

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
Thursday, May 23, 2019

FINAL APPROVED: July 21, 2019

The meeting of the Louisiana State Board of Examiners of Psychologists (Board or LSBEP) was noticed and agenda posted on, Wednesday, May 21, 2019. Dr. Jesse Lambert called the meeting to order at 8:42 a.m. on Thursday, May 23, 2019 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. Present were Board Members, Drs. Jesse Lambert, Koren Boggs, Amy Henke, and Gregory Gormanous; Executive Director, Jaime T. Monic; and Attorney Courtney P. Newton. Dr. Leah Crouch submitted her letter of resignation to the Division of Administration and Senate Committee on Governmental Affairs due to her relocating to another country, effective May 10, 2019. Dr. Gormanous left the meeting at 6:00PM.

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

Dr. Gormanous requested that his statement of service be recorded into the minutes as follows: *"My serving on LSBEP is to ensure that consumers of psychological services are protected against any unqualified, harmful and unauthorized practice, application or use of psychology. My service is as a consumer advocate and educator. My service is not as a market participant."*

Dr. Boggs requested to amend the agenda to add an item for discussion of "Personnel Matters" in executive session. The motion passed by unanimous roll call vote as follows: Lambert – YEA, Boggs- YEA, Henke– YEA, Gormanous - YEA. Dr. Gormanous moved to approve the agenda as amended. The Board discussed the motion to amend the agenda. The motion passed by unanimous roll call vote as follows: Lambert – YEA, Boggs- YEA, Henke– YEA, Gormanous - YEA

The Board reviewed the minutes of March 22, 2019. Dr. Boggs moved in favor of accepting the minutes of March 22, 2019 as amended. The motion passed by unanimous roll call vote as follows: Lambert – YEA, Boggs- YEA, , Gormanous - YEA. Dr. Henke– abstained since she was not present for the March 22, 2019 board meeting. Ms. Monic reported that the May 6, 2019 Minutes had not yet been drafted for review.

EXECUTIVE SESSION:

Dr. Gormanous moved to enter Executive Session pursuant to LSA R.S.42:17.A(4) to conduct an oral examination. The motion passed by unanimous roll call vote as follows: Lambert – YEA, Boggs- YEA, Henke– YEA, Gormanous - YEA.

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

ORAL EXAMINATIONS [LSA-R.S. 42.16.1]:

Sarah K. Black, Ph.D. appeared before Board Members, Drs. Lambert, Boggs, Henke and Gormanous for an oral examination for licensure in Clinical Psychology. The board discussed **Dr. Black's** performance and qualifications in executive session. Finding that **Dr. Black** has met the qualifications for licensure and received the required training for practice in the area of Clinical Psychology, Dr. Henke moved that **Dr. Black** 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: Lambert- YEA, Boggs- YEA, Henke– YEA, Gormanous – YEA

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COMMITTEE REPORTS:

Executive Director Report - Ms. Monic updated/reported to the board on the following:

- The 2018 Audit has not been initiated due to being short staffed
- Glenn W. Ahava, Ph.D. v. LSBEP, On Appeal from September 18, 2015, Opinion and Order of the LSBEP 19TH JDC; Parish of East Baton Rouge, State of Louisiana, Div. D, No. 643,369. Oral argument has been set for July 29, 2019
- Status/strategy discussion: Eric R. Cerwonka vs. LSBEP, Suspensive Appeal of the 19th JDC/East Baton Rouge State of Louisiana, No. 65658, Sec. 24
- Eric R. Cerwonka, PsyD vs. LSBEP, Civil Matter - U.S. Western District, Lafayette Div. No. 6:17-CV-01095
- Reported on her attendance at the ASPPB mid-year meeting in Santa Fe, NM April 11-14, 2019.
- Board members were reminded of approved actions still pending completion including Online Jurisprudence Examination; updated application forms and military application process;
- Board Members were reminded to submit Expense reports for mileage and per diem reimbursements.
- LSBEP underwent a property audit by the Louisiana Property Assistance Agency. There were no findings associated with the audit.
- Advised of training opportunities with CLEAR and recommended attendance for employees/contract employees who handle investigative matters.
- ASPPB Annual Meeting will be in Minneapolis, MN (October 16 – 20, 2019)

Finance Committee - The board reviewed financial reports for February, March and April 2019. Dr. Gormanous moved in favor of accepting the financial reports as prepared by Valerie Dominique and presented by Ms. Monic. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Lambert- YEA, Boggs- YEA, Henke- YEA, Gormanous – YEA

Dr. Lambert reported that he reviewed and approved Leave Reports for Ms. Monic.

