

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
Long Range Planning Meeting: *November 10-11, 2016*

FINAL APPROVED: December 16, 2016

The meeting of the Louisiana State Board of Examiners of Psychologists (Board) was noticed and agenda posted November 9, 2016. Dr. Darla Burnett, Board Chair, called the meeting to order at 9:34 a.m., Thursday, November 10, 2015, at the Baton Rouge Marriott, Azalea Room 5500 Hilton Avenue, Baton Rouge, LA 70808. Present were Board Members, Drs. Darla Burnett, Phillip Griffin, Jesse Lambert, Koren Boggs and Amy Henke, and LSBEP Executive Director, Jaime T. Monic. Attorney Amy Groves Lowe was in partial attendance to consult on certain matters and provide Anti-Trust training to the Board. Dr. Sasha J. Lambert, Complaints Coordinator, was in partial attendance to present summaries and recommendations on complaint matters.

Dr. Burnett first read the Board's Declaration of Purpose, then called for a motion to approve the agenda. Dr. Griffin moved to approve the day's agenda. The motion passed by unanimous roll call vote of the members present as follows: Burnett- yay, Griffin-yay, Lambert-yay, Boggs-yay, Henke-yay. Dr. Griffin moved to approve the October 7, 2016 Minutes. The motion passed unanimously.

Dr. Lambert moved to enter into executive session pursuant to LSA R.S.42:6.1, to conduct file reviews and consider complaint matters. The motion passed by unanimous roll call vote of the members present as follows: Burnett- yay, Griffin-yay, Lambert-yay, Boggs-yay, Henke-yay.

Working Lunch 11:30 a.m. – 12:30 p.m.

At 12:45 p.m., Dr. Griffin moved, and the Board unanimously agreed to close executive session. The motion passed by unanimous roll call vote of the members present as follows: Burnett- yay, Griffin-yay, Lambert-yay, Boggs-yay, Henke-yay.

At 1:00-2:00 p.m., Attorney Amy Groves Lowe presented on Anti-trust Training.

COMMITTEE REPORTS:

Executive Director Report:

Ms. Monic reported on the operations of the Board as follows:

Ms. Monic and Dr. Boggs attended the ASPPB 56th Annual Meeting of Delegates from October 19-23, 2016. It was a very educational meeting which topics primarily focused on how other states were dealing with the Supreme Court Decision in the North Carolina Dental Board Case; initiatives to change federal legislation and how boards can continue to promote public protection effectively in an "anti-regulatory climate". Dr. Boggs will be giving a more detailed summary in her committee report.

Ms. Monic attended BRASP as a guest speaker on October 25, 2016, Drs. Burnett and Lambert were also in attendance. The information presented included a review of the new CE Requirements, SCR 65 Taskforce update, update on ASPPB Meeting and how other states were dealing with the Supreme Ct Decision in the North Carolina Dental case; update on ASPPB Midyear meeting in Maryland MD and their current initiatives (EPPP2, PLUS Application and PSYPACT).

New Hearing dates in P15-16-03C set for January 12-13, 2016.

Ms. Monic was present at the La. School Psychology Association in Lafayette, November 3, 2016 at the Doubletree Hilton as co-presenter for a presentation on Licensed Specialist in School Psychology. Presenters were Drs. Carmen Broussard and Steven Welsh. Dr. Welsh gave a brief licensing history and encouraged the growth of the LSSP profession. Dr. Broussard explained the licensing process. Attendees were very engaging and interested in this license. Many questions were asked such as: could an LSSP serve home school associations/charters or learning centers; is the license limited to post-secondary, where many LD students are attending state and community colleges (considerations for waivers for ACT Scores in community and state colleges); is there a definition for an agency that provides education.

Ms. Monic updated the Board on the Legal Contract with James Raines, anticipating an amendment would be necessary given the pending hearing currently scheduled. Last billing balance (October) was \$15,889.95 of \$28,000.

Ms. Monic shared an email from LPA President, Dr. Lucinda DeGrange's statement to membership clarifying that the Psychology Times does not represent the views or opinions of LPA.

Ms. Monic shared a Memorandum with the Board membership that ASPPB is taking over the development and management of the PEP examination (psychopharmacology) from APA.

