

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
February 26, 2016

Approved: March 18, 2016

The meeting of the Louisiana State Board of Examiners of Psychologists (Board) was noticed and agenda posted on January 21, 2016. Dr. Zimmermann, Board Chair, called the meeting to order at 8:30 a.m. on Friday, February 26, 2016 at 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. Present were Board Members, Drs. Marc Zimmermann, Phillip Griffin, Jesse Lambert and Koren Boggs; and, Executive Director, Jaime T. Monic.

Dr. Zimmermann opened the meeting by reading the Board's mission statement. Dr. Boggs moved to approve the agenda for the day. The motion passed by unanimous roll call vote of the members present.

Dr. Griffin moved to approve the minutes of January 22, 2016 with corrections to his name. The motion passed by unanimous roll call vote of the members present.

The Board reviewed and discussed Legislative Committee Meeting Minutes from May 4 and 7, 2015. Dr. Griffin moved to approve the minutes with corrections. The motion passed by unanimous roll call vote of the members present.

Dr. Lambert moved to enter into executive session pursuant to LSA R.S.42:6.1, to conduct oral examinations and conduct file reviews. The motion passed by unanimous roll call vote of the members present.

Dr. Griffin moved, and the Board unanimously agreed to close executive session to enter the following motions:

ORAL EXAMINATIONS [LSA-R.S. 42.6.1]: The Board conducted the following oral examinations for licensure:

Rosette Elghossain, Psy.D. appeared before Board Members Zimmermann, Griffin, Lambert and Boggs for an oral examination for licensure. Dr. Griffin moved that the Board grant **Dr. Elghossain** a license to practice psychology with a declared specialty in Clinical Psychology. The motion passed by unanimous roll call vote of the members present.

Dr. Burnett joined the meeting at 10:30am and participated in file reviews.

The Board opened the meeting to the public at 12:45pm. Dr. Kim VanGeffen, LPA Liaison was present.

COMMITTEE REPORTS:

The Board received the following committee reports:

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

- Ms. Monic contacted Deborah Harkens regarding her availability to monitor legislation and for the 2016 Regular Session. Ms. Harkens agreed she would provide services at an extremely discounted rate for an in house contract of \$4,999. Her minimum is normally \$15,000. Dr. Burnett moved in favor of approving this contract, under this fiscal year. The Board approved by unanimous roll call vote of the members present.
- Kim VanGeffen confirmed that LPA is agreeable to LSBEP receiving election results directly from SimplyVoting.
- On January 25, 2016, Dr. Zimmermann and Ms. Monic met with Office of Juvenile Justice representatives at their request, to discuss possibilities to facilitate their program for juvenile sex offenders in the court system with limited funding. OJJ Representatives present were Martha Morgan, General Counsel; Kristi Nelson, Program Manager; Toya Pierce, Treatment Director; Dr. Yolanda Crump, Program Psychologist; and Angela Bridgewater, Program Manager. Dr. Zimmermann summarized this meeting with OJJ noting that OJJ presented their program design to utilize one contract psychologist for forensic evaluator for OJJ, then becoming the treatment provider to the juvenile, then back to OJJ's representative. Dr. Zimmermann presented to the Board his concerns that this design posed ethical issues, and how he was able to offer suggestions on how the program could operate within the perimeter of the regulations and ethics code for psychologists. The Board agreed with Dr. Zimmermann's synopsis and no further action was recommended.
- ASPPB – Janet Orwig and Joe Rallo are scheduled to meet with the Board at the March 18th meeting regarding the PLUS Application process.
- The Fiscal Impact Statement and Notice of Intent for Proposed Chapters 8, 9 and 13 are on track for publication in the March 20, 2016 LA Register.
- Ms. Monic asked Dr. VanGeffen to follow up on LPA's workshop/conference verification process. After review and discussion, the Board had no concerns regarding the documentation provided to attendees by LPA.

Finance Committee Report –

- Ms. Monic reported that Valerie Dominique had not provided Financial Statements for the Board's review.
- The Board reviewed the legal contract with Breazeale, Sachse & Wilson, LLC (BSWLLC) in conjunction with invoices billed to date. Ms. Monic reported that upon her review she requested that Mr. Raines cease work on any case until further notice. With current invoices totaling \$66,597.42, Dr. Burnett moved to amend BSWLLC's contract to an amount not to exceed \$68,000. The motion passed by unanimous roll call vote of the members present.
- The Board reviewed the draft budget for 2016-17. The Board discussed the proposed budget. In consideration of the revisions suggested by Ms. Monic, the Board made substantial cuts to operating, payroll and travel expenses for FY 2016-17.

