



LOUISIANA STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

SECOND EDITION 2020

NEWSLETTER

THE BUSINESS OF THE BOARD

BY AMY HENKE, PSY. D.



In 1964, Louisiana statute created an independent licensing board for Psychologists. Since that time, both the profession and the Board have undergone many changes including the advent of Medical Psychology, changes in Executive Directors, and close to a hundred volunteer Board members over the years. It is easy to grow accustomed to the presence of an independent licensing board and even begin to take the fact that LSBEP exists for granted. I know my own reasons for

running for election to our licensing board had little to do with the day-to-day operations of the Board and more to do with my concerns of ASPPB's growing influence on licensing boards across the country. However, now that I am deep into my final year as a board member, I know there is more to LSBEP than ASPPB's interests. I am also increasingly aware of the fragility of an independent licensing board run by a group of our professional peers. We only need to look at states who function under omnibus boards to see the difference in how scope of practice can be eroded, the worth of our degrees diminished, and non-psychologists making decisions for our profession.

What I've learned is that our ability to function independently as a profession is not a right. It is a privilege provided to us by the

IN THIS EDITION

The Business of the Board
By Amy Henke, Psy.D.
Page 1

Election News
Page 2

Upcoming Dates of Interest
Page 6

Welcome New Licensees
Page 7

Thank you LSBEP Volunteers
Page 7

legislature and in Louisiana, that privilege has a financial cost. You may already know that LSBEP is a self-funded board, but I'd like to explain to my fellow Psychologists what exactly that entails. This means that LSBEP is 100% responsible for raising enough revenue to keep the Board financially solvent. The legislature does not provide any funding whatsoever to LSBEP for any part of the Board's operations. In plain terms, from lawsuits to paperclips - LSBEP must generate the revenue to pay for all expenses.

For many years, LSBEP has done an adequate job of managing the budget. But the Board now needs to make concrete steps towards financial repair and solvency. LSBEP can no longer discuss financial problems and then move to the next agenda item. Real action must be taken. As a licensee, you may be wondering, why not simply trim the budget and live within your means? I understand that perspective and it's a reasonable response that has been considered and implemented. I know this because I have been part of previous iterations of the Board that have voted to reduce expenses by cutting travel, laying off employees, limiting use of legal counsel, and eliminating per diems for Board members. I understand the temptation of wanting to engage in further austerity measures - I voted for those measures in 2017 and have slowly witnessed the results of that vote unfold in the years that followed. I understand the allure of "do more with less" because I helped to push that agenda. And I fully own that I thought putting a patch on the leak in the ship would do the trick because I desperately did not want to buy a new ship. But a ship can be patched only so many times before it's simply unseaworthy. The unfortunate reality is that according to our CPA's budgetary forecast, the Board will be bankrupt within two years. Let me repeat that - completely bankrupt - no further reserves, a negative bank account.

This is not to blame past iterations of the Board, as I know first-hand how difficult it is to make these decisions and how much each Board member cares about their fellow Psychologists. I truly believe that if previous Boards had known what we know now about our budgetary needs, they would have done even more to address the problem. With hindsight, it is obvious to see that our costs (particularly legal) would continue to grow, but this was not something past Boards predicted. In fact, from my experience of serving on the Board, a belief and hope has been present that legal costs would eventually decrease, and the Board would regain traction with financial stability.

You may be wondering, how in the world did this happen? How hard can it be to process licenses and handle a disciplinary case once or twice a year? It can't be that complicated. I know you may be thinking these things because I also held this now laughable perspective prior to my election to the Board. I want to outline for you exactly where the Board's biggest expenses and deficits come from - and I promise it's

Election News

CALL FOR NOMINATIONS to fill the term July 1, 2021 – June 30, 2026 is now open!

NOMINATION PERIOD:

October 2, 2020 - November 1, 2020

NOMINATION FORM:

Available at: www.lsbep.org/news/

For proper processing and to ensure your sealed nomination, please mail your submission to:

ATTN: 2020 BOARD ELECTIONS

C/O Jaime Monic

4334 S. Sherwood Forest Blvd, Suite C-150

BATON ROUGE, LA 70816

BOARD REVIEW OF NOMINATIONS:

The Board will open the Nominations submitted during its Long-Range Planning Meeting scheduled for November 19, 2020 in open meeting.

