Board as its official act and deed.

SO ORDERED, this the 17th day of August, 2015

Board Members Susan Carmichael, Diane Williams, Walter Frazier, Juawice McCormick voted unanimously in favor of revocation of Stanley G. Smith's license.

Board member Glenn R. Waller recused himself and did not participate in the Board deliberations as he was the investigating Board Member.

MISSISSIPPI STATE BOARD OF
EXAMINERS FOR LICENSED
PROFESSIONAL COUNSELORS

BY: Walter Frazier, Ph.D., LPC-S, NCC
Dr. Walter Frazier, Board Chair