Further, considerations for **PROFESSIONAL CONTRACTS** were approved as follows:

Dr. Boggs moved that the Board adopt the following Resolution for legal services with the legal firm of **Taylor, Porter, Brooks, and Phillips, LLC**.

WHEREAS the LSBEP is in need of more than one attorney because of possible conflicts of interests in complaint cases wherein the LSBEP may request opinions and direction from its attorney; and

WHEREAS the LSBEP has successfully contracted with the firm Taylor, Porter, Brooks and Phillips, LLC for General Legal Counsel for more than 20 years;

IT THEREFORE RESOLVES that the Board's contract for legal services with the firm of Taylor, Porter, Brooks & Phillips, LLP, be renewed for fiscal years 2016-17, 2017-18 and 2018-19 beginning July 1, 2016 through June 30, 2019, at the following rates of pay which reflect the current rates approved by the Attorney General's office, and not to exceed a maximum of \$36,000 for that period.

- *\$225 PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF TEN YEARS OR MORE IN THE PRACTICE OF LAW*
- *\$190 PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF FIVE TO TEN YEARS IN THE PRACTICE OF LAW*
- *\$150 PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF THREE TO FIVE YEARS IN THE PRACTICE OF LAW*
- *\$60 PER HOUR FOR PARALEGAL SERVICES*
- *\$45 PER HOUR FOR LAW CLERK SERVICES*

The motion passed by unanimous roll call vote of the members present.

Dr. Griffin moved that the Board adopt the following Resolution for legal services for fiscal year July 1, 2016 through June 30, 2017, with the legal firm of **Breazeale, Sachse & Wilson, LLC**.

WHEREAS the LSBEP is in need of more than one attorney because of the statutory requirements for adjudicating complaints and disciplinary actions;

IT THEREFORE RESOLVES that the Board's contract for legal services with the firm of Breazeale, Sachse & Wilson, LLC be initiated for fiscal year July 1, 2016 through June 30, 2017, at the following rates of pay which reflect the current rates approved by the Attorney General's office, and not to exceed a maximum of \$9,000 for that period.

- *\$275 PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF TEN YEARS OR MORE IN THE PRACTICE OF LAW*
- *\$190 PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF FIVE TO TEN YEARS IN THE PRACTICE OF LAW*
- *\$125 PER HOUR FOR PARALEGAL SERVICES*
- *\$75 PER HOUR FOR LAW CLERK SERVICES*

The motion passed by unanimous roll call vote of the members present.

Dr. Lambert moved that the Board adopt the following resolution for legal services for fiscal year July 1, 2016 through June 30, 2017, with the **Department of Justice, Office of the Attorney General**.

WHEREAS the LSBEP is in need of more than one attorney because of the statutory requirements for adjudicating complaints and disciplinary actions;

IT THEREFORE RESOLVES that the Board's contract for legal services with the Department of Justice, Office of the Attorney General be initiated for fiscal year July 1, 2016 through June 30, 2017, at the following rates of pay which reflect the current rates approved by the Attorney General's office, and not to exceed a maximum of \$2500 for that period.

- *\$225 PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF TEN YEARS OR MORE IN THE PRACTICE OF LAW*
- *\$175 PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF FIVE TO TEN YEARS IN THE PRACTICE OF LAW*
- *\$150 PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF THREE TO FIVE YEARS IN THE PRACTICE OF LAW*
- *\$125 PER HOUR FOR ATTORNEYS HAVING EXPERIENCE OF LESS THAN THREE YEARS IN THE PRACTICE OF LAW*
- *\$60 PER HOUR FOR PARALEGAL SERVICES*
- *\$40 PER HOUR FOR LAW CLERK SERVICES*

The motion passed by unanimous roll call vote of the members present.

Dr. Lambert moved that the contract with **Christopher Garner, Ph.D.**, for Complaints Coordination be continued through fiscal year July 1, 2016 – June 30, 2017, not to exceed a maximum amount of \$4,999. That fee schedule should reflect the following:

- *\$100 Upon completion of a review of a Request for Investigation with a recommendation to the LSBEP*
- *\$100 Per hour for all meetings, including meetings with attorneys and preliminary hearings*

The motion passed by unanimous roll call vote of the members present.

Dr. Burnett moved that the contract with **Valerie Dominique, CPA**, for professional accounting services be continued through fiscal year July 1, 2016 - June 30, 2017, not to exceed a maximum amount of \$4,999. That fee schedule should reflect the following:

- *\$60 per hour for other accounting services, payable on a monthly basis and upon receipt of an itemized statement of services performed.*

The motion passed by unanimous roll call vote of the members present.

