

TENNESSEE BOARD OF EXAMINERS IN PSYCHOLOGY

DATE: June 15, 2017

TIME: 9:00 a.m., CDT

LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT DURING MEETING: Janice Pazar, Ph.D., Chair
David C. Mathis, Ed.D.
Timothy Urbin, Ph.D.
Rebecca Joslin, Ed.D., Ph.D.
Hugh D. Moore, Ph.D.
Annette Little, Ph.D., BCBA-D
J. Dale Alden, Ph.D.
Connie Mazza, SPE
H. R. Anderson, Jr., SPE

BOARD MEMBERS

ABSENT FROM MEETING: Jennifer Winfree, Consumer Member

STAFF

PRESENT: Teddy Wilkins, Unit Director
Lisa Williams, Board Administrator
Paetria Morgan, Office of General Counsel

Dr. Pazar, Chair, called the meeting to order at 9:02 a.m. A roll call was conducted and a quorum was present.

Minutes

Upon review of the March 16, 2016 minutes, Dr. Little made a motion, seconded by Dr. Urbin, to approve the minutes. The motion carried.

Financial Report

Noranda French, Division of Licensure and Regulation, reported the actual expenditures and their breakdowns for mid-year 2017. The mid-year total expenditures for the Board of Examiners in Psychology is \$70,093.25. The mid-year point revenue generated by this Board is \$146,585.81. This give the Board a mid-year net of \$76,492.56. Ms. French reminded the Board that LARS (License and Regulation System) would be more expensive this year and as previously approved would be taken from the carryover and would not be counted as an annual expenditure. This

Board's mid-year portion of LARS is estimated to be \$7,757.88. This would bring the Board a potential mid-year carryover of 1,084,958.23. Ms. French stated that there is no cause for concern based on the Board's spending for this year as compared to last year's figures. Projections for expenditures for year end is \$207,415.80. A projected possible year end revenue is \$262,856.17. This would give the Board a possible net of \$55,440.37. An expenditure projection for LARS is \$15,515.77. These projections would give the Board a possible year end carryover of \$1,056,148.15.

Investigative Reports

Nichelle Dorroh, Office of Investigations, said there are twenty-five (25) open psychologist complaint cases in Investigations. Ms. Dorroh referenced the list of currently monitored practitioners with the Board.

Office of General Counsel

Ms. Morgan stated there are two (2) consent orders and no agreed orders. There are five (5) cases open in OGC and no appeals in chancery court. The telepsychology rules are still in the internal review process and the Applied Behavior Analysts Committee rules will be effective June 21, 2017.

Ms. Morgan stated she has a consent order to present to the Board for **Patricia Lees, Ph.D.** Dr. Lees provided psychotherapy treatment to a patient, R.B., from January 8, 2007 to April 21, 2010. Dr. Lees discharged R.B. for inappropriate behavior including showing up at the Dr. Lees' home uninvited. After terminating the therapeutic relationship, Dr. Lees began treating R.B. again in January 2011. During a therapy session during the spring of 2013, R.B. proposed marriage with a ring. Dr. Lees declined and informed R.B. that his actions were inappropriate. Dr. Lees continued to treat R.B. Dr. Lees allowed R.B. to begin performing maintenance tasks for her at her place of residence. R.B. has also performed tasks for Dr. Lees' mother and daughter. On November 11, 2014, Dr. Lees discharged R.B. again for inappropriate behavior. Dr. Lees admits that she did not adequately maintain R.B.'s medical record. She did not always document consults she had with other mental health professionals as well as R.B.'s primary care physician who was the primary prescriber of his psychotropic medication. R.B.'s medical record demonstrates long bouts of time when Dr. Lees used the same progress note form without adding any additional specific therapy session. Dr. Lees listed marital discord on progress notes long after R.B. was divorced. Additionally, R.B.'s medical record does not contain any treatment plans or relevant release of information forms. On or about March 31, 2015, R.B.'s subsequent psychologist requested R.B.'s medical record from Dr. Lees. Dr. Lees sent the requested medical record to the requester on April 23, 2015. The grounds for discipline for Dr. Lees are unprofessional, dishonorable, or unethical conduct. A failure to create and maintain patient medical records and a violation of what those records should include. Additionally, Dr. Lees didn't provide the medical record within ten working days as required by law. The order states that Dr. Lees' license shall be placed on probation for one (1) year effective the date of this order and within 30 days she must contact the Tennessee Colleague Assistance Foundation to make arrangements for an evaluation. The evaluation must be completed within 60 days and Dr. Lees must follow all recommendations if any that they may give her. Dr. Lees was assessed a civil

