

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
May 18, 2018

FINAL APPROVED: June 22, 2018

The meeting of the Louisiana State Board of Examiners of Psychologists (Board) was noticed and agenda posted on, Thursday, May 17, 2018. Dr. Phillip Griffin, Chair, called the meeting to order at 8:32 a.m. on Friday, May 18, 2018 at 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. Present were Board Members, Drs. Phillip Griffin, Jesse Lambert, Koren Boggs, Amy Henke, Leah Crouch and, Executive Director, Jaime T. Monic.

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

Dr. Henke 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, Henke – YEA.

The Board reviewed and discussed the meeting minutes from April 20, 2018. Dr. Henke moved to approve the minutes of April 20, 2018. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA, Henke – YEA.

DISCUSSION/ACTION ITEMS:

1. **Next Meeting Dates:** The Board discussed and agreed upon the following meeting dates:
 - a. Board Meeting Dates: Friday June 22, 2018, Friday July 20, 2018 (No Oral Examinations/Small Committee Meetings), Friday August 24, 2018, Monday September 24, 2018 (morning only/afternoon Civil Law Training)
 - b. Committee Meeting Dates: Friday July 20, 2018 (8:30am-11:30am)
 - c. Study Group Meeting Dates: Friday July 20, 2018 (8:30am-11:30am)
 - d. FARB Forum, Comprehensive Regulatory Training for Board Members, New Orleans, January 27-29, 2019. The Board discussed this item and agreed to consider sending a new member to this training.
 - e. Civil Law Training – The Board agreed to attend this training and requested the September 24, 2018 training from 1p.m. – 4:30p.m. Dr. Lambert moved in favor of paying expenses/fees for Attorney Courtney P. Newton to attend this training with the Board. The motion passed unanimously without objection.
2. **2018 Presentation to the Louisiana Psychological Association:** The Board reviewed the presentation, discussed and prepared amendments to the presentation and by motion of Dr. Henke, unanimously approved the presentation contents to be presented by Attorney Courtney P. Newton, Dr. Phillip T. Griffin, Dr. Amy Henke and Ms. Jaime Monic on Saturday, May 19, 2018 from 2:15 p.m. – 4:15 p.m.

3. **Contracts July 1, 2018:**

The Board discussed the following contracts for the 2018-19FY:

a. Sparkhound (IT): The Board discussed potential development items to improve the licensee portal and renewal system, including online applications and jurisprudence examinations. Ms. Monic explained that the jurisprudence examination would have to be developed prior to a proposal from Sparkhound. Upon receipt of the proposal, the board could discuss finances and contract approval.

b. Anderson, Boutwell, Traylor: The Board discussed a contract with *Anderson, Boutwell, and Traylor, LTD A Professional Law Corporation*, in order to continue to utilize the services of Attorney Courtney P. Newton who is now employed with that firm. Dr. Lambert moved in favor of revising its original resolution to provide for the transfer of the contract to *Anderson, Boutwell, and Traylor, LTD A Professional Law Corporation* for the purposes of utilizing the services of Courtney P. Newton, Esq. and proposed the following resolution:

WHEREAS the Board is authorized under R.S. 37:2353.C(2) to “Employ, within the limits of funds received by the Board, ... general legal counsel, or other personnel necessary for the proper performance of work under this Chapter; and

WHEREAS the Board conducts hearings on complaints, cause the prosecution and enjoinder of all persons in violation of Title 37: Chapter 28 in order to safeguard life, health, property and the public welfare of this state and in order to protect the people of this state against unauthorized, unqualified, and improper application of psychology; and

WHEREAS the nature of the functions performed by the Board require the continuing services of an attorney who specializes in prosecuting cases under administrative law fulfill this function; and

WHEREAS Courtney P. Newton, Esq. has been found to be qualified for this position and previously contracted with Board to provide legal services to Board to their satisfaction;

WHEREAS Courtney P. Newton, Esq. has been employed by the firm **ANDERSON & BOUTWELL, LTD., A PROFESSIONAL LAW CORPORATION;**

WHEREAS the hourly rates shall not exceed the rates approved by the State of Louisiana, Office of the Attorney General.

IT THEREFORE RESOLVES by motion of Dr. Lambert, that the Board contract with **ANDERSON & BOUTWELL, LTD., A PROFESSIONAL LAW CORPORATION** to continue to utilize the professional legal services of Courtney Papale Newton, Esq., including, but not limited to, prosecutorial functions, for a multi-year contract beginning July 1, 2018 and ending June 30, 2021. The contract to commence; at the rate of \$100 per hour plus travel and expenses that are preapproved in accordance with Policy and Procedure Memo 50, and not to exceed a maximum of \$84,000 for that period.