Financial Committee Report:

The Board reviewed financial statements of October 31, 2016, prepared by Ms. Valerie Dominique. Dr. Henke moved to accept the financial statements ending October 31, 2016. The motion passed unanimously.

Dr. Burnett reported she reviewed and approved the reconciliation statement prepared by Ms. Monic for October and approved leave reports for Ms. Monic.

Oral Examination Committee: No report.

Jurisprudence Examination Committee: No report.

Legislative Oversight Committee: Dr. Burnett reserved her report for agenda discussion item.

Liaison to Professional Organizations and Boards: Dr. Boggs reported on her attendance at ASPPB. Dr. Boggs shared observations about ASPPB moving on the development of the EPPP2, without properly surveying member jurisdictions; and other initiatives they were actively marketing such as the PSYPAC which she had concerns about. Dr. Boggs also reported that she enjoyed the experience of networking with other jurisdictions.

Continuing Education: No report.

Supervision/Credentials Review: Dr. Griffin reported that the Board conducted the following Application/Credentials review in Executive Session, as follows:

Dr. Griffin reviewed and approved the Supervised Practice Plan for **Carolyn Barahona, Ph.D.** and **Melissa Kunimatsu, Ph.D.**

Dr. Griffin reviewed the Temporary Registration for **Matthew Mendel, Ph.D.**, applying from North Carolina. Dr. Griffin presented that the requirements for temporary practice had been provided and recommended that Temporary Registration be approved. The motion passed unanimously.

Dr. Henke reviewed the Temporary Registration for **Paul Connor, Ph.D.**, applying from Washington. Dr. Henke presented that the requirements for temporary practice had been provided and recommended that Temporary Registration be approved. The motion passed unanimously.

Dr. Burnett reviewed the Application for Provisional License of **Andrew Magers, Psy.D.** and **Sarah K. Thomas, Psy.D.** Dr. Burnett recommended that the Board confirm the Candidacy status of both Dr. Magers and Dr. Thomas and approve their provisional licensure pending receipt of passing Jurisprudence Examination. The Board discussed the motion. The motion passed unanimously.

Dr. Griffin reviewed the Application for Provisional License of **Sandra Viggiani, Ph.D.** Dr. Griffin recommended that the Board confirm the Candidacy status of Dr. Viggiani and approve provisional licensure pending receipt of passing Jurisprudence Examination. The Board discussed the motion. The motion passed unanimously.

Dr. Griffin reviewed the Application for License of **Linda Marks Hunter, Psy.D.** Dr. Griffin recommended that the Board confirm the Candidacy status of Dr. Hunter invite her to the take the Oral Examination and Jurisprudence Examinations for licensure. The Board discussed the motion. The motion passed unanimously.

Dr. Griffin reviewed the Application for License of **Kristen Fitch, Ph.D.** Dr. Griffin, finding all requirements were met, recommended that the Board confirm the Candidacy status of Dr. Fitch invite her to the take the Oral Examination for licensure. The Board discussed the motion. The motion passed unanimously.

Drs. Burnett and Henke reviewed the Application for Licensure of **Kim M. Zweifler, Ph.D.**, Dr. Henke moved that the Board request additional documentation concerning Dr. Zweifler's post-doctoral supervision. The Board discussed the motion. The motion passed unanimously.

Dr. Lambert reviewed the PLUS Application for Licensure of **Allison Palmisano, Psy.D.**, Dr. Lambert moved that the Board request additional information from Dr. Palmisano. The Board discussed the motion. The motion passed unanimously.

Dr. Lambert reported on a follow up letter from **Susanna Smith, Ph.D.**, no action was recommended on this file.

Dr. Boggs reviewed additional material submitted in support of the application for **Larry Vaught, Ph.D.**, no action was recommended on this file.

Dr. Burnett reviewed the Application for Licensure of **Rebecca S.M. Rock, Psy.D.** Dr. Burnett reviewed **Dr. Rock's** concerns regarding post-doctoral supervision requirements with the Board. Dr. Burnett recommended the Board provide a follow up letter, and volunteered to draft the response, reiterating the licensing requirements set both by statute, regulation and opinion. The Board discussed the motion. The motion passed unanimously.

