

**TENNESSEE BOARD OF EXAMINERS IN PSYCHOLOGY
MEETING MINUTES**

DATE: September 13, 2018

TIME: 9:00 a.m., CDT

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

BOARD MEMBERS PRESENT: Hugh D. Moore, Ph.D., Chair
Todd Moore, Ph.D.
Mark Flemming, Ph.D.

H. R. Anderson, Jr., SPE
Rebecca Joslin Staab, Ed.D., Ph.D.
J. Dale Alden, Ph.D.
Mickey Tonos, LBA

BOARD MEMBERS ABSENT: Connie Mazza, SPE
Susan Douglas, Ph.D.
Jennifer Winfree, Consumer Member

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

Dr. Moore, Chair, called the meeting to order at 9:07 a.m. A roll call was conducted and a quorum was present. Board staff introduced themselves. Teddy Wilkins welcomed the new board member, Mark Flemming.

Minutes

Upon review of the June 14, 2018 minutes, Dr. Staab made a motion, seconded by Mr. Anderson, to approve the minutes as presented. The motion carried.

Investigative Reports

Lori Leonard, Disciplinary Coordinator, presented the investigative reports for psychologists with fifteen new complaints for the year 2018. She stated of those fifteen complaints the allegations have been one for falsification, one for unlicensed practice, ten for unprofessional conduct, one for medical record requests and two for lapsed licenses. Investigations has closed to date this year a total of eighteen complaints. One complaint was a combination with another complaint, one was

sent to the Office of General Counsel for discipline, ten complaints were closed with no action because there was not enough evidence to require discipline, three were closed with a letter of concern and three were closed with a letter of warning. Pending at this time are twenty-one open complaints that are being investigated and/or reviewed. There are two new complaints year to date for psychological examiners. One complaint was for fraud or false billing and one was unprofessional conduct. One complaint was closed with a letter of warning. Three complaints are currently open and are being investigated and/or reviewed. There are no new complaints for the year, no closed complaints and no pending complaints for the certified psychological assistants. The summary of currently monitored practitioners was presented with five on probation, one is revoked, three are suspended, three are under agreed orders and three have been reprimanded.

Office of General Counsel

Ms. Paetria Morgan stated there are no consent orders, no agreed orders and no contested cases that would take place today. She reviewed the conflict of interest policy. All three sets of rules are still in the internal review process. There are no legislative updates to give since the legislative session has ended.

Administrative Report

Ms. Lisa Williams stated as of September 11, 2018 there are currently 1,421 licensed Psychologists, 372 licensed Psychological Examiners/Senior Psychological Examiners and 57 licensed Certified Psychological Assistants. There are currently 29 Psychologists applications in process, 25 newly licensed, 153 renewals. There were 3 retired, 3 expired and 3 reinstated licenses. There are currently no applications in process or newly licensed Psychological Examiners/Senior Psychological Examiners and there are 41 renewals. There are 4 retired, 2 expired and 3 reinstated licenses. There are currently 4 Certified Psychological Assistant applications in process, 5 newly licensed, 3 renewed. There are 0 retired, 0 expired and 0 reinstated licenses. Ms. Williams asked the Board members to sign their travel and per diem claims. She also stated the next scheduled Board Meeting is December 6, 2018 and the following dates have been scheduled for 2019:

March 14, 2019
June 13, 2019
September 12, 2019
December 5, 2019

Discuss and Ratify/Deny Newly Licensed and Reinstated Psychologists

Newly Licensed

Dr. Staab made a motion, seconded by Mr. Tonos to ratify the following newly licensed Psychologists:

Psychologists

Byndloss Frank O. Jr.
Cowie James Charles
Foster Denise Steinberg
Francis Sara
Hart William M.
Heritage Allan James
Holcombe Billy
Housman Yvonne Marie
Jacobs Marta R.
Jiang Xu
Klinger Lori Jean
Lee Brittany Camille
Mcclellan Jennifer M.