ELECTION PERIOD:

The election period will begin following the opening of the nomination forms. Notices will be sent via email, through an online voting software management company. The election period will remain open for 30 days.

not luxury meals in the French Quarter or sunset riverboat cruises (sign me up for that Board, though). Stick with me even if you are growing fatigued - Psychologists aren't exactly known for fascination with financial planning.

- Daily Board operations such as rent, utilities, internet, office equipment and general costs continue to increase. The Board has worked hard to consistently limit these expenses. LSBEP shares office space with the Behavior Analyst Board in order to decrease these costs. Regardless, it costs about \$6040 per month to simply have the doors open for day-to-day operations - and that's if the office is sitting empty with no employees and no one answers the phone or processes a single license or complaint.
- Employees cost money. This obvious statement actually understates the importance of the Board's employees. The Board currently has one full-time employee (Executive Director, Ms. Jaime Monic) and a part-time employee (Compliance Officer, Mr. Justin Owens). We have again worked to cut costs by sharing Mr. Owens' time with the Behavioral Analyst Board. Both are over-worked and frighteningly under-paid. Ms. Monic in particular regularly works over-time (with no additional compensation). I am personally embarrassed at the salaries we must offer our employees and in future issues of this newsletter, we will be sharing more about exactly what Board employees do in order to offer our readers a better idea of just how much work goes into running your Board.
- Around 2015, the Office of Statewide Reporting and Accounting began mandating that each agency report their anticipated long-term liability for retirement benefits. As a self-funded Board, we are required to fund any employees' state retirement plans. The state provides exactly zero dollars to do this. The Board has one former employee who is retired and continues to be eligible for health insurance benefits. The Board must also fund the retirement plans of any current employee. Prior to changes in the reporting rules, the Board did not need to account for this funding in their budget.
- We have lost a substantial number of Psychologists to the Medical Board. Regardless of your personal opinion on Medical Psychology, it is a fact that dividing the profession has diminished LSBEP's ability to function financially. There are approximately 107 Medical Psychologists currently licensed with LSBME. Most of those Psychologists drop their license with LSBEP or hold their license with LSBEP briefly as they obtain licensure from LSBME. While some Medical Psychologists retain a dual license with LSBEP, most do not. This is a significant amount of money that has already been lost and continues to be lost every year.
- Travel to conferences and trainings costs money. It is not intuitive to most licensees that a licensing Board would need to attend conferences. However, conferences such as ASPPB need Louisiana's presence as decisions made at these conferences impact the practice and regulation of psychology across the country. An example is the continued push of the EPPP-2. Without Louisiana's presence, decisions about this exam are made with no input from our state. Another example is PSYPACT, which allows for interstate temporary practice. This impacts who can practice psychology in Louisiana. Decisions are not put on hold if states aren't present; they are made regardless of who attends and we have seen ASPPB's desire to continue to enlarge their scope and their tendency to speak for others who may not have provided input. We need Louisiana to be in the room where it happens.
- The nature of complaints received by the Board has trended towards more serious and dangerous matters that impact the public's safety. Examples include substance abuse and boundary issues, such as sexual relationships with current clients/patients. As a result, complaints take longer to resolve. This means more staff-hours which translates to increased costs. As of the writing of this article (September 2020), the Board has between 17-20 open complaints. 2020 reflects LSBEP's

highest year of complaints in recent Board history. When the Board receives a complaint, that complaint MUST be investigated. The Board cannot assume that a complaint is frivolous and dismiss a complaint on those grounds alone, especially when Psychologists work with some of our most vulnerable populations and communities. That investigation costs time and money. Board members do not personally investigate complaints - this is done by people who charge the Board money for their services, including but not limited to our Complaints Coordinator(s), private investigators, attorneys, and our Compliance Officer. The Board does not have a choice to ignore a complaint simply because it is not in the budget. When a complaint is not dismissed outright, attorneys get involved and attorneys are expensive. LSBEP has to involve attorneys and does not have a choice to make these decisions without legal consult. Even with the Board's fastidious attempts to keep legal costs down, approximately 30.5% of LSBEP's budget goes to legal costs – and this is just in a year where there is not a formal hearing.