Dr. Boggs reviewed the Application for License of **Emily E. Prather, Ph.D.** and **Eliza S. McManus, Ph.D.** Dr. Boggs moved that the Board confirm the Candidacy status of both Dr. Prather and Dr. McManus and invite them to take the Oral and Jurisprudence Examinations for licensure. The Board discussed the motion. The motion passed unanimously.

Dr. Burnett reviewed the Application for License of **Bryman E. Williams, Ph.D.** Dr. Burnett moved that the Board confirm the Candidacy status of Dr. Williams and invite him to take the Oral and Jurisprudence Examinations for licensure. The Board discussed the motion. The motion passed unanimously.

Dr. Lambert reviewed the Application for Licensure via Certificate of Professional Qualifications for **Susan E. Brown, Psy.D.**, Dr. Lambert moved that the Board confirm the Candidacy status of Dr. Brown and invite her to take the Jurisprudence Examination for licensure and 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. Burnett reviewed the Application for Licensure of **Priscilla L. Roth-Wall, Ph.D.** Dr. Burnett finding that Dr. Roth-Wall did not have a doctoral degree in psychology, recommended that the Board deny candidacy status, thus licensure, and notify Dr. Roth-Wall of the proper requirements for licensure in Louisiana in accordance with LA R.S. 37:2356 (5) and the Louisiana Administrative Code (LAC), Title 46, §103.4 and §303.A-C.1-11.a-d and also advise her of her right to appeal if she is able to produce documentation of meeting these requirements. The Board discussed the motion. The motion passed unanimously.

The Board, in consultation with Attorney Amy Groves Lowe, reviewed the request for the Board to reconsider the denial of the license of **Harold Steinitz, Ph.D.**, the Board reviewed additional information provided by Dr. Steinitz and discussed the matter. After thorough consideration, Dr. Griffin moved that the Board uphold its decision of September 23, 2016. The Board discussed the motion. The motion passed unanimously.

Complaints Committee:

Dr. Sasha J. Lambert was present to provide her summary and recommendations as follows:

1. **Request for Investigation, initiated by RD on August, 1, 2016** – Dr. S. Lambert provided an oral and written summary of this matter, recommending dismissal. The Board thoroughly discussed the matter. Dr. J. Lambert moved to accept Dr. S. Lambert’s recommendation for dismissal. The motion passed unanimously, by roll call vote as follows: Burnett – YEA, Griffin – YEA, Lambert – YEA, Boggs – YEA, and Henke – YEA
2. **Request for Investigation, initiated by DK on August, 1, 2016** – Dr. S. Lambert provided an oral and written summary of this matter, recommending dismissal. Dr. Griffin moved to accept Dr. S. Lambert’s recommendation for dismissal. Dr. Henke moved to dismiss with a letter of recommendation to the psychologist. The Board thoroughly discussed the motions of Dr. Griffin and Dr. Henke. The Board voted in favor of Dr. Griffin’s recommendation by majority vote as follows: Burnett – YEA, Griffin – YEA, Lambert – YEA, Boggs – YEA, and Henke – NAY
3. **Request for Investigation, initiated by RD on August, 1, 2016** – Dr. S. Lambert provided an oral and written summary of this matter, recommending that the Board dismiss the complaint, however due to the information provided by the Complainant, in an abundance of caution, additionally, and unrelated to the actions of the Psychologist/Respondent, the LSBEP will provide a letter to Adult Services for consideration. The Board thoroughly discussed the matter. Dr. J. Lambert moved to accept Dr. S. Lambert’s recommendation for dismissal. The motion passed unanimously, by roll call vote as follows: Burnett – YEA, Griffin – YEA, Lambert – YEA, Boggs – YEA, and Henke – YEA
4. **Complaint P14-15-13C** – Ms. Monic provided an oral and written summary of this matter, in conjunction with a proposed Consent Order signed by the Respondent. The Board thoroughly discussed the matter. Dr. Griffin moved to accept the Consent Order as proposed. The motion passed unanimously, by roll call vote as follows: Burnett – YEA, Griffin – YEA, Lambert – YEA, Boggs – YEA, and Henke – YEA

Following the acceptance of the Order in the matter **P14-15-13C**, Dr. Burnett officially signed the Order effective this date between the LSBEP and **Marianne H. Walsh, Psy.D.** and directed Ms. Monic facilitate proper reporting of the disciplinary action on the website, to ASPPB, and the National Practitioner Databank, and/or any other required reporting, and follow-up on compliance with the Order.

