

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
February 10, 2017

FINAL APPROVED: March 3, 2017

The meeting of the Louisiana State Board of Examiners of Psychologists (Board) was noticed and agenda posted on, Wednesday, February 8, 2017. Dr. Darla Burnett, Chair, called the meeting to order at 8:45 a.m. on Friday, February 10, 2017 at 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. Present were Board Members, Drs. Darla Burnett, Phillip Griffin, Koren Boggs, Jesse Lambert, Amy Henke; and, Executive Director, Jaime T. Monic.

Dr. Burnett 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: Burnett - YEA, Griffin - YEA, Boggs- YEA, Lambert – YEA, Henke - YEA.

The Board reviewed and discussed the meeting minutes from January 20, 2017. Dr. Lambert moved to approve the minutes of January 20, 2016. The motion passed by unanimous roll call vote of the members present.

Dr. Griffin moved to enter Executive Session pursuant to LSA R.S.42:6.1, to conduct oral examinations and file reviews. The motion passed by unanimous roll call vote as follows: Burnett - YEA, Griffin - YEA, Boggs- YEA, Lambert – YEA, Henke - YEA.

Dr. Griffin moved to close executive session. The motion passed unanimously.

The Board opened the meeting to the public at 1:00 p.m. Dr. John Fanning, representing LPA, was present for the open meeting.

COMMITTEE REPORTS:

The Board received the following committee reports:

Executive Director Report – Ms. Monic reported on the following:

- The contract amendment for Attorney James Raines and the new contract for Deborah Harkins had been submitted and are in process.
- As a matter of housekeeping, it was requested that the Board revise the March meeting date to comply with its Election Policy. The following meeting dates were revised as a result: March 24, 2017 was rescheduled to March 3, 2017; April 28, 2017 was rescheduled to April 7, 2017; and, May 19, 2017 was rescheduled to May 12, 2017.
- Elections are underway; over 200 individuals have voted to date; weekly reminders are being sent to electors who have not yet voted. Ms. Monic reminded the Board that the voting results are confidential and not accessible until the election is closed.

Finance Committee Report

The Board had no financial statements to review for January due to the early meeting date.

Dr. Burnett reported that she reviewed and approved Leave Reports for Ms. Monic.

Dr. Burnett reported that she reviewed and approved Bank Reconciliations prepared by Ms. Monic from January 2016.

Oral Examination Committee Report –Dr. Boggs reported no Oral Examinations were conducted this day.

Jurisprudence Examination Committee – No report.

Liaison to Professional Organizations and Boards Report – Dr. Griffin reported that LPA would like more information presented from the Board regarding substantive information on complaints (i.e. what the complaints were about). Dr. Burnett suggested that the APA Trust keeps annual statistics on disciplinary actions, and we could derive some data there.

Continuing Professional Development Committee – No report.

Supervision/Credentials Review - Dr. Burnett reported the results of the file reviews conducted this date in Executive Session as follows:

FILE REVIEWS [LSA-R.S. 42.6.1]:

Dr. Griffin reviewed and presented the Application for License of **Monica Guidry, Psy.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. Griffin reviewed and presented the Application for License of **Mariblanche I. Bush-King, 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 upon receipt of original corrected Internship form. The Board discussed the motion. The motion passed unanimously.

Dr. Lambert reviewed and presented the Application for License of **David R. Miller, Ph.D.** to the Board with a motion to inform Dr. Miller that original documentation of Postdoctoral Experience be provided on LSBEP's approved forms, in order that the Board may determine that the requirements for licensure in Louisiana have been met. The Board discussed the motion. The motion passed unanimously.

Dr. Henke reviewed the Temporary Registration of **Xavier Amador, Ph.D.** Dr. Henke, finding the requirements for Temporary Registration had been met, recommended the Board approve **Dr. Amador's** registration. The Board discussed the motion. The motion passed unanimously.

Dr. Boggs reviewed and presented the Application for License of **Priscilla L. Roth-Wall, Ph.D.** to the Board, along with a request for reconsideration and the additional documentation. Dr. Boggs recommended that the Board uphold its decision to deny the licensure of Dr. Roth-Wall, finding that the requirements for licensure under LA R.S. 37:2356 (5); the Louisiana Administrative Code (LAC), Title 46, §103.4, §303.A-C.1-11.a-d., §303, and §305.A. had not been met. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Burnett - YEA, Griffin - YEA, Boggs- YEA, Lambert – YEA, Henke - YEA.