penalty of \$500 that must be paid within sixty (60) days which represents the penalty for engaging in unprofessional conduct. She must pay the actual and reasonable cost of prosecuting this case. After the one (1) year has expired, Dr. Lees must appear before the Board to petition the Board for an order of compliance. Dr. Urbin made a motion to ratify the order and Dr. Mathis seconded the motion. The motion carried.

Ms. Morgan stated she has a consent order to present to the Board for **Richard A. Pitcock**. On or about August 4, 2015, Dr. Pitcock was arrested for transporting child pornography and for possessing child pornography. Dr. Pitcock stated he attempted to notify the Board concerning the criminal conviction. The Board did not receive this information.

The grounds for discipline include violating any criminal statute or statute of the state of Tennessee, conviction of a felony and also the violation of the consumer right to know act for failure to notify the Board.

The disciplinary terms included Dr. Pitcock's voluntary surrender of his license which has the same effect as revocation.

Dr. Mathis made the motion to ratify the order, seconded by Dr. Little. The motion carried.

Discuss and Ratify/Deny Newly Licensed and Reinstated

Newly Licensed

Dr. Urbin made a motion, seconded by Dr. Joslin to ratify the following newly licensed Psychologists and Certified Psychological Assistant:

Psychologists

Robert E. Friedle
Erica B. Green
Kyong Ran Han

Renee J. Hill
Michelle R. Jesop
Sandra Jean Saporiti

Psychological Assistant

Jeremy Martin
Rachel N. Severs

Motion carried

Reinstated

Dr. Mathis made a motion, seconded by Dr. Moore to ratify the following reinstated Psychologists:

Psychologist

Shirley Ellis
Bahr Weiss

Motion carried

Upgrade to Sr. Psychological Examiner

Dr. Urbin made a motion, seconded by Dr. Joslin to ratify the following upgrade to Sr. Psychological Examiner.

Sr. Psychological Examiner

Glenn C. Johnson

Motion carried.

Update from Tennessee Colleague Assistance Foundation

Dr. Brian Wind gave an update from the Tennessee Colleague Assistance Foundation (TCAF). Dr. Wind reported that TCAF has eight (8) individuals under contract and two (2) individuals have pending contracts. Monitoring is being maintained digitally with an app rather than on hand written forms. TCAF is operating within their budget. TCAF will be presenting a symposium at the Tennessee Psychological Association annual conference. They will have five (5) presenters. Dr. Murphy Thomas is spearheading a collaborative effort with the Tennessee Psychological Association to launch some continuing education work including dealing with addiction disorders. Dr. Wind's form of a formula is "Connectivity plus accountability equals long term success".

Administrative Report

Ms. Williams stated there are currently 1,394 active licensed Psychologists, 405 active licensed Psychological Examiners/Senior Psychological Examiners and 47 licensed Certified Psychological Assistants.

Ms. Williams stated there are currently 29 Psychologists applications in process, 6 newly licensed, 167 renewals with 114 renewing online for a percentage of 68%. Ms. Williams stated that there were 19 retired, 5 expired and 2 reinstated licenses.

Ms. Williams stated there are currently no applications in process. The Psychological Examiners/Senior Psychological Examiners have 1 upgrade, 49 renewals with 33 renewing on line for a percentage of 67%. Ms. Williams stated that there were 2 retired, 4 expired and 0 reinstated license.

Ms. Williams stated there are currently 3 Certified Psychological Assistant applications in process, 2 newly licensed, 6 renewed with 2 renewing online for a percentage of 33%. Ms. Williams stated that there were 0 retired, 1 expired and 0 reinstated licenses.

Ms. Williams stated the next scheduled Board Meeting is September 14, 2017 and the following dates have been scheduled for 2017:

December 7, 2017

Ms. Williams asked the Board members to sign their travel and per diem claims as well as their conflict of interest forms. Ms. Williams also mentioned the need for the new members to provide a signature for the wall license.

