

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
June 22, 2018

FINAL APPROVED: August 24, 2018

The meeting of the Louisiana State Board of Examiners of Psychologists (Board) was noticed and agenda posted on, Wednesday, June 20, 2018. Dr. Phillip Griffin, Chair, called the meeting to order at 8:45 a.m. on Friday, June 22, 2018 at 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. Present were Board Members, Drs. Phillip Griffin, Jesse Lambert, Koren Boggs, Leah Crouch and, Executive Director, Jaime T. Monic. Dr. Amy Henke was absent from this meeting.

Dr. Griffin opened the meeting by reading the Board's Declaration of Purpose.

Dr. Boggs moved to approve the agenda for the day. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA.

The Board reviewed and discussed the meeting minutes from May 18, 2018. Dr. Boggs moved to approve the minutes of May 18, 2018. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA.

DISCUSSION/ACTION ITEMS:

1. **FARB 26TH Annual Meeting: Regulatory Law Training (September 27-29, 2018)** - The Board discussed this training and its benefits to board operations/transactions. The board considered the proposal of the Physical Therapy Board to split costs to send Attorney Courtney Newton to represent both boards at this training. The board further considered the legal focus of the training, including: Deference: Eroding of Chevron Deference; Board Appointment and Removal; Board Certification: What it Means; Administrative Procedures Act; Conflict of Laws; Conflicts of Interest; Sovereign Immunity; Due Process: Notice and Opportunity to Be Heard; Confidentiality of Complaints; Bright Line vs. Standard of Care; Top Recent Regulatory Cases; New Legislation; Regulation In the News. After consideration of the legal focus of the training and benefit to the operations and transactions of the board, by motion of Dr. Koren Boggs, the board unanimously approved funds to pay 1/2 the costs of travel and expenses to include: registration, attorney fees, travel expenses [flight, baggage, taxi, mileage], hotel and meals not covered by the conference at state approved rates. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA.

2. **RULEMAKING: Chapter 8: Continuing Education (Letter from the Louisiana Psychological Association RE: Objections)**: Ms. Monic reported that the rules for Chapter 8 had been submitted to the Legislative Fiscal Office on May 11, 2018 to initiate rulemaking on the revisions approved on March 16, 2018. The Board also reviewed and discussed an additional email from Dr. Julie Nelson, President of the Louisiana Psychological Association, objecting to the boards authority to establish a process for the board to preapprove continuing education activities for the renewal of a license. The Board further disagreed with LPA's assessment that

the members of the board were not qualified to review and approve continuing education activities. The Board discussed this matter and reaffirmed its intent to proceed with rulemaking.

3. **2018 Regular Legislative Session Updates** -

The Board discussed the following Acts of the 2018 Legislative Session: SB260 MILKOVICH – ACT 655; SB40 MILLS – ACT 515; HB748 EMERSON – ACT 693; HB372 CONNICK – ACT 623; HB189 WRIGHT – ACT 454. Noting that many would require revisions to policy and/or rules, Ms. Monic suggested a legal review by Attorney Courtney Newton for recommendations on applying the statutory requirements to the current policy and regulations of the LSBEP. Dr. Lambert moved in favor of a legal review and recommendation with regard to the new legislative requirements. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA.

4. **Texas Behavioral Health Board: Sunset Report and Recommendations (3-28-2018):**

The Board reviewed and discussed the report and recommendations impacting the Texas Board of Examiners of Psychologists and their practice act. The Board discussed concerns for potential impacts on receiving qualified applicants from Texas and upholding the highest occupational standards in the practice of psychology in light of the recommendations in Texas to repeal certain training requirements, including the postdoctoral supervision year; elimination of provisional licensure; elimination of its ability to engage an applicant orally for examination of credentials; board consolidation under an executive counsel without defining the purpose of the executive council; and recommending the engagement of compact licensure. The Board will continue to monitor the legislative initiatives in Texas as well as other states.

5. **Announcement from ASPPB RE: Hiring of new CEO, Mariann Burnetti-Atwell, PsyD** -

The Board received and reviewed the announcement from ASPPB regarding the hiring of new CEO Mariann Burnetti-Atwell, PsyD.

6. **ASPPB Correspondence from Dr. Sharon Lightfoot (May 2018) RE: Reviewing feedback from about implementation of EPPP** -

The Board received and reviewed correspondence from Dr. Sharon Lightfoot, ASPPB President acknowledging receipt of feedback concerning their “efforts to enhance the EPPP” and advising jurisdictions that they would be spending considerable time reviewing the feedback to find ways to address concerns.