Long Range Planning/Awards Committee: No new report.

LBAB Liaison Report: Dr. Griffin reported that he had attended the Behavior Analyst meeting on October 18, 2016.

LSBEP Education & Outreach: No new report.

DISCUSSION ITEMS

1. **SCR 65 – Draft Report and Meeting Outcome** – Dr. Burnett provided the Board with a copy of the Draft Report containing proposed recommendations to be submitted to the Legislature. The Board reviewed these recommendations with Attorney Amy Groves Lowe. There were no concerns to revise the recommendations as proposed. Dr. Burnett reported that the Taskforce will meet next to affirm the recommendations as final on December 19, 2016.

2. **ASPPB Membership Dues for 2017** – Ms. Monic requested the Board consider its continued membership with ASPPB, noting the benefits of the listserv between Board Members and Executive Directors, disciplinary data bank, and the EPPP. Ms. Monic reported that dues last year were \$2570 and requested approval to pay membership dues for 2017 as assessed by ASPPB based on licensees, not to exceed \$2570. Dr. Griffin moved that the Board continue with its membership and authorize Ms. Monic to pay dues as assessed. The motion passed by majority roll call vote as follows: Burnett – YEA, Griffin – YEA, Lambert – YEA, Boggs – YEA, and Henke – NAY

3. **APA Accredited Doctoral Programs, Internships and Impact on Licensure in Louisiana (Email from Dr. Lawrence Dilks)** – The Board reviewed an email from Dr. Lawrence Dilks concerning the Louisiana Internship Consortium and his ability to continue that program in light of the proposal by APA for State Licensing Boards to require that Internships [and doctoral training programs] be APA approved. After reviewing the information from Dr. Dilks, APA, and considering Anti-trust matters, the Board agreed that it would not consider changing its current standards to exclusively require APA Accredited programs/training programs. Dr. Burnett directed Ms. Monic to respond to Dr. Dilks accordingly.

4. **Texas Sunset Report** – The Board reviewed the recommendations coming from Texas and considered its agreement with Texas for Reciprocity with Texas Licensed Psychologists. Dr. Boggs moved that the LSBEP send a letter to Texas, in light of the recommendations to remind Texas of the terms of the Reciprocity Agreement and to request that if their standards change, that they immediately notify the LSBEP.

5. **Texas Response to *Serafine v. Branaman* (5th Circuit Court of Appeal)** – The Board reviewed this matter with Attorney Amy Groves Lowe. Ms. Lowe advised that the Texas statute defining the practice of psychology was very different from Louisiana's. She further advised that Louisiana's statutes were solid and did not have a recommendation for changing Louisiana's statute concerning the definition for the practice of psychology.

6. Behavioral Sleep Medicine – The Board reviewed a question regarding the practice of psychology and it being within the scope of practice for a psychologist to diagnose sleep disorders. The Board thoroughly discussed this matter with supporting documentation from the Society of Behavioral Sleep Medicine and its rules and regulations. The Board opined that a psychologist who is educated and trained in Behavioral Sleep Medicine may perform procedures, assessments and interventions within the scope of practice of a licensed psychologist.

Dr. Griffin moved to adjourn the meeting at 5:00 p.m. The motion passed without objection.

FRIDAY, NOVEMBER 11, 2016

The Long Range Planning meeting of the Louisiana State Board of Examiners of Psychologists (Board) was noticed and agenda posted November 9, 2016. Dr. Darla Burnett, Board Chair, called the meeting to order at 9:00 a.m., Friday, November 11, 2015, at the Baton Rouge Marriott, Azalea Room 5500 Hilton Avenue, Baton Rouge, LA 70808. Present were Board Members, Drs. Darla Burnett, Phillip Griffin, Koren Boggs and Amy Henke, and LSBEP Executive Director, Jaime T. Monic. Also present were former Board Members Drs. Marc Zimmermann, Darlyne Nemeth and Joseph Comaty; LPA Representatives Drs. Lucinda DeGrange (LPA President), Kim VanGeffen (LPA Liaison to LSBEP), John Fanning, and Julie Nelson (LPA President-Elect and Psychology Times). Dr. Jesse Lambert was not present for this meeting.

