

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

**DATE:** December 5, 2019

**TIME:** 9:00 a.m., CDT

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

**BOARD MEMBERS PRESENT:** Todd. Moore, Ph.D., Chair  
Mark Fleming, Ph.D., Vice-Chair  
Mr. H.R. Anderson, SPE  
Rebecca Joslin Staab, Ed.D., Ph.D.  
Mickey Tonos, LBA  
J. Dale Alden, Ph.D.  
Susan Douglas, Ph.D.  
Deborah Carter, Ph.D.

**BOARD MEMBERS ABSENT:** Connie Mazza, SPE  
Jennifer Winfree, Consumer Member

**STAFF PRESENT:** Teddy Wilkins, Unit Director  
Lisa Williams, Board Administrator  
Jennifer Putnam, Senior Associate General Counsel

Dr. Todd Moore, Chair, called the meeting to order at 9:01 a.m. A roll call was conducted and a quorum was present. Board staff introduced themselves.

Ms. Wilkins welcomed the newest board member, Amanda Spiess, who replaced Michael Tonos whose term ended with the Behavior Analyst board and Ms. Spiess is acting chair of the Behavior Analyst board and now fills the Behavior Analyst spot on the Psychology Board.

**Minutes**

Upon review of the September 12, 2019 minutes, Dr. Fleming made a motion, seconded by Mr. Anderson to approve the minutes as presented. Ms. Spiess abstained from voting since she did not attend the September board meeting. The motion carried.

**PSYPACT Presentation**

A telephonic presentation was made by Lisa Russo of the ASPPB concerning PSYPACT. PSYPACT was developed by ASPPB and was approved by the ASPPB board of directors in

February 2015. It's an interstate compact designed to facilitate the practice of telepsychology and/or temporary in person face to face practice of psychology across state lines into other PSYPACT states. In order for it to become effective, it has to be enacted through a state legislature. To date, twelve states have enacted PSYPACT and those states include Arizona, Colorado, Delaware, Georgia, Illinois, Missouri, Nebraska, Nevada, New Hampshire, Oklahoma, Texas and Utah. Illinois does not become effective until January 1, 2020. Active legislation is currently out in DC, North Carolina and Pennsylvania, but has not been enacted going through the state legislature. In order to get up and going per the PSYPACT legislation, the ASPPB had to meet a threshold of seven states enacting it. That requirement was met in April of this year 2019. An additional five states came on board after that threshold was met. Once the threshold was met, the PSYPACT Commission was formally established. The PSYPACT Commission is the governing body that's responsible for its oversight, creation of its rules and by-laws and further governs how the compact will work day to day. Each state that has enacted the legislation gets to appoint one representative that serves as their state commissioner. The website was provided for further information [www.PSYPACT.org](http://www.PSYPACT.org). The goal is to have PSYPACT become operational for psychologists beginning by the end of quarter one 2020. There will be two ways a psychologist can practice under PSYPACT. The first way is by telepsychology. The second way a psychologist can practice is via temporary in person face to face practice. The states will start sharing information via the PSYPACT directory about licensure, discipline, current status of authorization as well as E-passport and IPC. Dr. Fleming asked if he is licensed in two states, must he go through PSYPACT? Ms. Russo stated that if a person is licensed in both states, that takes precedence over PSYPACT. Dr. Fleming asked about the temporary practice and how PSYPACT would affect the rules of the states and would those rules in the state be written out. Based on the way the mono-legislation is written, PSYPACT will take precedence over any state law that already is written. Not many states have gone in and made changes to their rules. Dr. Pamela Auble stated that TPA (Tennessee Psychological Association) is interested in getting it passed and knowing if the board would endorse it because it could be helpful in getting it passed. A psychologist is not mandated to get an E-passport if the state he is licensed in becomes part of PSYPACT. HIPPA compliance was addressed and electronic training in relation to telepsychology. Jennifer Putnam pointed out the healthcare statute 63-1-155 that defines telehealth and the requirements for secure teleconferencing communications that already require that if you are to engage in any kind of telepsychology work. PSYPACT is for the doctoral level psychologist. A psychologist cannot participate in PSYPACT if they have had any disciplinary action taken against them and this is written in the PSYPACT statutes. TPA would like to hear a formal vote from the board about PSYPACT. Dr. Moore called for a motion. Dr. Fleming made a motion that the board endorses PSYPACT and Dr. Douglas seconded the motion. Dr. Moore called for all in favor of the motion and the majority of the board responded yes. Mr. Anderson responded no when asked if any board members opposed the motion.