Oral Examination Committee – Dr. Boggs reported one oral examination was conducted this date in Executive Session.

Legislative Oversight Committee – Dr. Gormanous reported on efforts to educate legislators on HB 503 (2019 Regular Session). Dr. Gormanous also recommended that the Board take steps to get ahead of legislative sessions by meeting with legislators to educate them on board functioning and issues.

Liaison to Professional Organizations and Boards – Dr. Gormanous discussed budgeting for a meeting outside of the Baton Rouge area so that others could attend meetings. The Board discussed the matter.

Supervision and Credentials Review Committee – Dr. Boggs reported file reviews would be conducted this date in Executive Session.

Complaints Committee - Dr. Lambert reported that there were 7 matters on the agenda for consideration in Executive Session. Additionally, the board continues to work on rule and policy revisions pertaining to complaints.

Long Range Planning –Dr. Gormanous recommended the Board meet on July 11, 2019 to vote in new officers, receive a statement of goals and objectives from the incoming Chair, and conduct the majority of Executive Session items prior to the meeting on Friday, July 12, 2019. The Board discussed the recommendation. Dr. Henke moved in favor of the additional meeting date. The motion passed by unanimous roll call vote as follows: Lambert- YEA, Boggs- YEA, Henke– YEA, Gormanous – YEA

There was no report from the following committees: **Jurisprudence Examination or Continuing Professional Development.**

DISCUSSION/ACTION ITEMS

1. **Contract Labor – Executive Assistant Duties** - The Board discussed and reviewed the resume of Monique Marino to provide limited project directed assignments to assist the executive director. Following discussion, by motion of Dr. Gormanous, the board approved the following resolution:

WHEREAS the LSBEP is created under La. R.S. 37:2351 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 Board is authorized under R.S. 37:2353.C(2) to “Employ, within the limits of funds received by the Board, an administrative assistant..., or other personnel necessary for the proper performance of work under this Chapter; and

WHEREAS the Board is authorized under R.S. 37:2353.G to be “...financially self-sufficient...receive no state funds through appropriation or otherwise and shall not expend any such state funds...” and is further authorized to collect fees under R.S. 37:2354 *et al* which “...shall be paid into the treasure of the State Board of Examiners of Psychologist and may be expended by the board without appropriation for costs of administration and other expenses, and any surplus at the end of a fiscal year or a biennium may be retained by the board for future expenditures and the board is not required to pay any such surplus into the general fund of the state of Louisiana.”; and

WHEREAS the current operations and administrative work load require additional personnel; and

WHEREAS Monique Marino has been found to be qualified in organizational and project management suitable for this position;

IT THEREFORE RESOLVES by motion of Dr. Gregory Gormanous, that the Board contract the services of Monique Marino for an amount not to exceed \$12,500, to assist the Executive Director with special projects and project management, upon request of the Executive Director for the fiscal year beginning July 1, 2019 and ending June 30, 2020. The contract to commence at the following rates of pay: \$25 per hour, payable on a monthly basis and upon receipt of an itemized invoice containing a statement of services performed.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately; and

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: (4) Jesse Lambert, Koren Boggs, Amy Henke and Gregory Gormanous

NAYS: 0

ABSENT: 0

NOT VOTING: 0

VACANT SEAT(S): 2

Whereupon the Resolution was declared adopted by the Louisiana State Board of Examiners of Psychologists this, the 23rd, day of May, 2019.