Dr. Burnett began the meeting by thanking all Veterans for their service, especially Dr. Griffin who was present for the meeting. Dr. Burnett read a quote from George Washington to commemorate Veterans Day.

Dr. Burnett thanked everyone for attending the LRP meeting and moved to agenda items:

1. Elections for Board Vacancy occurring June 30, 2017: The Board opened Self-Nominations from Drs. Erica Meyers, Leah Crouch and Brian Turner. The Board reviewed their credentials for vetting. Dr. Nelson reminded the Board that the statute had changed concerning the requirement that the candidate be licensed for 5 years *in Louisiana*. With that, the Board determined that Drs. Meyers and Turner had not met the licensing requirement to qualify for Board membership. Dr. Griffin moved the Board extend the nominations period an additional 30 days and send notice, to allow for additional qualified candidates to apply. The motion passed unanimously.

2. The Board reviewed and discussed licensing matters as follows:

A. Ms. Monic reviewed current licensing fees with the Board, noting especially the issues surrounding provisional licensing fees. She recommended the following changes:

- Remove the Provisional Application fee of \$150, require instead one regular Application fee of \$200. (Rule Change)
- Change the Provisional Renewal fee from \$100 to \$160 [*this is limited by statute to \$100 and would require a statutory change*].
- Remove the \$15 fee and provision for a Photo ID Card. (Rule Change)
- Investigate and seek statutory change to fine psychologists for statutory and regulatory violations.

The Board discussed these matters thoroughly and with the former members and representatives present. Dr. Boggs moved to accept Ms. Monic's recommendations and begin rulemaking where appropriate, the motion passed unanimously.

B. ASPPB PLUS Applicant Agreement and/or Rules – Ms. Monic discussed the ongoing consideration of the need for Rules or an Agreement with ASPPB concerning the PLUS

Application. Ms. Monic noted that ASPPB was working on an option for LSBEP (or member jurisdictions) to be able to log into an applicant's file on ASPPB's server without the need to electronically transmit state and federally protected information. Currently, only the applicant's name and email are provided to ASPPB to facilitate the PLUS application. Dr. Henke noted that she would like to ensure that the process remains optional to LSBEP's Application Process. No motion was considered on this matter.

C. The Board discussed the Postdoctoral Supervision requirements for licensure as it relates both to:

- Defining Postdoctoral Experience and the date of acceptance of the post-doctoral year of experience for newer licensees. After discussion and input from attendees, Dr. Boggs volunteered to investigate the process and draft rules and a verification form for recognizing acceptable post-doctoral training. Drs. Boggs and Henke agreed to spearhead the investigation and draft documents to facilitate this matter.
- Accepting as an equivalence, a requisite number of years of licensed practice experience in good standing, to supplement or replace supervised experience toward licensure. The Board was agreeable to facilitating rulemaking to accommodate this provision.
- Dr. Griffin facilitated the discussion concerning the Registration of Unlicensed Assistants. Guests participated in discussing the matter and offering insight into the history when the Board did require a psychologist to register their assistants with the Board. The Board discussed potential liability of the Psychologist to the actions of the unlicensed assistant and the newly legislated requirement imposed by the Department of Health requiring Criminal Background Checks for unlicensed assistants of psychologists within institutions. No motion was considered on this matter.

3. Ms. Monic reviewed the Complaints Process with attendees and discussed the proposed amendments to Chapter 15 of the Louisiana Administrative Code. Dr. VanGeffen requested a flowchart on the process to better inform licensees. Dr. Henke and Ms. Monic agreed to work on that document. After describing the need for the changes, Board members and attendees collaborated to formulate language for the amendments as follows: (new language in *italics*)

§1501. Applicability

A.-B. ...