## **TPA**

Dr. George Davis, legislative liaison for the Tennessee Psychological Association, addressed the subject that was first broached back in 2016 of what can be done about the unlicensed practice of psychotherapy. A group was formed of legislative liaisons and lobbyists for four different organizations. This group represented the Social Workers, Licensed Marriage and Family Therapists, Psychologists and the Licensed Professional Counselors. The group looked at different

approaches and came up with creating civil liability which would allow the end user to sue to get their fees back. They created legislation to allow a recipient who has been treated with a mental health condition to sue their unlicensed therapist for practicing without a license and get their fees back and attorney's fees. It took two years to get it passed. It had bi-partisan support. The votes were strong and it wasn't controversial at all. He stated that there is a lot of confusion of what the degrees following a person's name represent and knowing if the person is licensed. He stated the need for a public service announcement. His intention is to approach the four boards represented in the group to solicit funds for the public service announcement. Dr. Moore referenced the Senate Bill No. 540 and the request for \$900,000.00 to fund the public service announcement. Dr. Moore asked if the board had the authority to address this request. Jennifer Putnam stated that the board does not have the authority for this particular request to use designated board funds to help fund a campaign that is promoting legislation. That would have the board monetarily supporting legislation which you are not authorized under statute to do. She stated the board may go on the record and endorse this legislation but you are legally not allowed to use those funds which are distributed through finance and administration to assess in a campaign for legislation. Dr. Davis stated that this is legislation that is already passed and the funds would be used to inform the public of a law that exists. Ms. Putnam stated that it still does not fall within the board's jurisdiction to utilize funds in that manner whether it is a proposed statute or an existing statute. That is not a designated authorized function to use the board funds and that applies across all the health related boards and is found in statute title 63, chapter 1 under the disbursement of funds and she suggested Dr. Davis contact the Department of Finance and Administration.

### **Investigative Reports**

Ms. Lori Leonard, Disciplinary Coordinator, Office of Investigations, presented the investigative reports for psychologists. New complaints for psychologists for the year 2019 were twenty-six. She stated of those twenty-six complaints one was for falsification of records, one for sexual misconduct, one for criminal charges, three for unlicensed practice, fifteen for unprofessional conduct, two for a medical record request, one for practice beyond the scope of practice and two outside of the investigative scope of practice. Investigations closed a total of twenty-six complaints in the year 2019. Eight complaints were closed with insufficient evidence to formally discipline, one complaint was sent to the office of general counsel for formal discipline, eleven were closed with no action, three were closed with a letter of concern and three were closed with a letter of warning which is not reportable to the data bank as discipline. Currently there are thirteen open complaints being investigated and/or reviewed for psychologists. For the psychological examiners, two new complaints have been opened for the year 2019. She stated those two complaints were for unprofessional conduct. Four complaints have been closed. One was closed and sent to the office of general counsel for discipline, one was closed with no action and two were closed with a letter of warning. There is currently one complaint open and being reviewed and/or investigated at this time. She presented the summary of currently monitored practitioners with one licensee with an unlicensed practice, three under reprimand, two under probation, three under suspension and one revocation.

### **Financial Report**

Butch Jack, Finance and Administration Office, presented the fiscal year 2019 financial report. The total for payroll expenditures was \$61,811.11 which was a slight increase over 2018 due to the increase of a little over 100 hours of staff time in addition to pay raise and costs during the year. Other expenditures were \$68,901.42. Total direct expenditures were \$130,712.53. Total allocated expenditures were \$115,786.78. Total expenditures for the year were \$246,499.31. The fees that were collected were \$250,855.69. This gave a current year net of \$4,356.38. Costs for the licensing system (LARS) improvements were \$3,225.55. The cumulative carryover was \$1,086,439.15. Dr. Moore asked about the carryover and Mr. Jack explained that this is the reserve funds or over collections from all the previous years going forward. Dr. Moore confirmed that this carryover was just for this board. Discussion ensued over the carryover funds and Mr. Jack stated that the subject of what is an appropriate level of reserves was being discussed in Finance. Ms. Wilkins stated that discussion has been ongoing on a long time. Finance and Administration has finally come to the table concerning this discussion which is a positive action.

### **Tennessee Colleague Assistance Foundation (TCAF)**

Dr. Murphy Thomas, Chairman of the Board of TCAF, stated that Dr. Wind was not able to attend the meeting today, but has submitted his reports to the board. Dr. Thomas stated he would answer any questions the board might have about Dr. Wind's reports. Dr. Murphy stated his role had more to do with policy issues and what needs to be done to make the TCAF program more responsive and effective. One of the proposals has to do with establishing some actual functional policies and procedures for people to make any kind of request or review. He set up a new position on the board of director called the office of quality assurance. The office is going to be a place for the appeals process modeled after the APA (American Psychological Association) process. The person asked to be a part of this process is Dr. George Davis, Officer for Quality Assurance. Dr. Davis stated that they came up with an appellate process where any decision that was made that was contested would have an independent look. Procedures were created utilizing a three person panel where they would independently look at the actions and the recommendations from an abusive discretion standard. A hearing would be conducted allowing for striking or modifying the decision of the executive director. It would not involve testimony by the executive director. It would be facts on the case as well as just the psychologist client's arguments. The panel would be pulled from individuals across that state with an expertise in that disorder. The panel would change from case to case.