Ms. Wilkins acknowledged Dr. Little's last day on the Board as her term on the Behavior Analyst Committee expires June 30, 2017. She announced the new Behavior Analyst Committee chair that will have a seat on this Board will be Mickey Tonos. Ms. Wilkins recognized the effort made by Dr. Little in her contribution toward the Behavior Analyst Committee.

Ratify Agreed Citations

Ms. Wilkins presented an Agreed Citation for Christie Teilman, senior psychological examiner. Ms. Teilman failed to submit fifteen (15) hours of CE's. She will be fined \$100 and must complete fifteen (15) hours of CE's within ninety (90) days. Dr. Urbin made a motion to accept Ms. Christie Teilman's agreed citation as written, seconded by Dr. Moore. The motion carried.

Ms. Wilkins presented an Agreed Citation for G. David Brown, psychological examiner. Mr. Brown's failed to complete forty (40) hours of Continuing Education. Mr. Brown is being assessed a civil penalty of \$100 and must complete forty (40) CE hours to include three (3) hours of cultural diversity and three (3) hours of TCA Title 63 Chapter 11 Rules and Regulations of the Board and Ethics. Mr. Brown must complete these deficient hours by April 10, 2018. These makeup hours cannot count toward Dr. Brown's 2017 CE's. Dr. Urbin made a motion to accept Mr. G. David Brown's agreed citation as written, seconded by Dr. Joslin. The motion carried.

Ms. Wilkins presented an Agreed Citation for Silvia J. Dye, senior psychological examiner. Ms. Dye failed to complete eighteen (18) hours of Continuing Education. Ms. Dye is fined \$100 and must complete eighteen (18) hours of CE's within ninety (90) days. Dr. Joslin made a motion to accept Ms. Silvia J. Dye's agreed citation as written, seconded by Dr. Urbin. The motion carried.

Applicant File Review

Ms. Williams gave a brief overview of Dr. Gary Bayer's reinstatement application and that all documents had been received and he was ready to be reinstated. Ms. Williams stated that Dr. Bayer contacted her and wished to present the circumstances surrounding his reinstatement before the Board prior to having his license reinstated. His intent was to ensure that the Board was comfortable with the knowledge surrounding his practice before he was reinstated. Dr. Bayer explained he was terminated inappropriately and that his position was reinstated in Georgia. He explained the events leading up to and following his termination and reinstatement of his position. Ms. Morgan clarified that Dr. Bayer is here on a strictly voluntary basis and there wasn't a question

concerning his reinstatement administratively. Dr. Urbin made a motion to reinstate Dr. Bayer's license, seconded by Dr. Joslin. The motion carried.

Applicant Correspondence

Ms. Williams gave a summary of Dr. Dawn Beatty's application. Dr. Pazar questioned her post-doc hours and Ms. Williams confirmed that Dr. Beatty had completed her hours. Ms. Wilkins also explained some events that led to the point where Dr. Beatty finds herself today. Dr. Beatty asks in a letter to the Board to suggest guidance for studying for the EPPP exam required before licensing. Dr. Mathis recommended Dr. Beatty contact TCAF for assistance. Ms. Wilkins stated that Dr. Beatty will also be required to open a new application before she can go forward with licensing. Dr. Wind stated that they would be glad to assist her and have assisted other in similar situations in the past. Ms. Morgan clarified that Dr. Beatty is not a licensed psychologist and the fees would be the responsibility of Dr. Beatty. Dr. Moore also suggested contacting the TPA for assistance.

Continuing Education Rules, Credits, and Audits

Ms. Wilkins researched and reported on several states and their standing on live webinars. Ms. Wilkins intends to continue to gather data concerning live webinars in other states. Ms. Morgan referenced a recent meeting that included Dr. Pazar participating telephonically and her participation and helpful contribution to the meeting. Ms. Morgan stated that this was an example of webinar where an individual can get just as much out of a webinar as they can by attending in person. She stated the benefit a person gets from a webinar or attending in person really depends totally on the attention of that individual. Dr. Pazar also looked at seven or eight states and their CE rules and these rules were very diverse. Dr. Mathis stated that he supports keeping face to face seminars as part of the requirements for CE's. Dr. Pazar reviewed the CE rules currently in place. Dr. Auble, representative from Tennessee Psychological Association, gave a brief history of CE's. Dr. Moore suggested making data driven decisions. Dr. Urbin requested a copy of Dr. Pazar's data for the Board Members. Dr. Pazar will write the information up to have available for the next Board Meeting. Discussion ensued with Dr. Mathis, Dr. Urbin, Dr. Pazar and Ms. Wilkins all contributing.