C. Unless otherwise provided by law, the board may delegate its authority and responsibility *to an individual, or team of individuals [i.e. Complaints Coordinator, Investigator, Prosecutor, Executive Director]*, a committee of one or more board members, a hearing officer, or to other persons *to facilitate the investigative, prosecuting or advocating functions of the board.*

D. *In the event that formal disciplinary proceedings are initiated, only the appointed members of the Board shall convene for hearings, informal or otherwise, to determine the final disposition on a complaint matter pursuant to the authorization granted under R.S. 37:2353.C.(4),(5) and (6). The utilization of a Coordinator and Investigator provides for a process of complaint review which minimizes sitting Board members' exposure to information prior to any hearing which may be held.*

§1511. Formal Hearing

- A. If, after completion of its investigation, *it is determined* that the circumstances may warrant *disciplinary action, including but not limited to* the withholding, denial, revocation, suspension of a psychologist's license, the Complaints Coordinator shall initiate *formal disciplinary proceedings, after giving the individual notice and opportunity for an informal resolution facilitated by authorized individuals.*
- B. *Formal disciplinary proceedings are initiated through the filing of an Administrative Complaint and Request for Formal Hearing.*
- C. *Within one year from receipt of the Administrative Complaint and Request for Formal Hearing, the appointed members of the board shall set a date for hearing in accordance with LA R.S. 37:2353.C.(5).*

4. PRACTICE ISSUES – The Board reviewed trending topics and matters as follows:

A. Conversion Therapy – Drs. Boggs, Burnett and Henke presented on this topic. After discussion, Dr. Boggs agreed to formulate language for the Board to consider an opinion recognizing the harmful nature/effectiveness of conversion therapy.

B. Specialty Designations vs. Health Service Provider Designation – Dr. Boggs led the discussion concerning replacing Specialty Designations with HSP; or adding HSP. This matter continues to be investigated. No motion was made on this topic.

At this time during the discussion, the Board moved to the Azalea Room for an Awards Ceremony Luncheon in honor and recognition of Dr. Marc Zimmermann (former Board Member and past-Chair); Dr. C. Gary Pettigrew (former Complaints Coordinator); and, Dr. Lucinda Lang DeGrange (former LSSP Committee Member). (Dr. Nelson was not present for the Awards Ceremony)

The Board continued discussion on practice issues (Dr. Nemeth was not present for the following):

C. Neuropsychology Designation/Practice – Dr. Griffin led the discussion regarding Neuropsychology Designation/Practice and the movement toward additional training (beyond what Louisiana currently requires) to meet standards for neuropsychological practice.

5. OTHER RULE REVISIONS – Ms. Monic provided information on additional rulemaking initiatives as follows:

A. Amendment of Chapter 33: LSSP – Ms. Monic presented that the following language had been approved by the Board for revision to the LSSP, in order that one year of internship may count toward the 3 years of required experience (and in keeping with licensing requirements for psychologists and the allowance to count one year of an approved internship toward licensure.) The new language is as follows: (new language in *italics*)

§3301. Definition

- A. 1-4...

5. has completed *an internship of at least 1200 hours, and nine-months in duration*, conducted under the supervision of a certified school psychologist in a school setting or by a licensed psychologist in a community setting. Of the 1200 hundred hours, 600 hours shall be completed in a school setting;

6. has completed three years of supervised experience as a certified school psychologist within the public school system. *One year of full-time employment or experience, obtained as part of an acceptable internship as defined by the Board under §3403 of this Title, may be applied toward the three years of required supervision. Such experience must be obtained within one academic year, in a public school system. Such “academic year” shall be defined by the school calendar in the district of practice;*

B. The Board provided a draft of proposed language to amend Chapter 13: Ethical Code of Conduct of Psychologists (LAC 46:LXIII.Chapter 13) to guests. Dr. Burnett explained minimal modifications to make the Code applicable to Louisiana and make the references apply to Rules rather than APA’s Code. Additional discussion was had regarding an old policy concerning Dual Roles and its appropriateness as a policy. Dr. Griffin moved to continue with producing a final draft for rulemaking and requested that the board members, former board members and association representatives thoroughly review the draft and submit comments and suggestions for the Board to consider before publishing the Notice of Intent. The motion passed unanimously.

Concluding Discussion, Dr. Griffin moved that the meeting be adjourned at 3:00 p.m. The motion passed unanimously.