Dr. Burnett moved that the contract for information technology services with either **Teknarus and/or Sparkhound** be continued through fiscal year July 1, 2016 - June 30, 2017, not to exceed a maximum amount of \$4,000. That fee schedule should reflect the following:

- *\$240 annual web hosting*
- *\$150 annual security certificate*
- *\$105 per hour IT Support for renewal application and database support.*

Dr. Boggs moved that the contract for Investigator services from Statewide Surveillance & Investigations be continued through fiscal year July 1, 2016 – June 2017, not to exceed a maximum amount of \$12,000. That fee schedule should reflect the following

- *\$60 per hour for investigative work;*
- *travel and lodging may be reimbursed, if pre-approved or pre-authorized by the Executive Director, however reimbursement shall not exceed rates approved by the Office of State Purchasing & Travel.*

The Board reviewed the salary of Ms. Deborah Storer, after having completed 6 months of employment and satisfactory work Dr. Burnett moved that the Board approve a raise, effective July 1, 2016 to bring her annual salary to \$30,000. The motion passed by majority roll call vote as follows: Burnett – yea, Griffin – yea, Boggs – yea, Lambert – yea, Zimmermann – nay.

Dr. Zimmermann reviewed and approved Bank Reconciliations prepared by Ms. Monic from January 2016.

Dr. Zimmermann reviewed and approved Ms. Monic’s Timesheets/Leave reports.

Oral Examination Committee Report – No report.

Jurisprudence Examination Committee Report – No report.

Legislative Oversight Committee Report – No report.

Liaison to Professional Organizations and Boards Report – No report.

Continuing Education - 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. Burnett reviewed and approved the Supervised Practice Plans of **Drs. Sarah A. Fontenelle, Megan Brokenborough, Rebecca A.E. Smith, and Rebecca Graham.**

Dr. Burnett reviewed the Application for Provisional License of **Kristen Fitch, Ph.D.** Dr. Burnett approved her Supervised Practice Plan and also moved the Board confirm her Candidacy status and approve her Provisional License to Practice Psychology. The Board discussed the motion. The motion passed unanimously.

Dr. Burnett reviewed the Application for License of **Sarah W. Drumond, Psy.D.** and moved that the Board 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. Zimmermann reviewed the Application for License of **Gretchen A. Clum, Ph.D.** and moved that the Board 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 License of **Sonia L. Rubens, Ph.D.** and moved that the Board 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. Zimmermann reviewed the Application for License via Texas Reciprocity of **Araceli Flores, Ph.D.** Dr. Zimmermann moved that the Board confirm the Candidacy status of **Dr. Flores** and invite her to meet with the Board to review and verify satisfactory character, current fitness, plans to practice, and specialty declaration for Licensure. The Board discussed the motion. The motion passed unanimously.

Dr. Zimmermann reviewed the Application for License via Certificate of Professional Qualifications of **Michael A. Connor, Ph.D.** Dr. Zimmermann moved that the Board confirm the Candidacy status of **Dr. Connor** and invite him to meet with the Board to review and verify satisfactory character, current fitness, plans to practice, and specialty declaration for Licensure. The Board discussed the motion. The motion passed unanimously.

Dr. Griffin reviewed the Application for License via Texas Reciprocity of **Rhonda Joy Polakoff, Ph.D.** Dr. Zimmermann moved that the Board confirm the Candidacy status of **Dr. Polakoff** and invite her to meet with the Board to review and verify satisfactory character, current fitness, plans to practice, and specialty declaration for Licensure. The Board discussed the motion. The motion passed unanimously.

Dr. Boggs reviewed the Temporary Registration of **Dale Glenn Watson, Ph.D. (California)** Dr. Boggs, moved that the Board approve the Temporary Registration of Dr. Watson upon receipt of passing scores on the Jurisprudence Examination. The Board discussed the motion. The motion passed unanimously.

Dr. Zimmermann reviewed the Temporary Registration of **Stacey Anne Wood, Ph.D. (California)** Dr. Zimmermann, moved that the Board approve the Temporary Registration of Dr. Wood upon receipt of passing scores on the Jurisprudence Examination. The Board discussed the motion. The motion passed unanimously.

The Board, upon consulting with Attorney Amy Groves Lowe, again considered the petition of **Susan Dardard, Ph.D.** to relinquish her license to practice psychology in Louisiana. Dr. Griffin moved in favor of allowing Dr. Dardard to lapse her license effective February 26, 2016. Dr. Zimmermann directed Ms. Monic to send out the standard letter to psychologists who have allowed their license to lapse along with an explanation of her status and her rights to reinstatement. The motion passed unanimously.