Association of State and Provincial Psychology Boards Conference in Memphis

Ms. Wilkins was impressed with the quality of the conference and the experience it provided. Dr. Pazar mentioned that the conference layout inspired questions from the attendees. Dr. Moore commented on how well the presenters knew the information and that it flowed into group discussions. Dr. Mathis mentioned that the conference was a town hall format and was much more interactive and engaging. Dr. Mathis stated that there were four main issues. The timing of the EPPP Exam was one issue and whether to move it earlier from when it is currently being taken so that the training programs would take more accountability in preparing for the EPPP. Another issue presented was Consistency in Regulation versus Autonomy and Jurisdictions. The question was raised do these need to be moved more toward similarity to provide inter-state licensure which is portability issues. Also presented was Specialty License versus General License. This dealt with practicing in your scope of practice. The fourth area was Accreditation for Doctorial and

Internship Programs. Ms. Wilkins mentioned that the ASPPB is going to introduce a second EPPP Exam, the EPPP 2. The EPPP 2 is going to be geared toward testing an applicant's clinical knowledge or how well they can be a psychologist. At this time it is unknown if this will be mandatory among all the states. It is estimated to be approximately two years before this will be in place. Dr. Pazar suggested logging onto the ASPPB website would be helpful for reviewing information. Ms. Wilkins mentioned that Dr. Alex Siegel, an attorney who is the Director of Professional Affairs and a Board Member of the ASPPB, would be willing to come to a Board Meeting to inform the Board about what the ASPPB does and how they can work with our Board. Dr. Pazar mentioned that the thought was to move the EPPP to pre-doc status because the EPPP 2 would be a postdoc exam. Dr. Urbin mentioned that the EPPP 2 would address the degrees that are received online and that they would have to demonstrate that they have the skills. Dr. Pazar state the EPPP 2 was described as a skill based exam.

Association of State and Provincial Psychology Boards Conference in Hawaii

Ms. Wilkins stated that the ASPPB 57th Annual Meeting of Delegates will held October 18 – 22, 2017 in Waikoloa, HI. Dr. Urbin, Dr. Moore and Dr. Mathis volunteered to go to the conference.

Discuss Legislation and take action if needed

Dr. Mathis asked Ms. Morgan to clarify the impact of Senate Bill 449 that references ethics of national bodies such as APA which are currently incorporated in our rules and statutes. Is this bill going to require us to make any changes at this time? Ms. Morgan stated that automatic updates are not desired. When the rules codified the code of ethics, it's wasn't desired for the organization in charge of the code of ethics to make changes to automatically rollover into what the licensees have to abide by. Ms. Wilkins stated that the rules are dated 2002 and therefore will not automatically update. Ms. Morgan stated that with every change the Board would need to adopt that change if they so choose into the rules. Ms. Wilkins shared that Lacey Blair, Legislative Liaison, was unable to attend today. She is at the government operations committee meeting. Ms. Blair will be here in September to give the Board an update of all the legislation pertaining to all the Health Related Boards and particularly pertaining to this Board. Dr. Moore asked how the Board could adopt a change to the code of ethics. Ms. Morgan stated that change would have to go through the rulemaking process. Ms. Morgan stated that this method was to help police it better. The organization wants the Board to have the control and that's why it is setup in this manner.

New Business

Dr. Pazar introduced the subject of election of officers for today. Dr. Pazar will not be available to Chair in September and would like to step down and have another Board Member elected as Chair. Dr. Urbin nominated Dr. Mathis for Chair. The nomination was seconded by Dr. Moore. The nomination carried. Dr. Urbin nominated Dr. Moore for Vice-Chair. The nomination was seconded by Mr. Anderson. The nomination carried.

Adjourn

With no other Board business to discuss Dr. Moore made a motion, seconded by Dr. Mathis, to adjourn at 11:36 a.m. The motion carried.

Ratified by the Board of Examiners in Psychology on this the 14th day of September, 2017.