2. Elections:

a. The Board reviewed LPA's Report of Election Results to the Governor concerning the upcoming vacancy occurring July 1, 2019.

b. The Board reviewed nominations to fill Unexpected Vacancy occurring due to Dr. Leah Crouch's resignation. The sole nomination being from Dr. Gina Beverly. The Board approved the initiation of an election in accordance with La. Revised Statutes, Title 37 Chapter 28. Additionally, Dr. Gormanous moved in favor of a policy revision in future elections in order to eliminate the need for emergency and/or multiple elections in a fiscal year. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Lambert- YEA, Boggs- YEA, Henke- YEA, Gormanous – YEA

3. 2019 Renewals – The Board discussed the procedures for the 2019 renewal season. Dr. Gormanous moved in favor of delegating authority to Ms. Monic to provide appropriate online notice for online renewals, post updated paper forms on the board's website, and take whatever steps necessary to administrate license renewals, including referring matters to a complaints coordinator should an adjudication become necessary. Further that Dr. Henke be delegated authority to review, approve, and request additional information regarding Continuing Professional Development (CPD) Reports, requests for CPD Extensions, make recommendations to the board regarding requests for CPD Exemptions, and/or provide recommendations to the Complaints Committee should an adjudication become necessary.

4. Staff and Board Member Training – Ms. Monic discussed the current opportunities and importance of providing education and training to staff and board members. The Board discussed budget and expenditures related to providing such training, which would include splitting the cost. Following discussion, by motion of Dr. Gormanous, the board approved funding not to exceed \$5,000 to provide Board Member/staff training offered by the Federation of Associations of Regulatory Boards; the Board also approved travel, hotel and registration for Ms. Monic to attend the Counsel on Licensure, Enforcement & Regulation (CLEAR) training in Minneapolis, MN to gage quality and validity prior to sending additional employees.

5. Rulemaking: Continuing Professional Development – The board reviewed CPD rules and discussed the current rules, problems with current rules, administrating current rules, previous rules. The board focused their discussion on minimum requirements necessary to maintain and develop their knowledge, skills and competence in order to keep pace with trending or developing areas of practice for public protection *versus* requiring maximum standards to force development of personal qualities, attitudes, capabilities, or professional socialization, and how such maximum requirements actually play a role in public protection or the board's ability to regulate such requirements. Following extensive discussion, Dr. Lambert called for motions on setting a direction for revising the CPD Rules. Dr. Boggs moved in favor of researching the option of returning to the basic model of continuing education requirements and reducing the number of biannual hours to 20 and requiring formal approved sponsored activities (quality over quantity). The Board discussed the motion. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Lambert- YEA, Boggs- YEA, Henke- YEA, Gormanous – YEA

6. ASPPB PSYPACT – Ms. Monic reported 8 states have passed legislation to participate in PSYPACT including Georgia, Arizona, Utah, Nevada, Colorado, Nebraska, Missouri, and Illinois (which will officially join on January 1, 2020) the agreement is anticipated to become effective in those states soon.

7. **Inquiry from Brenda Sharp RE: School Psychologists Scope** - The Board initially reviewed this inquiry and referred it to the LSSP Committee for discussion and recommendation.

8. **LPA Presentation, Saturday June 15, 2019 @ 2PM** – Ms. Newton reviewed and discussed the presentation objectives and content with the board. The board discussed including a disclosure statement for participants. The board affirmed that presenters may include Amy Henke, Courtney Newton and Ms. Monic. Dr. Henke moved in favor of approving the presentation and disclosure, the motion unanimously passed.

9. **Judicial Review: Regarding the jurisdiction of the Louisiana State Board of Examiners of Psychologists over the practice of forensic psychology (19th JDC, Parish of EBR, Docket No. 07-90-0596 Sec. VII. State Ex Rel, Cosey vs. Vanoy (LSP Angola, LA)** – The Board reviewed the information submitted by Colin Clark, Assistant Solicitor General and Chief of Criminal Appellate Section of the Office of the Attorney General providing notice that the Louisiana Office of the Attorney General has filed a Notice of Intent to Seek Supervisory Review from the Louisiana Supreme Court of the 19th Judicial District Court’s denial of the State’s Motion to Strike the testimony of Dr. Ginger Calloway, as Dr. Calloway was not licensed as a psychologist in Louisiana at the time she practiced in Louisiana which practice included, but is not limited to, psychological evaluation, administration of psychological testing, psychological diagnosis, submission of a psychological report for use and consideration in Louisiana courts, and testifying as an “expert” in psychology in a Louisiana court. As the issue to be considered by the Louisiana Supreme Court pertains directly to the licensure of psychologists and the practice of psychology in Louisiana, the board resolved, by motion of Dr. Amy Henke as follows:

WHEREAS, LSBEP is created under Louisiana Revised Statutes, Title 37, Chapter 28 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 Louisiana Revised Statutes, Title 37, Chapter 28 and the Louisiana Administrative Code, Title 46, Part LXIII set fourth the definition for the practice of psychology including psychological testing, evaluation and diagnosis; and title protection in representing themselves as an expert in psychology; or provides psychological services to the public, individuals or groups; and

WHEREAS the LSBEP is authorized and empowered under La. R.S. 37:2353 to “...Examine for, deny, approve, revoke, suspend, and renew the licenses of applicants, candidates, and psychologists as provided under this Chapter...”; and,

WHEREAS the Board is authorized to issue temporary registrations in accordance with R.S. 37:2365.D. which provides that “Any nonresident duly licensed or certified for independent practice as a psychologist in the state of his residence, which state will permit residents of this state a like and similar privilege..., *may, if an application is submitted to the board with payment of the appropriate fee*, practice as a psychologist for a maximum of thirty days throughout a calendar year to the same extent and manner as if licensed in this state”; and,

WHEREAS the LSBEP has an inherent obligation to provide accurate information and education in the matter before the Louisiana Supreme Court, since the court’s interpretation of LSBEP’s authority to issue licenses and regulate the practice of Psychology has the potential to impact safeguards currently in place for public protection; and,

IT THEREFORE RESOLVES by motion of Dr. Amy Henke, to utilize legal counsel to prepare and file an *Amicus Curiae* brief with the Louisiana Supreme Court to provide information and education on subjects including, but not limited to, licensure of psychologists in Louisiana, the practice of psychology in Louisiana, as well as the Laws and Rules governing the Louisiana State Board of Examiners of Psychologists.

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: (4) Jesse Lambert, Koren Boggs, Amy Henke and Gregory Gormanous

NAYS: 0

ABSENT: 0

NOT VOTING: 0

VACANT SEAT(S): 2

Whereupon the Resolution was declared adopted by the Louisiana State Board of Examiners of Psychologists this, the 23rd, day of May, 2019.

10. Office Equipment – Ms. Monic reported that some of our office technology (computer and printers) were becoming outdated and slow. Ms. Monic reported that next fiscal year, upgrades will be required.

EXECUTIVE SESSION:

Dr. Gormanous moved to enter Executive Session pursuant to LSA R.S.42:17.A(4) to discuss personnel matters, review complaints, and conduct file reviews. The motion passed by unanimous roll call vote as follows: Lambert – YEA, Boggs- YEA, Henke– YEA, Gormanous - YEA.

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

COMPLAINTS [LSA R.S. 42.17.A(4)]:

1. In the matter DD vs. DS (NP), Received 4-15-19 - The Board thoroughly reviewed and considered this matter and determined that it did not fall within the jurisdictional authority of this board. Dr. Gormanous moved in favor of closing the matter without further action. The motion passed by unanimous roll call vote as follows: Lambert – YEA, Boggs- YEA, Henke– YEA, Gormanous - YEA.

2. In the matter P17-18-04C - Status Report – Ms. Monic provided a status of compliance with regard to this matter.

3. In the matter P16-17-14C and P17-18-11C – Attorney Newton provided a status to the Board with regard to potential hearing dates.

4. In the matter filed by SM, Rec'd 2-4-19 - This matter was tabled and not heard by the Board, per the request of the Complaints Committee, pending further investigation.

5. In the matter filed by RM, Rec'd 11-28-18 - The Board received a status that this matter which was previously dismissed, had been filed for reconsideration and is being processed.

6. **NP17-18-12B** – The Board reviewed the matter and by motion of Dr. Gormanous, directed Ms. Newton to rescind the previous request offered to the respondent pending further investigation.