Complaints Committee: Dr. Burnett reported the dismissal of two investigations without action.

Long Range Planning/Awards Committee: Dr. Griffin requested that Ms. Monic coordinate a meeting with Dr. Darlene Nemeth to review current recommendations for minimum standards for training and credentialing neuropsychologists. The Board concurred.

LBAB Liaison Report: Dr. Burnett reported that the Louisiana Behavior Analyst Board were finalizing their first election and preparing to finalize rules for supervision of Line Technicians.

Professionalism Workgroup: No report.

LSBEP Education & Outreach: Dr. Griffin reported that the Board would attend LPA. Dr. Van Geffen said she would follow up on getting a specific time and day for us.

DISCUSSION ITEMS

Jurisprudence Examination – Review and discussion of examination score: –

The Board discussed the current score for the Jurisprudence Examination. Dr. Lambert moved to set the current score of the take-home Jurisprudence Examination at 80% (21.6 of 27 items correct) and further reference the approval date and passing score in the Board's Policy and Procedures under the Jurisprudence Examination Committee. The motion passed by unanimous roll call vote of the members present.

Temporary Practice Registrations – Provision for Three Consecutive Years – Ms.

Monic requested clarification on the provision in the regulations which provides that a "Temporary registration may be granted no more than three consecutive years." The Board clarified that an individual may be licensed under this provision every other year or may skip years between registrations. The intent was to deter regular practice, which would require full application and licensure.

Notification of CE letters to Emeritus Psychologists - The Board reviewed and approved these letters to be mailed and posted to the website.

Memorandum of CE Requirements to Licensed Psychologists – The Board reviewed and approved this memorandum, with corrections, to be posted to the website.

Lore M. Dickey, Ph.D. – Request for Board Review of Practice Endeavor – The Board reviewed Dr. Dickey's letter and website regarding his My Bandana Project (MBP). Dr. Griffin moved that the Board confirm that assuming he follows the current outline of his letter and avoid representing himself as a psychologist, the My Bandana Project would not constitute the unlawful or unethical practice of psychology.

POLICY & PROCEDURE: Elections – The Board reviewed its current Election policy in relation to the 2015-16 Election recently completed. The Board, after discussion,

unanimously approved the following revisions to this policy which included, with LPA's concurrence and the recommendation of the Board's attorney, to have Election results submitted directly to the Executive Director rather than through the Board's attorney; to hold its meeting early in January of each year to facilitate timely reporting to the Governor's Office; require paper ballots be opened at the January meeting; remove specific reference to voting software currently used, providing opportunity to seek other appropriate service providers if needed.

POLICY & PROCEDURE: Complaints Process – The Board diligently reviewed its current Complaints Process, and amendments proposed by Ms. Monic which included codifying it into the current Policy and Procedures Manual and editing definitions and terminology. Dr. Lambert moved that the revisions be presented to the Board's General Counsel, Amy Groves Lowe, for review and follow up at the March 2016 Board Meeting. The motion passed by unanimous roll call vote of the members present.

APA Proposed Revision to Ethics Code 3.04 – Ms. Monic provided the Board with information from the American Psychological Association concerning the proposed revisions to their Ethics Code. The Board declined comment as a group.

Proposed Rule Revision: LAC Title 37, LXIII Chapter 13. Code of Ethics (DB)

Dr. Burnett provided an overview of her draft of a proposal to promulgate the Code of Ethics into the Board's regulations. Due to limited time, she requested that the Board read through the draft for discussion in March. The Board agreed. Ms. Monic will send a reminder before the March meeting.

Unlicensed Assistants – Dr. Zimmermann proposed the Board review the rule for Unlicensed Assistants in consideration of requiring registration of these individuals with the Board; potentially requiring Criminal Background Checks (CBC); and ensuring that the Psychologist is properly trained to provide supervision to the unlicensed assistant. Dr. Zimmermann requested that the Board give thought and consideration to the fact that the Behavior Analyst require CBC's and certification/registration of their Certified Behavior Analysts and Line Technicians; the Social Work Board the Counselors Board also conduct CBC's and require special certification for Supervising Privileges; and other psychology boards nationwide have similar requirements for registration of psychometricians or assistants and CBC's. Most importantly where psychologists work with the most vulnerable populations (e.g. children, elderly and/or mentally ill) providing a means to prescreen individuals who potentially have a criminal background that seek employment with psychologists as assistants and psychometricians, provides a necessary level of protection not only to patients but also to the psychologists who bear the professional liability of their employees.