FURTHER THAT the Board authorize Ms. Jaime Monic, Executive Director, to execute such contract for approval through the Office of State Procurement.

WHEREAS, this resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that this Resolution and proposed contract described herein be submitted to the Attorney General for the State of Louisiana for approval.

The Board after discussion and consideration, unanimously approved the motion and resolution by roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA, Henke – YEA.

4. **Administrative Assistant Position** – Ms. Monic requested, with the current financial status of the board being stable and with renewals approaching, that the board approve the expenditure of funds to hire a part-time secretary or part-time student worker for \$12/hour to assist in the office during renewals. Ms. Monic affirmed that the LBAB has agreed to split this cost and engage in employee sharing with regard to this position in accordance with LA R.S. 37:3718.

Section 3. The Board discussed this matter thoroughly and by motion of Dr. Lambert, unanimously authorized Ms. Monic, at her discretion, to hire a part-time secretary at the hourly rate of \$12/hour. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Henke – YEA, Crouch– YEA

5. **Rule Revisions:**

a. Reciprocity with ABPP and CPQ – The Board thoroughly discussed this matter and potentially removing the reciprocal provision. Dr. Lambert moved in favor of removing the provision. Dr. Boggs moved in favor of keeping the provision but requiring primary source verification of all credentials in every case and further enabling the reciprocal candidate to waive the oral examination and require only the face-to-face meeting if they have previously taken and passed an oral examination in another jurisdiction of the United States or through the American Board of Professional Psychology. Dr. Lambert withdrew his motion. Dr. Boggs motion was considered and passed by majority roll call vote as follows: Griffin - YEA, Lambert – OPPOSED, Boggs- YEA, Henke – YEA, Crouch– YEA

b. Inactive Status – The Board thoroughly discussed this matter and the concerns received from licensees regarding the draft provisions of the status. Given that a current provision for reinstatement of a lapsed license is in place with proper procedures, deeming this particular rule not urgent, by motion of Dr. Lambert, the board moved in favor of tabling the matter until the next Long Range Planning meeting, prior to expending funds to incorporate the status, and to consider the language at a later date. The board discussed the motion. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Henke – YEA, Crouch– YEA

6. **2018 Regular Legislative Session Updates:**

The Board reviewed the status of the following bills of the 2018 Regular Session: HB53 TALBOT, HB372 CONNICK, SB25 MILLS, SB99 MORRELL, HB145 COX, HB664 EDMONDS, SB40 MILLS, SB260 MILKOVICH, HB189 WRIGHT, HB748 EMERSON, SB41 MILLS, SB494 THOMPSON, HB324 FOIL, HB773 LYONS, SB66 CLAITOR, SB564 LUNEAU, HB326 HENSGENS, SB24 MILLS, SB72 MARTINY. The board agreed it will review all legislative bills signed by Governor John Bel Edwards and consider the need for policy or rule revisions at their meeting in June 2018.

COMMITTEE REPORTS: The Board received the following committee reports:

Executive Director Report – Ms. Monic reported that renewals will begin July 1, 2018 with approximately 798 licensed psychologists who will be eligible to renew. There are approximately 189 psychologists who are 65+ and may be eligible for a reduced fee if they are currently retired. Notices will go out the end of May 2018.

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 April 2018. The Board reviewed and by motion of Dr. Henke accepted the Financial Statements for April 2018 prepared by Valerie Dominique, CPA.

The Board reviewed and considered Budget amendments for FY 17-18. Dr. Henke moved in favor of adopting the following formal resolution:

WHEREAS the Louisiana State Board of Examiners of Psychologists (LSBEP), under LA R.S. 37:2353.F, is financially self-sufficient, and receives no state funds through appropriation or otherwise and is authorized under LA R.S. 37:2354.A. to expend the monies collected under Chapter 28 of the LA Revised Statutes, without appropriation for costs of administration and other expenses.

WHEREAS LA R.S. 39:1338 requires licensing agencies to submit written notification, including detailed justification, of any planned transfer of funds from one category of expenditure as specified in the submitted budget to another category if the transfer of funds will constitute, individually or as an aggregate when considered together with all prior transfers from or to such category in the same fiscal year, ten percent of the total dollars in the category from which the transfer is made; of any planned increase or decrease in the submitted budget if the change will constitute, individually or as an aggregate when considered together with all prior increases or decreases in the same fiscal year, five percent of the total dollars in the budget as submitted.