7. **In the matter, AG vs GC (NP), Received 5-16-19** - The Board reviewed and discussed the matter against a non-psychologist alleged to be in violation of the laws and rules governing the practice of psychology. Dr. Henke moved in favor of proceeding with a formal investigation. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Lambert – YEA, Boggs- YEA, Henke– YEA, Gormanous - YEA.

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

Dr. Henke reviewed and presented findings that the Temporary Registrations for **Drs. Erin Siemers, Gerald Reid, Nicholas Wisdom and Alice Benton** were complete and requirements had been satisfied. Dr. Henke moved in favor of approving the Temporary Registrations of **Drs. Siemers, Reid, Wisdom and Benton**. The Board discussed the motion. The motion passed unanimously.

Dr. Henke reviewed the application file for licensure of **Joseph Salande** and presented findings that his file was complete for admission to candidacy and invitation to take the National Examination for Professional Practice in Psychology. Dr. Henke moved in favor of affirming Dr. Salande's Candidacy Status and admitting him to take the EPPP. The Board discussed the motion. The motion passed unanimously.

Dr. Lambert reviewed the application file for licensure of **Anita Quinn Flye** and presented findings that her file was complete for admission to candidacy and invitation to take the National Examination for Professional Practice in Psychology. Dr. Lambert moved in favor of affirming **Dr. Flye's** Candidacy Status and admitting her to take the EPPP. The Board discussed the motion. The motion passed unanimously.

Dr. Lambert reviewed the Application for Respecialization in Clinical Neuropsychology of **Dr. Sandra Viggiani** and directed Ms. Monic to request all documentation be provided prior to consideration.

Dr. Boggs reviewed the Application for Provisional License for **Matthew Taylor**, presented findings that his file was complete, and moved in favor of approving **Dr. Taylor** for admission to Candidacy Status, Approval of Supervised Practice Plan, Approval for Provisional License upon passing the state Jurisprudence Examination, and invitation to take the National Examination for Professional Practice in Psychology . The Board discussed the motion. The motion passed unanimously.

Dr. Boggs reviewed the Application for Licensure of **Dr. Hanna Weisman**, directed Ms. Monic to request additional documentation of postdoctoral experience.

Dr. Lambert reviewed and presented the Application for License of **Dr. Grace Niu**, to the Board with a motion to confirm the applicants Candidacy status and invite **Dr. Niu** to take the Oral and Jurisprudence Examinations to complete the licensing process. The Board discussed the motion. The motion passed unanimously.

Dr. Henke reviewed and presented the Application for License of **Tracey Murry**, to the Board with a motion to confirm the applicants Candidacy status and invite **Dr. Murry** to take the Oral and Jurisprudence Examinations to complete the licensing process. The Board discussed the motion. The motion passed unanimously.

Dr. Boggs reviewed and presented the Application for License of **Andrea Weiss**, to the Board with a motion to confirm the applicants Candidacy status and invite **Dr. Weiss** to take the Oral and Jurisprudence Examinations to complete the licensing process. The Board discussed the motion. The motion passed unanimously.

Dr. Boggs reviewed and presented the Application for License of **Claudia Mosier** to the Board with a motion to confirm the applicants Candidacy status and invite **Dr. Mosier** to take the Oral and Jurisprudence Examinations to complete the licensing process. The Board discussed the motion. The motion passed unanimously.

Dr. Lambert reviewed and presented the Application for License of **Kristen Pearson**, to the Board with a motion to confirm the applicants Candidacy status and invite **Dr. Pearson** to take the Oral and Jurisprudence Examinations to complete the licensing process. The Board discussed the motion. The motion passed unanimously.

Dr. Henke reviewed and presented the Application for License of **Justin Ory** to the Board with a motion to confirm the applicants Candidacy status and invite **Dr. Ory** to take the Oral and Jurisprudence Examinations to complete the licensing process. The Board discussed the motion. The motion passed unanimously.

Dr. Nevin reviewed and presented the Application for License of **Doris Nevin.**, to the Board with a motion to confirm the applicants Candidacy status and invite **Dr. Nevin** to take the Oral and Jurisprudence Examinations to complete the licensing process. The Board discussed the motion. The motion passed unanimously.

Dr. Henke moved to adjourn the meeting at 8:00PM. The motion passed unanimously.