7. **Letter from National Register, Dr. Morgan Sammons RE: Assessment of Foreign Credentials** –

The Board received and reviewed correspondence from Dr. Morgan Sammons regarding the National Register’s service to review foreign credentials. The Board discussed the service, but finding the current process for review of foreign credentials sufficient, directed Ms. Monic to decline the offer.

8. **Office Lease** – The Board reviewed lease proposals for the following locations:

- A. Sherwood Oaks Office Park, Sherwood Forest Blvd.
- B. 8706 Jefferson Hwy, Suite A (Current Location/New Suite)
- C. Barringer Foreman Technology Park Airline Highway @ Barringer Foreman
- D. 8706 Jefferson Hwy, Suite B (Current Location)

After discussion, the Board agreed that the Sherwood Oaks Office Park location was best suited for office/meeting needs. Dr. Jesse Lambert moved in favor of initiating the request to negotiate a lease in accordance with the proposal, and affirming that Ms. Jaime Monic, as Executive Director of the Board is authorized to facilitate such request. Further, Dr. Lambert moved that the Board approve funds available to execute such lease, not to exceed the proposed amount: \$4,156.25 for Months 1-24; \$4294.79 for Months 25-60 with a 5 year option to renew. Changes in the proposal will require further review by the Board. The motion passed by unanimous roll call vote as follows Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA.

COMMITTEE REPORTS: The Board received the following committee reports:

Executive Director Report – Ms. Monic reported that renewals were on schedule to open July 1, 2018. That Seryna White had been hired part-time to assist Ms. Monic with renewals and secretarial tasks. Ms. White’s position will be shared with the LA Behavioral Analyst Board in accordance with Section 3 of Act 351 of the 2013 Regular Session. Ms. Monic also affirmed that there would be no oral examinations scheduled for July due to renewals. The Board will instead utilize time working in their respective committees.

Finance Committee Report - Dr. Griffin reported that he reviewed and approved Leave Reports for Ms. Monic. Dr. Griffin reported that he reviewed and approved Bank Reconciliations prepared by Ms. Monic from May 2018. The Board reviewed and by motion of Dr. Boggs accepted the Financial Statements for May 2018 prepared by Valerie Dominique, CPA.

Oral Examination Committee Report – Dr. Boggs reported that 3 candidates are scheduled, to complete their oral examination this date. Dr. Griffin encouraged this committee to discuss ways to update and improve the oral examination procedures.

Supervision/Credentials Review – No report.

Complaints Committee: - No report.

Liaison to Professional Organizations and Boards Report – Dr. Griffin reported that he, Courtney Newton, Ms. Monic, and Dr. Henke presented on behalf of the LSBEP, at the Louisiana Psychological Association on Saturday May 19, 2018. Dr. Griffin reported that very positive feedback was received from attendees and a very complimentary letter was received from Dr. Julie Nelson, LPA President.

Continuing Professional Development Committee – No report.

Long Range Planning/Awards Committee – No report.

Louisiana Behavior Analyst Board (LBAB) Liaison – Dr. Lambert reported that this position had been eliminated in the 2018 Regular Session.

Jurisprudence Examination Committee – No report.

Legislative Oversight Committee Report – Reserved for discussion.

EXECUTIVE SESSION [LSA R.S. 42.16]:

Dr. Lambert moved to enter Executive Session pursuant to LSA R.S.42:17.A(4), to review matters under litigation, conduct oral examinations and applicant/candidate file reviews. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA.

By motion of Dr. Boggs, the Board unanimously agreed to close executive session to enter the following into the record:

LITIGATION [LSA-R.S. 42.17.A.(2)]

Dr. Leah Crouch recused herself from discussion regarding this pending litigation. The Board discussed the status of the pending litigation in executive session: U.S. DISTRICT COURT WESTERN DISTRICT OF LOUISIANA – LAFAYETTE DIVISION, Eric Cerwonka v. LSBEP Civil Action No. 6:17-cV-01095-UDJ-CBW; 19TH JDC, EBR Parish, Eric Cerwonka v. LSBEP, No.656,587 Div. I; LA Supreme Court, Application of Eric Cerwonka for a Writ of Certiorari or Review Directed to the to the First Circuit Court of Appeal, Its Docket No. 2017 CA 1199. No action was required at this time.

Review Legal Invoice from Taylor, Porter, Brooks & Phillips, L.L.P. – This item was not reviewed during Executive Session.

COMPLAINTS

1. Request for Investigation filed by EE, Rec'd 2/26/18 – (Type Error corrected, this matter is “Request for Investigation filed by BL, Rec'd 2/26/18) Dr. Griffin presented this matter along with Dr. Sasha Lambert’s written summary and recommendation to dismiss. Dr. Griffin, having also reviewed the entire record, affirmed Dr. Lambert’s recommendation to dismiss. The Board thoroughly discussed the matter. Dr. J. Lambert moved to accept Dr. S. Lambert’s recommendation for dismissal as affirmed by Dr. Griffin. The motion passed unanimously, by roll call vote as follows: Griffin – YEA, Lambert – YEA, Boggs – YEA, Crouch - YEA.