- Legal costs include every single contact the Board has with an attorney. If you were unaware, attorneys charge in six-minute increments. This means that a 20-minute phone call with an attorney can cost about \$75.00. And that's on the low-ish end of an attorney's fees! The Board has tried to limit attorney fees in the past by utilizing piece-meal contracts. However, these contracts limit the time the attorney can spend. This is a reason many boards employ in-house counsel, as a salaried attorney who devotes all their time to the Board is less expensive than repeated contract services over time. The Board must use an attorney (and often, several attorneys) for many tasks including but not limited to reviewing Board procedures, assessing the legality of any new procedures, drafting letters of education to settle complaints, engaging in consent decrees, presiding over hearings, serving as the Board prosecutor, and representing the Board during any challenges to Board decisions. A hearing is a serious matter and while I encourage all licensees to observe a hearing if they ever have the opportunity, I also encourage observers to simply count the number of attorneys present. Then count how many hours you noticed them present. Take this number and multiply it by the standard Attorney General contract rate set by the state (around \$225.00). Your estimate will reflect exactly one day of work. I am sure you can imagine that weeks and sometimes months of preparation can go into an administrative hearing.
- Ongoing lawsuits have crippled the Board's ability to save money - Part 1. When a complaint is found to have merit and is not dismissed, respondents have the right to several options including entering a consent decree or going forward with a hearing. Years ago, most respondents chose to enter consent decrees in order to avoid a costly hearing. Things have changed. Respondents are more likely to choose hearings and they have a right to do so. However, a hearing can cost the Board between \$30,000 and \$60,000 depending on the complexity of the case, and **IF** procedures are not challenged prior to getting to the point of the hearing. This is not an expense that the Board can choose to decline if it's been a difficult financial year. Let me repeat - when it has been determined that public safety may be at risk and a respondent chooses to go to hearing instead of signing a consent decree, the Board **MUST** move forward with this hearing. There is no other legal option.
- Ongoing lawsuits have crippled the Board's ability to save money - Part 2. When a respondent does not agree with the outcome of a hearing, they have a right to appeal. To say the appeal process is costly would be the understatement of my time on the Board. That means the Board must also engage in the appeal process by making the case that the initial Board decision was correct. This process can and does go on for years and reflects a massive and unavoidable financial drain. Even when the Board's processes and decisions are repeatedly affirmed, many rounds of appeals can and do occur. The Board cannot simply decide to allow someone to practice after finding them in violation of ethical/legal norms just because the Board struggles with funding.

If the Board dropped cases because of financial reasons, this would constitute a dereliction of duty on behalf of the Board, as our key mission is to protect the public.

If the Psychology community wants to maintain a self-regulated licensing Board, then we must be willing to fund the Board. Legal expenses make up a large portion of the Board's budget. The Hard Truth is that while the vast majority of Psychologists are ethical, they must pay for the legal expenses created by serious complaints against a few. We, as a Board and as a community of Psychologists, cannot afford for the integrity of our profession to be lost by ignoring dangerous violations of our ethical code and legal statutes. We cannot afford to leave the public unprotected from the improper and unqualified practice of Psychology.

This difficult pill to swallow means that the Board must generate more revenue. The Board takes no pleasure in this task and I have never met anyone who has served on the Board who relishes raising fees or talking about the limitations of state agency budgets for the next five years of their life. Please remember that when changes are made, Board members are also impacted - we pay all the same fees and are subject to all the same laws and rules as anyone else. There's no Board Member discount, I can assure you!