Dr. Griffin and Dr. Henke reviewed and approved the Supervised Practice Plans for **Shelley R. Visconte, Ph.D. and Samantha L. Whatson, Psy.D.**

Complaints Committee: - Dr. Sasha Lambert was present in Executive Session to present the following cases and recommendations to the Board:

1. **P16-17-01C** – Dr. S. Lambert provided an oral and written summary of this matter, recommending dismissal. The Board thoroughly discussed the matter. Dr. Griffin moved to accept Dr. S. Lambert’s recommendation for dismissal. The motion passed unanimously, by roll call vote as follows: Burnett - YEA, Griffin - YEA, Boggs- YEA, Lambert – YEA, Henke - YEA.
2. **P16-17-02C** – Dr. Burnett reported that she reviewed this case with Dr. Lambert, Attorney Amy Groves Lowe and Ms. Monic. It was determined that a recommendation to dismiss would be presented at a later meeting, after the Respondent is given notice and an opportunity to be present for the recommendation. This matter was tabled for consideration at a later meeting.
3. **P16-17-03C** – (this matter was docketed on the agenda as **P16-17-01C** in error) – Dr. S. Lambert provided an oral and written summary of this matter, recommending dismissal with reporting to the relevant agency. The Board thoroughly discussed the matter. **Dr.** moved to accept Dr. S. Lambert’s recommendation to dismiss with proper reporting. The motion passed unanimously, by roll call vote as follows: Burnett - YEA, Griffin - YEA, Boggs- YEA, Lambert – YEA, Henke - YEA.

Dr. Sasha Lambert was excused from the meeting.

4. **P15-16-03C: In the Matter ERIC R. CERWONKA, PSY.D.** - Dr. Burnett reported that the Board Members met with Attorney Amy Groves Lowe to formally consider the Proposed Findings of Fact and Conclusions of Law submitted individually by James R. Raines, Prosecuting Attorney for LSBEP and James L Brazee, Jr. and Evan T. Edwards, Defense Attorney's for Eric R. Cerwonka, Psy.D.; and review the Opinion and Order of the LSBEP. The Board thoroughly discussed this matter with Attorney Lowe. Dr. Lambert moved that the License of Eric R. Cerwonka, Psy.D., be revoked based on findings, by a preponderance of the evidence, that Cerwonka’s actions were in violation of La. R.S. 37:2359(A), (B)(2)(b), (B)(5), (B)(12), (B)(13), (B)(14) and APA Ethical Standards 2.06, 3.04, 3.08, 10.05, 10.06 and 10.10. The motion passed

unanimously, by roll call vote as follows: Burnett - YEA, Griffin - YEA, Boggs- YEA, Lambert – YEA, Henke - YEA.

Long Range Planning/Awards Committee: No report.

Legislative Oversight Committee Report – Dr. Burnett reported that she and Ms. Monic met with Deborah Harkins and Legislative Attorney Michelle Ducharme to report issues pertaining to postdoctoral supervision requirements for licensure, fines in disciplinary matters, prescriptions in disciplinary matters, and renewal fees for provisional licenses that may require statutory revisions.

Dr. Burnett also reported that there were no new developments with the SCR 65 Committee report that had been submitted to the legislature. However, it would be something to watch for in the 2017 Regular Session.

LBAB Liaison – Dr. Griffin reported that he would be attending the LBAB Board meeting scheduled for on Tuesday, February 14, 2017.

LSBEP Education & Outreach – No report.

DISCUSSION ITEMS

1. **LSSP Committee Discussion: Opinion regarding the definition of "School system"** - Drs. Steven Welsh and Carmen Broussard representing the LSSP Committee presented for this discussion. This discussion item was taken out of order since representatives of the LSSP Committee arrived early. Ms. Monic introduced the subject and gave the floor to Drs. Welsh and Broussard for presentation to the Board, explaining that in response to questions from current LSSP's and potential applicants, there is a need for clarification concerning the definition of a "school agency". Specifically, the Board discussed an inquiry from the Early Steps program administered by the Louisiana Department of Health and verbal inquiries concerning the provision of services to students in Postsecondary Education (Undergraduate and graduate students attending public and private universities). The Board agreed that postsecondary education clearly fell under the definition of school agency. Dr. Boggs agreed to draft an Opinion regarding this topic. However, the Board requested that additional information be obtained concerning the educational services offered by Early Steps, prior to opining that this program would be considered a "school agency". Dr. Broussard agreed to do additional investigating and report back to the Board on her findings.

2. **LSBEP Opinion (New) Conversion Therapy (KB/AH)** - Drs. Boggs and Henke presented information and a draft opinion based on research supporting an accepted and affirmed model of working with the LGBT population, which opined that psychologists, "do not practice therapies designed to change sexual orientation." this proposed opinion is based on research demonstrating harmful effects of such therapy, and further cites the lack of valid research to support the validity of sexual orientation change therapies. The Board thoroughly discussed the opinion and agreed that additional information should be added to the draft opinion to support the opinion. A new draft will be presented at the March 2017 meeting.