2. Request for Investigation filed by PS, Rec'd 04/04/2018 - Dr. Griffin presented this matter along with Dr. Sasha Lambert’s written summary and recommendation to dismiss. Dr. Griffin, having also reviewed the entire record, affirmed Dr. Lambert’s recommendation to dismiss. The Board thoroughly discussed the matter. Dr. J. Lambert moved to accept Dr. S. Lambert’s recommendation for dismissal as affirmed by Dr. Griffin. The motion passed unanimously, by roll call vote as follows: Griffin – YEA, Lambert – YEA, Boggs – YEA, Crouch - YEA.

3. NP16-17-11B – The Board reviewed this matter along with a draft letter and recommendations provided by Attorney Courtney Newton. Dr. Boggs moved in favor of proceeding with investigating this matter and turning over any additional concerns related to improper advertising and/or practice to the proper jurisdiction and request proper education.

The motion passed unanimously, by roll call vote as follows: Griffin – YEA, Lambert – YEA, Boggs – YEA, Crouch - YEA.

4. P16-17-14C; and 5. P17-18-11C – In accordance with La. R.S. 46:906.A., in order to avoid ex parte consultations and in order to preserve the impartiality of board members eligible to serve on future hearing panels in this matter, Dr. Leah Crouch recused herself from this matter and was not present for any discussion of these cases. The Board members present representing a quorum (Drs. Lambert, Boggs and Griffin) consulted with Attorney Amy Groves Lowe via telephone about appropriate procedures in this case. Following which, it was agreed by the majority of members present, that given the complexities and nuances of these related cases, Drs. Lambert, Boggs and Henke would act in affirming directives prior to proceeding with any action in this matter. No further action was taken was taken with this regard.

ORAL EXAMINATIONS [LSA-R.S.42.17.A.(1)]:

Michael P. Hoerger, Ph.D. appeared before Board Members, Drs. Griffin and Boggs for an oral examination for licensure in Clinical Psychology. Dr. Boggs moved that **Dr. Hoerger** be granted a license to practice psychology with a declared specialty in Clinical Psychology. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA.

Emily S. Kuhn Lambert, Ph.D. appeared before Board Members, Drs. Lambert and Crouch for an oral examination for licensure in Developmental Psychology. Dr. Lambert moved that **Dr. Lambert** be granted a license to practice psychology with a declared specialty in Developmental Psychology. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA.

Nina Ellis-Hervey, Ph.D. appeared before Board Members, Drs. Griffin, Lambert, Boggs, and Crouch for an oral examination for licensure in Clinical Psychology and School Psychology. Dr. Lambert moved that **Dr. Ellis-Hervey** be granted a license to practice psychology with a declared specialty in Clinical and School Psychology. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA.

SUPERVISION/CREDENTIALS COMMITTEE: APPLICANT/LICENSE FILE REVIEWS [LSA-R.S. 42.17.A(1)]

Dr. Crouch reviewed and presented the Application for License of **Elizabeth A. Berk, Ph.D.** to the Board with a motion to confirm her Candidacy status and invite her to take the Oral and Jurisprudence Examinations for Licensure. The Board discussed the motion. The motion passed unanimously.

Dr. Crouch reviewed the Temporary Registration of **Christine Lloyd, Ph.D.** (Florida). Dr. Crouch, finding the requirements for Temporary Registration had been met pending passing Jurisprudence Examination, recommended the Board approve **Dr. Lloyd's** registration upon

receipt of passing scores on the Jurisprudence Examination. The Board discussed the motion. The motion passed unanimously.

Dr. Crouch reviewed the Temporary Registration of **Robert Daniel Shaffer, Ph.D.** (Georgia). Dr. Crouch, finding the requirements for Temporary Registration had been met, recommended the Board approve **Dr. Shaffer's** registration. The Board discussed the motion. The motion passed unanimously.

Dr. Crouch reported that she reviewed and approved the revised Supervised Practice Plan for **Sarah K. Thomas, Ph.D.**

Prior to closing, in the event his replacement was appointed before the next meeting date, Ms. Monic and Drs. Lambert, Boggs and Crouch, commended Dr. Griffin for his dedicated service to the Board including his firm but respectable way he handled his year as chair, work in the neuropsychology rule revisions, and keeping the finances in check. Everyone expressed gratitude and acknowledged how much he will be missed.

Dr. Boggs moved to adjourn the meeting at 4:00 p.m. The motion passed unanimously.