Mills Daniel Wayne
Myers Kevin Richard
Olroyd Emily R.
Owens Archandria C.
Peters Brittany
Scott Ciera V.
Sevel Landrew Samuel
Smith Adam Edwin
Smith Ben N IV Mr.
Tarantino Kerith Ann
Tillery Rachel N.
Weinman Todd N

The motion carried.

Dr. Staab made a motion, seconded by Dr. Alden to ratify the following newly licensed Certified Psychological Assistants:

Certified Psychological Assistant

Carney Erin E.
Fahey Margaret C.
Hall Lacey Paige

Hunt Judith Cameron
Roosa Katelyn Marie

The motion carried.

Reinstated

Dr. Staab made a motion, seconded by Mr. Tonos to ratify the following reinstated Psychologists:

Reed Colby Butzon
Reichstein Caitlin Stone

Stevens Clark Andrew

The motion carried.

Discuss and Ratify/Deny Newly Licensed Behavior Analysts

Newly Licensed

Dr. Staab made a motion, seconded by Mr. Tonos to ratify the following newly licensed Behavior Analysts:

Behavior Analysts

**Allen Sharon M.
Brown Dena L.
Collins Erin Mallory
Cowan Kayli D.
Davidson Matthew Alan
Foell Shaunna C.
Gibbs Cynthia Nicole
Jackson Renee Camille
Kanouff Danielle Marie
Mahoney Erin Michelle
Melancon Heather N.
Metz Ashley Brooke
Moore Megan Wilson
Palmier Jessica Ashley**

**Philip Leah Elizabeth
Pledger Tyler Wayne
Rauscher Katherine E.
Roberts Ashley Lynn
Shults Eric M.
Smith Leslie Rae
Spiess Krystal R.
Threadgill Amy Yauger
Vaughan Angela Nicole
Weaver Lindsay E.
Wegman Andrew Scott
White Samantha R.
Wright Suzanne E.
York Logan Victoria**

The motion carried.

Dr. Staab made a motion, seconded by Dr. Beddow to ratify the following newly licensed Behavior Analysts – Doctoral:

Behavior Analysts - Doctoral

King Seth Andrew

The motion carried.

Mr. Tonos made a motion, seconded by Dr. Flemming to ratify the following DIDD Upgrade to Behavior Analysts:

DIDD Upgrade to Licensed Behavior Analyst

Potterton Kieran

The motion carried.

Applicant File Review

Elisabeth Sweeney appeared before the board because her pre-doctoral internship was not APA or APPIC approved. She explained that the school had given up the APA and APPIC approval due to funding. The school is currently in the process of becoming approved once again and she helped with the preparation of the program toward becoming APA and APPIC approved. She had at least three hours a week of doctoral level supervision from licensed psychologists. Ms. Morgan referenced statute 63-11-208(c)(7) which states: The board may, at its discretion, consider

equivalent training and experience when presented by qualified applicants with a doctoral degree in psychology whose credentials differ slightly than those prescribed in subdivisions (c)(3) and (d)(1)(A). In such cases, the applicant must petition the board for a waiver and specifically request the board utilize its discretionary authority. Dr. H. Moore called for a motion to approve Dr. Sweeney for licensure and accepting the APA/APPIC like internship for meeting the qualification in this case for licensure. Dr. Flemming made a motion seconded by Dr. T. Moore. The motion carried.