3. **National Register of Healthcare Providers** - The Board discussed a letter sent by Morgan T. Sammons, Ph.D., ABPP dated November 15, 2016 representing the *National Register of Health Service Psychologists: Credentialing Criteria and Guidelines* which requested that the Board consider accepting the National Register's licensure mobility program as reciprocal licensing in Louisiana. After review of the information provided by the National Register, Dr. Lambert moved to decline participation in the National Register mobility program because it does not meet Louisiana's requirements for licensure. Specifically noting the discrepancies and concerns as follows: Louisiana requires two full years and 4000 hours of postdoctoral supervised experience by a Licensed Psychologist as opposed to NR's allowance for two 10 month years and 3000 hours which may be supervised by a Psychiatrist or Social Worker; Louisiana requires that the doctoral program be an internal degree program as opposed to an external degree program unless it is APA or ASPPB/NR designated; and, further noting a recent review by the Board of an applicant for licensure with the NR Designation, who had not obtained a doctoral degree in psychology yet was accepted, based on a non-degree granting/non-APA accredited respecialization program offered through the university continuing education department, inconsistent with the National Register's published standards; and further affirming the Board's obligation to uphold the statutory requirements of licensure in Louisiana.

4. **LSBME Opinion Regarding Signing Off on Test Results** - The Board reviewed the recent opinion from the LSBME concerning a physician's ability to sign off on test results utilized to diagnose dyslexia, "or must it be done by a psychologist;" and if a physician may sign off on such results, what credentials are needed to do so? The Board discussed an option of a collegial letter to address the concerns of the LSBEP. The Board agreed that additional attention and consideration would need to be given to this matter. Drs. Burnett and Henke agreed to formulate a collegial response to the LSBME. Ms. Monic agreed to assist with any historical information the Board may have regarding responses to similar situations.

5. **Rulemaking – La Administrative Code, Title 46.LXIII. Psychologists** – The Board reviewed and discussed the final drafts of the rules for Chapters 6, 7, 13 and 33. Ms. Monic reported that additional information was requested regarding the changes in the rules, one typographical error was found by another, and one commented that they looked good. Dr. Fanning reported that he had no comments to present to the Board on behalf of LPA, nor was he aware of any. The rules will be filed with the Legislative Fiscal Office for review next week.

6. **LSSP Election: Call for Nominations** - Ms. Monic reported that it would be time to consider a new appointment for the Committee seat opening on June 30, 2017. Dr. Burnett directed Ms. Monic to facilitate the process and that the Call for Nominations be sent as soon as possible.

7. **FBI Audit results** - Ms. Monic provided Board members with a copy of the Auditors report for discussion, reporting that the Legislative Audit of the 2015-16 Fiscal Year was complete. Noting that there were no findings for the 2015-16 Fiscal Year and that the prior-year findings had been resolved. The Board discussed the report.

8. **Legislative Auditor Report** - Ms. Monic provided Board members with a copy of the Federal National Identity Service Audit report for review. She reported that the statutory authority had not been updated with the DOJ/FBI, when LSBEP's statutes changed in 2010, this resulted in one finding. The audit was educational and Ms. Monic reported that she would offer a draft of new administrative policies concerning handling of criminal background reports, to retain institutional knowledge.

9. **Texas Psychology Board (Sunset update/legislative recommendations)** – The Board reviewed the Sunset report and the recommendations related to the Texas Psychology Board. The Board agreed to send a letter to Texas noting concerns with continuing with a reciprocity agreement, were the recommendations to become law.

10. **Inquiry: Jay Sevin Re Duty to Warn (HIV/AIDS)** - The Board discussed this inquiry. Dr. Griffin agreed to use his available resources to research the situation and report back to the Board regarding this matter. Ms. Monic agreed to inform Dr. Sevin that the Board was investigating and would follow up once an answer had been determined.

11. **Tony Young, Ph.D., Request for Reimbursement** - Dr. Young sent a letter requesting that a check be reissued for reimbursement of mileage, per diem and hotel from September 2011. Ms. Monic investigated the matter and determined that a payment had not been processed to reimburse Dr. Young for said expenses. Dr. Lambert moved in favor of approving the reissuance of the reimbursement, upon return of the original check to the Board. The motion passed unanimously.

12. **Telepsychology: Rulemaking Taskforce** - Dr. Lambert requested that the Board designate a taskforce to write rules concerning the practice of telepsychology. Dr. Burnett agreed and delegated Dr. Lambert to contact Dr. Joseph Comaty about his interests in participating on the taskforce since he had written the approved guidance on this subject for the Board. Dr. Burnett also requested that Dr. Lambert bring additional names of interested participants for the Board to approve. Asked Dr. Fanning to reach out to LPA and begin searching for other psychologists who were interested.

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