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**PERF BASELINE**  
**MENTAL EXAM**

# DISCLAIMERS

- I am not a PERF employee or under contract with PERF
- I am not an attorney but will be discussing my understanding of several legal issues that apply in this area
- I did not stay at a Holiday Inn last night
  
- Best practices/recommendations
- Q and A

# Background/Experience

- Licensed Psychologist in practice since 2001
- 3000 PERF public safety evaluations
  - Police
  - Fire
  - Corrections
  - Dispatchers
  - Dog catchers
- Informal consulting with PERF regarding mental exam standards
- Fitness for duty and disability evaluations

# Baseline mental examination- why?

- *Bonsignore v. City of New York* (1981)
- Negligent hiring and retention issues (i.e. liability)
  - Statistics on employment law (2/3 go to the plaintiff)
- Indiana law and “mentally suitable”
- PERF and excludable conditions
- Unique job demands
- Current climate regarding public safety personnel
- Educational/wellness component



# Baseline mental exam - PERF

- Timing of mental/psychological examination
- ADA issues (first offense penalties = \$55k on average)
- Conditional offer of employment (written is preferable)
  - Explain to applicant what “conditional” means
- All non-medical components must be completed first
- Written test, oral interview, agility, etc.
- Department applications/interviews should be ADA “sanitized”
- If applicant spontaneously discloses medical/psych information, what do I do?
- If at all possible, please polygraph and/or voice stress job applicants

# Typical hiring process steps:

- Initial advertisement; job posting
- Application process
- Initial written test
- Oral interview
- Physical agility test
- Chief's interview
- Selection list and "conditional offer of employment"
- Polygraph/voice stress, background check, reference checks
- Drug screening, medical evaluation, mental/psych evaluation

# What happens at the exam?

- Release authorizations signed and reviewed
- Informed consent signed and reviewed
- Psychological testing (true/false, yes/no, fill in the blank)
- Individual interview with examiner
- Clarification of test questions/admissions
- Determine if there is need for 3<sup>rd</sup> party records
- Consultation with agency as needed
- Detailed mental suitability report sent to agency
- Page 19 of PERF booklet completed by examiner



# Mental Exam Recommendations

- Select an examiner (Physician/Psychologist)
- Verify credentials (education, training, experience)
- Verify trained and experienced with the MMPI-2 instrument, including updated/current research with public safety norms
- Rule in/rule out philosophy
- Base rates of mental illness are extremely low in this population
- Verify face to face interviews are part of evaluation (not blind)
- No pre-existing relationship with applicants (i.e. family doctor)
- Examiner must be willing to review and obtain 3<sup>rd</sup> party records



# Mental Exam Recommendations

- Examiner should ideally use other tests to supplement the MMPI-2
- Examiner must be aware of employment laws (i.e. GINA)
- Examiner should be consulting with agency regarding areas of concern that come up in psych interview
- Examiner should be reviewing the job description as part of evaluation
- Examiner is getting paid to tell you yes or no; insist on pass/fail reports
- Examiner should be giving you a suitability report, not a clinical evaluation with diagnoses, treatment recommendations, etc.
- Be willing to re-open background investigations if necessary

# Mental Exam Recommendations

- Agency must have understanding with examiner up front regarding the release of records and communication with failed applicants.
- Failed applicants – they will call you, so have a plan
- Agency should have a policy and/or standard practice for the storage of psychological reports. Most agencies keep a general personnel file and a separate confidential file. PERF psych reports are confidential.
- Ensure information is shared on need to know basis only.
- Determine as a pension board if 2<sup>nd</sup> opinions are allowed, who pays, and how you will address conflicting opinions.

# Mental Exam Recommendations

- Timing of referrals
- Notice to applicants
- Records sent from agency to examiner (background, DD214, etc.)
- PERF booklet to examiner
- Timing of mental exam/medical exam
- PERF booklet versus psych suitability report – who gets what?
- There may be delays – 3<sup>rd</sup> party considerations



# Mental Exam Considerations

- Applicant payment for exam
- Feedback to physician/psychologist after the evaluation
- Take home exams/testing at agency
- “Standards established by the local board”
  - What can the agency work with?
- Top part of page 19 (for the examiner)
- Bottom part of page 19 (for the agency/pension secretary)



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