Putting LSBEP's finances in perspective, as of 2020 we have approximately 800 licensees. Of those 800 licensees, 677 pay the full licensure fee. The rest have reduced rates related to Emeritus status, Provisional Licensure, or are Licensed Specialists in School Psychology (LSSP). LSBEP does not register psychological assistants (although this was previously done in years past). LSBEP also does not charge fees based on the type of practice a Psychologist engages in. In contrast, the Behavior Analyst Board has a similar number of licensees but does register their line techs. As a result, a fairly new board has managed to accrue approximately \$500,000 in budgetary reserves. Another example is the Social Work Board, which manages many more licensees (approximately 9,000 licenses) and generates revenue in a variety of ways, including charging licensees to provide clinical supervision under a separate license. The Licensed Professional Counselor Board also manages approximately 9,000 licenses and generates revenue in a similar format to the Social Work Board via charging licensees a fee to provide supervision to trainees.

Additionally, the medical board licenses approximately 40,000 people, including approximately 107 Medical Psychologists. Every year, we experience attrition related to Medical Psychologists who allow their Psychology license to lapse while pursuing the ability to prescribe medications. This splitting of the psychological community is a travesty for our profession and a financial disaster for LSBEP. The short-sighted decisions of years past have allowed the ongoing division of our Psychology community and has resulted in a Board that serves as a stepping-stone rather than a home for Psychologists who want to prescribe. As a result, it is estimated that LSBEP has retained approximately 36 of the 107 Medical Psychologists, a loss of around \$24,850 in annual renewal fees.

LSBEP is now at a crossroads. Because transparency and communication are core goals for my year as Chair, I want to bring to you the options under consideration. I'd also like to remind my fellow licensees that they are always welcome to attend an LSBEP meeting and provide input. It is clear that three major changes need to occur.

1. The Board needs to modernize and adapt to change. This includes upgrading our current licensing system (virtually all paper-based at this time and resulting in delays and frequent miscommunications) and ensuring our staff have the financial support they need to continue running day-to-day operations.

2. Fees must be raised. I do not enjoy raising fees and I know that many consider our licensing fees to already be quite high. However, we are a small profession and are obligated to meet the same requirements and provide the same services and protection to the public as a board with tens of thousands of people. The Board has proposed raising full licensing fees from the current \$350 to \$400. By statute, they cannot be raised higher than this at this time. This increase will generate approximately an additional \$34,000 per year to assist with Board operations. The Board has also proposed other increases in fees that would not impact the typical Psychologist in Louisiana such as increasing the fee for Temporary Licensure from \$125 to \$200. We believe this will generate approximately \$3,500 per year. Additional proposals include increasing the Reduced License fee from \$175 to \$200 and increasing the fee for paper renewals (particularly as we move towards modernized procedures and want to discourage the use of paper as much as possible).

3. The Board must generate revenue while also focusing on our mission to protect the public. The Board is proposing in legislation to begin registering unlicensed assistants, similar to the Behavior Analyst Board. This serves the dual purpose of public protection through ensuring that thorough background checks are completed on people who have direct contact with vulnerable populations while also generating revenue to run the Board. Additionally, the Board has voted to begin developing optional Continuing Education programs for licensees in relevant areas of interest including Ethics and Louisiana Rules and Laws.

These are challenging decisions that no Board member takes lightly. Each has been debated, argued, and thoughtfully discussed over formal Board meetings and various committee meetings. Louisiana Psychological Association (LPA) has sent representatives to these meetings and has also provided input and asked important questions. Through these three difficult but necessary steps, LSBEP remains confident that Louisiana can continue to operate an independent licensing board made up of elected peers.

UPCOMING DATES OF INTEREST

Friday, October 9, 2020 - 8:30AM, LSBEP Board Meeting, Place TBD

Thursday and Friday, November 19-20, 2020 - 8:30AM, LSBEP Board Meeting, Place TBD

Tuesday, December 1, 2020, LSSP Committee Meeting, Place TBD

Friday, December 11, 2020 - 8:30AM, LSBEP Board Meeting, Place TBD

CONGRATULATIONS NEW LICENSEES!

September 2020 –
Matthew C. Johnson, Ph.D.