Kristen Lott appeared before the board to state her case concerning her degree in psychometry instead of psychology for seeking licensure as a Certified Psychological Assistant. A question was raised concerning her required Ethics Course and she explained that she was currently in the process of taking an Ethics course that would meet requirements and would finish the course the week following the board meeting. Ms. Morgan referenced the statute 63-11-207(b)(2)(D) which states: ...The board may, at its discretion, consider equivalent training and experience when presented by qualified applicants with a master's degree in psychology whose credentials differ slightly than those prescribed in this subdivision (b)(2)(D). Dr. T. Moore and Dr. Flemming pointed out the materials from the school website appear to show psychometry in this school is considered a concentration under the Master's Degree in Psychology. Dr. H. Moore stated the desire to confer with the university to verify that the psychometry degree is a master's degree in psychology. Dr. T. Moore and Dr. Flemming both feel that it would be difficult to get this information within a reasonable amount of time. Dr. Flemming stated that he perceives the documents to represent the master's degree in psychology. Dr. T. Moore suggested to Ms. Lott to contact the school to encourage them to consider providing different wording that encompasses the master's degree in psychology in relation to psychometry. Ms. Morgan stated that because the board had competing information before them, she recommended to the board to ask for additional information to have a clear nexus to be in alignment with the statute. Dr. Moore called for a motion to seek additional information from the university concerning clarification of the degree. Mr. Tonos asked how the information would be acquired. Ms. Morgan stated it would be on the applicant to demonstrate that there is some type of equivalency. Ms. Lott referenced the letter from Dr. Baugh who is the Dean of School of Natural and Behavioral Sciences and the Dean of Graduate Programs. The letter dated May 8, 2018 from Dr. Baugh states he has known Ms. McLemore (Lott) as a graduate student in the school psychometry concentration of the Masters of Science in Counseling Psychology degree program from February of 2016 through February 2018. Dr. H. Moore called for a motion to approve certification based on the information we already have in light of the first sentence in the letter written by Dr. Baugh saying that the degree is actually a master's of science and counseling psychology with a concentration in psychometry. Mr. Anderson made a motion seconded by Dr. T. Moore. This motion is made pending passing the ethics course and receipt of the ethics course transcript. The motion carried.

Tennessee Psychological Association (TPA)

Denise Davis, Service Director of Professional Affairs for TPA, attended the ASPPB sponsored summit on the PSY-PACT issue and shared her impression of the summit. She shared a map of the states and their position concerning interjurisdictional telepsychology. Dr. H. Moore commented on the thought that he does not want to see Tennessee lag behind the rest of the country. He stated even with opposition we have to be a competitive state. Dr. Flemming stated

he is licensed in eight states and asked what the cost to the individual licensee would be. Ms. Davis referenced the E-passport and the cost structure would benefit someone in Dr. Flemming's position with multiple licenses. She said it would be a relatively budget neutral legislative issue. It is not going to cost the states much. The cost is yet to be determined. The state will only discipline the licensees who reside in their own state. The neighboring state can terminate the licensee from having the ability to use their E-passport and the discipline would come back to the state where the licensee resides. The E-passport is a telepsychology option with a total of 30 days. The telepsychology practice will be developed and the rules will be part of that process. There are no additional costs for the state to be part of the interjurisdictional telepsychology. It is perceived that it does not increase the burden but opens up the opportunity for the patient to receive care that they might not otherwise receive. To get the E-pass, there must be no history of a criminal record and no history of adverse action. Anyone who has anything adverse in their history will not be able to proceed toward acquiring an E-pass. This would include minor CE violations that are on their record. They are setting very high standards, but their intention is not to screen everyone out.

Tennessee Colleague Assistance Foundation

Brian Wind, Director of Tennessee Colleague Assistance Foundation, presented an update to the board. He stated currently there are seven people actively under contract with TCAF and one contract pending. There have been a relatively high number of inquiries and operations have run smoothly. Dr. Wind stated TCAF was seeking consultation with the board concerning amending the TCAF budget. Within the last decade there has been one modest increase to the budget. There have been unforeseen legal expenses that have arisen for the first time since TCAF began. He presented a draft of a letter that summarizes TCAF's position and their request to the board for an increase to the budget. The current budget is almost \$36,000.00 a year. TCAF proposes an increase in the budget to \$52,498.00. Included in the budget is a one-time expense of \$7,000. The one-time expense is comprised of the legal expenses for the foundation and for a refreshing of their website to include preparation for Continuing Education in conjunction with the Tennessee Psychological Association. Excluding the one-time expenses it would be a budget increase moving forward that the foundation would propose as part of the grant contract proposal when the three year grant is up. This increase would be a \$9,500.00 plus increase in the budget. This would bring the annual budget to approximately \$44,000.00. There are two big increases to the budget. One is the current occupancy space and its availability. The second is an increase in salary and the hiring of a firm to take over after the bookkeeper retired which is a higher expense. Mr. Anderson asked about the need for legal expenses, what situation created this need and does the foundation anticipate more legal expenses. Dr. Wind explained they have only withdrawn advocacy in one case and this has caused the need for legal representation. Dr. T. Moore asked if this one case will incur more legal expenses. Dr. Wind addressed the issue by suggesting that a one-time amount could be built into the budget for possible anticipated expenses. He stated it would depend on what might come up in the ongoing case. Ms. Morgan clarified the case mentioned and pointed out that the board already pays TCAF for their services and TCAF is now asking the board to pay for the legal expenses to represent their services. The board also pays for the legal services that represent the board and, in this case, would be paying for both sides if they paid TCAF's legal expenses. She suggested that the board needs more information to make a decision. Ms. Wilkins stated that there was a substantial increase in the 2014 contract amount from the previous contract. She stated some of the budget increase was to go toward research into