THEREFORE, the LSBEP at their regularly scheduled meeting on February 23, 2018, by motion of **Dr. Amy Henke, Psy.D.**, unanimously approved the following amendments to the 2017-18 Budget to be reported to the Joint Legislative Committee on the Budget, to each chairman of a standing committee of the legislature having jurisdiction, to the legislative auditor and to the legislative fiscal office as required under R.S. 39:1335 *et al.*:

- \$1,800 allocated to administrative travel in order that the Executive Director may attend the national association conference by the Association of State and Provincial Psychology Board's midyear meeting "ACCOUNTABILITY IN REGULATION" is scheduled to take place on April 12-15 in Savannah Marriott Riverfront and to cover expenses to include airfare, hotel, meals not covered by the conference, transportation to/from airport and conference registration (if required).
- Amend line items to reflect current expenditures and provide for a balanced budget as follows:
 - Self-Generated Revenue - Update revenue projections to reflect current collections for licenses, examinations and other revenue.
 - Auditing - decrease to \$3,300 FY 17-18 due to audit and compilation expenses being less than anticipated.
 - Mgt.(Web) – decrease to \$2,500, no major development issues needing professional information technology services.
 - Rentals –increase to \$15,070 to reflect rent increase in October 2017.

WHEREAS the Louisiana State Board of Examiners of Psychologists, having reviewed the Amended Budget as prepared by Ms. Valerie Dominique, CPA, on the **18th** day of **MAY**, 2018, formally adopted this Resolution by unanimous roll call vote of the board as follows: YEAS: (5) Griffin, Lambert, Boggs, Henke, Crouch, NAYS: 0, ABSENT: (0), NOT VOTING: 0

Oral Examination Committee Report – Dr. Boggs reported that 3 of the 4 candidates scheduled, were expected to complete their oral examination this date. One will reschedule.

Supervision/Credentials Review – The Board reviewed and affirmed the file review recommendations Dr. Jesse Lambert, which reviews were conducted April 20, 2018.

Complaints Committee: - Ms. Monic provided the following update: Within this Fiscal Year to date there have been 15 Requests for Investigation, 4 Requests for Investigation are pending

review by a Complaints Coordinator, 3 matters have been closed, 8 cases are still open, 1 case remains open from 2016-17, 1 case remains open from 2015-16

Liaison to Professional Organizations and Boards Report – Dr. Griffin reported that he, Courtney Newton, Ms. Monic, and Dr. Henke would be presenting on behalf of the LSBEP, at the Louisiana Psychological Association on Saturday May 19, 2018.

Dr. Boggs reported that Kenneth Bell, a Board Member in Wyoming had contacted the LSBEP seeking information concerning Louisiana’s position on Psypact. Dr. Boggs reported that she shared the previously discussed position of the Board as not being in favor of the Psypact due to concerns that the La. Attorney General issued an opinion that compacts were not constitutional, that the LSBEP could not delegate authority to ASPPB, and that it would put additional requirements on states to regulate the actions of out-of-state psychologists without additional funding.

Continuing Professional Development Committee – Ms. Monic reported that the Rules on Continuing Professional Development had been submitted to the Legislative Fiscal Office for review.

Long Range Planning/Awards Committee – Dr. Griffin reported that Inactive Status was added to the LRP meeting agenda.

Louisiana Behavior Analyst Board (LBAB) Liaison – No report.

Jurisprudence Examination Committee – The Board considered the recommendation from the Jurisprudence Examination Committee to amend certain item(s) frequently missed. By motion of Dr. Lambert, the board unanimously approved the adoption of the revised examination, effective this date 5/18/2018.

Legislative Oversight Committee Report – No report.

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, Henke – 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; U.S. 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.

Ms. Monic briefed the Board regarding next-steps and advice from attorneys Amy Groves Lowe and Jeremiah Sams. No action was required at this time.

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

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

Candis M. Cornell, Psy.D. appeared before Board Members, Drs. Henke and Lambert for an oral examination for licensure in Clinical Psychology. Dr. Lambert moved that **Dr. Cornell** 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, Henke – YEA, Crouch– YEA.

Troy A. James, Ph.D. appeared before Board Members, Drs. Griffin, Boggs, and Crouch for an oral examination for licensure in Clinical Psychology. Dr. Griffin moved that **Dr. James** 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, Henke – YEA, Crouch– YEA.

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

Dr. Crouch reviewed and presented the PLUS Application for License of **Brittany Rae Joslyn, 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. Griffin reviewed the Application for Provisional License of **Stephanie M. Grant, Ph.D.** Finding that Dr. Grant has completed the requirements for provisional licensure, Dr. Lambert approved her Supervised Practice Plan, Candidacy Status and authorized the granting of her provisional licensure.

The Board considered and unanimously accepted the request of **Dr. Mary Sheree Bailey** to withdraw her application for licensure.

Dr. Henke reported that she reviewed and approved the Supervised Practice Plan for **Gregory Fassnacht, Ph.D.**

Dr. Henke moved to adjourn the meeting at 4:15 p.m. The motion passed unanimously.