CORRECTION

Please note the following name/credential was listed incorrectly in the original distribution of the First Edition 2020 LSBEP Newsletter:

December 2019 - *Sonia S. Blauvelt, Ph.D*
That Edition has been corrected and reposted!

Thank you LSBEP Volunteers:

LSBEP would like to recognize the following individuals for volunteering their time and expertise to serve as LSBEP Pro Tem Board Members when needed for administrative hearings.

Recently, Dr. Sandra Brindamour (Monroe, LA), Dr. Lauren Rasmussen (Baton Rouge, LA) and Dr. David Wheeler (Ruston, LA) were appointed by Governor John Bel Edwards to fulfill this service at a hearing conducted on September 24, 2020. Thank you to these psychologists and to all who volunteer for this very difficult task. Your participation ensures a fair and unbiased process in fulfilling LSBEP's mission of public protection:

Adam T. Blancher, Ph.D.
Sandra Brindamour, Ph.D.
Michael Chafetz, Ph.D., ABPP
Joseph Comaty, Ph.D., M.P.
Christiane Creveling-Benefield, Ph.D.
Linda J. Hartwell, Ph.D.
Lauren W. Rasmussen, Psy.D.
John C. Simoneaux, Ph.D.
James Van Hook, III, Ph.D.
Michelle M. Yetman, Ph.D.

Would you like to receive future newsletters directly to your email? Email: jaime.monica@la.gov to be added to the email distribution list for the LSBEP Newsletter. You may also receive agendas via email by requesting to subscribe to our PUBLIC Notice distribution list.

**WISHING YOU ALL THE BEST!
FROM THE LSBEP TEAM,**

BOARD MEMBERS

Chair: Amy M. Henke, Psy.D.
Vice Chair: Gina L. Gibson, Ph.D.
Member: Gregory Gormanous, Ph.D.
Member: Michelle B. Moore, Psy.D.
Public Member: D. Chance McNeely, MPA
Member: Shannae Harness, Ph.D.

PERSONNEL

Executive Director: Jaime T. Monic
Compliance Officer/Investigator: Justin Owens

CONTRACT PERSONNEL

Accountant: Valerie Dominique, CPA
General Counsel: Lloyd Lunceford & Amy Groves Lowe
Prosecuting Attorney: Courtney P. Newton
Complaints Coordinators: Sasha J. Lambert, Ph.D. & Mark P. Vigen, Ph.D.
Investigators: Tony McCoy & Henry Richardson

**4334 S. Sherwood Forest Blvd. Sherwood Oaks, Suite C-150
Baton Rouge, LA 70816
Ph: 225-295-8410
www.lsbep.org
admin.lsbep@la.gov**

NOTICE: In compliance with Act 655 of the 2018 Regular Session, the LSBEP hereby gives notice to its licensees and applicants of their opportunity to file a complaint about board actions and board procedures. You may submit such complaints to one or more of the following organizations:

- Louisiana State Board of Examiners of Psychologists: **Submit in writing to:** LSBEP, 4334 S. Sherwood Forest, Blvd., #C-150, Baton Rouge, LA 70816; admin.lsbep@la.gov; (225)295-8410
- Committee on House & Governmental Affairs, La. House of Representatives: **Submit to:** H&GA@legis.la.gov or Committee on House & Governmental Affairs, La. House of Representatives, PO Box 44486, Baton Rouge, LA 70804; (225) 342-2403
- Committee on Senate & Governmental Affairs; La Senate: **Submit to:** s&g@legis.la.gov or Committee on Senate & Governmental Affairs; La Senate PO Box 94183, Baton Rouge, LA 70804; (225)342-9845

LA R.S. 42:14.D. Public comments – In accordance with LA R.S. 42:14.D., the LSBEP shall allow public comments at any point during a meeting of the LSBEP prior to action on an agenda item upon which a vote is to be taken. Individuals who wish to comment on a matter must sign in and state their intent to comment on a matter.

La. R.S. 44:33.1 - In compliance with La. R.S. 44:33.1, the LSBEP hereby gives notice that information submitted to the LSBEP may become public record pursuant to the provisions of Louisiana Public Records Law, La. R.S. 44:1, *et seq.*