CE's and building the website which is what Dr. Wind stated was part of the reason for the request for an increase in the budget currently. She will provide copies of the 2014 contract and the prior contract to the board members before the next board meeting.

Discuss CE Hours for Sr. Psychological Examiner Upgrade

Mr. Anderson reviewed the history of the position of the psychological examiner at the time that the decision was made to no longer license new psychological examiners. He stated that the psychological examiners licensed were given a five-year window from 1997 to about 2002 to obtain their supervision and get the required CE's to become senior psychological examiners allowing them to have HSP and practice independently unlike the certified psychological assistants who would be licensed instead of psychological examiners and cannot practice independently. The psychological assistants were supposed to be entering formal structured programs sponsored by the state universities. He stated that schools today may not have all courses solidly in place for the requirements of a psychological assistant and that might be the cause for the cases appearing before the board recently concerning meeting their required courses. Ms. Morgan directed the board to the statute 63-11-202(c) which reference the 1997 rules and a copy was handed out at the board meeting. Dr. H. Moore referenced the current rule 1180-03-.02(2)(b) which includes documentation of 200 CE hours acquired. He stated that the rules do not state all that Mr. Anderson stated and only that the senior psychological examiner after 1991 must have five years of experience and show documentation of 200 hours of CE's. Dr. T. Moore asked about the statute that references that no new psychological examiners will be licensed. Ms. Morgan referenced statute 63-11-207(4) no new psychological examiner license shall be issued for applications received by the board after December 31, 2004. The board with Ms. Morgan's assistance came to realize that the applications referenced for psychological examiners did not necessarily apply to senior psychological examiners. A desire was expressed for further information to include a breakdown of the number of senior psychological examiners versus psychological examiners and how many senior psychological examiners have been licensed in recent years based on the information in past minutes and also provide the amendments made to the rules since 1997. It was suggested that the applicants be invited to present their case for their application. The board made the decision to table this decision pending additional research.

ASPPB Meeting in Salt Lake City, Utah

Dr. H. Moore called for a motion for Ms. Wilkins and Dr. H. Moore to attend the upcoming annual ASPPB meeting in Salt Lake City, Utah. Dr. Flemming made a motion, seconded by Dr. T. Moore. The motion carried.

Telepsychology Rulemaking, Rule Amendments and Policies

Ms. Morgan stated that the rule changes are in the internal review process. She briefly went over the review process the rules must go through before they are passed.

Election of Officers

Dr. H. Moore called for nominations for Chair. Dr. Staab made a motion for Dr. Hugh Moore to be board chair, seconded by Dr. T. Moore. Dr. H. Moore accepted the nomination. The motion carried.

Dr. H. Moore called for nominations for Vice-Chair. Mr. Tonos made a motion for Dr. Todd Moore to be vice-chair, seconded by Mr. Anderson. Dr. T. Moore accepted the nomination. The motion carried.

With no other Board business to discuss Mr. Anderson made a motion, seconded by Dr. Alden to adjourn at 1:09 p.m. The motion carried.