### **Administrative Report**

Ms. Lisa Williams stated as of December 2, 2019 there are currently 1,436 licensed Psychologists, 345 licensed Psychological Examiners/Senior Psychological Examiners and 65 licensed Certified Psychological Assistants. There are currently 29 Psychologists applications in process, 23 newly licensed, 127 renewals. There were 4 retired, 5 expired and 3 reinstated retired and 0 reinstated expired licenses. There are currently 0 Psychological Examiners/Senior Psychological Examiners applications in process, 2 upgraded to Senior Psychological Examiners and 49 renewals. There are 2 retired, 6 expired and 0 reinstated licenses. There are currently 2 Certified Psychological Assistant applications in process, 3 newly licensed, 0 renewed, one retired, 1 expired license and 0 reinstated expired licenses. Ms. Williams asked the Board members to sign their travel and per diem claims and submit their lodging receipts. She also stated the next scheduled Board Meeting

is March 12, 2020 and the following dates have been scheduled for 2020: June 11, 2020, September 10, 2020 and December 3, 2020. Ms. Wilkins mentioned the FARB (Federation of Associations of Regulatory Boards) 44<sup>th</sup> Annual FARB Meeting from January 23 – 26, 2020 in Colorado Springs, Colorado. Ms. Wilkins petitioned the board to cover her cost and the cost of Dr. Fleming who acknowledged that he also desires to attend. Dr. Moore called for a motion for Dr. Fleming and Ms. Wilkins to attend the FARB meeting in Colorado in January. Dr. Douglas made the motion seconded by Dr. Staab. The motion carried. Ms. Wilkins informed the board of the ASPPB mid-year meeting that is April 23 - 26, 2020 in Montreal, Quebec Canada and stated that she would like to go to that and reminded the board that up to three board members can attend that meeting. She asked for volunteers or nominees for this meeting. She informed the board that international travel is not approved, but was unsure if this would be approved or denied since it is no further than traveling to Seattle, WA or Alaska. Dr. Fleming and Dr. Douglas volunteered to attend the ASPPB meeting. Dr. Moore called for a motion to approve to send Ms. Wilkins, Dr. Fleming and Dr. Douglas to the meeting. Mr. Anderson made the motion seconded by Dr. Staab. The motion carried.

### **Office of General Counsel**

Jennifer Putnam stated there will be no litigation matters presented to the board. She stated that there will be an updated conflict of interest policy to sign. There is no pending legislation because session does not start until the second week of January 2020. The Attorney General Office has approved your ethical rules. They will be filed with the Secretary of State.

### **Discuss and Ratify/Deny Newly Licensed and Reinstated Psychologists**

#### **Newly Licensed**

Dr. Carter made a motion, seconded by Dr. Douglas to ratify the following newly licensed Psychologists:

#### **Psychologists**

Adams Elizabeth Walton  
Balk Lauriann Heisler  
Beard Gwendolyn Holtzclaw  
Brennan John C  
Dattilo Lauren E  
Harris Dannie S  
Hayes Jill  
Howard David Hector  
Jones Anna M  
Kaczurkin Antonia N  
Lewis Brianna  
Longoria Jennifer N  
Lowell Ari-Lev M.

Mcleod Dennis O.  
Milliken Kirsten  
Moxley Reisha  
Nekvasil Samuel Luke  
Renard Deborah E  
Ruddy Jonah  
Ruglass Lesia M  
Solis Nasha  
Sunderland Kent  
Watkins Christopher Daniel

The motion carried.

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

Certified Psychological Assistants

Cunningham Jessica D.  
Manor Shannon K  
Still Jensen

The motion carried.

Dr. Staab made a motion, seconded by Dr. Alden to ratify the following reinstated Psychologist:

Reinstated

Altabet Steven C.  
Aucoin Richard J.  
Burroughs Marci S.

The motion carried.

Dr. Douglas made a motion, seconded by Dr. Staab to ratify the following Senior Psychological Examiners by Upgrade:

Senior Psychological Examiner by Upgrade

Murdock Cynthia  
Phillips Connie

The motion carried.

**Discuss and Ratify/Deny Newly Licensed Behavior Analysts**

**Newly Licensed**

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

Behavior Analysts

Biffle John  
Branch Cady Jean  
Burrow Adelaide G  
Cannady Cory H

Danskin Krystle  
Divine Michael R  
Doak Emily A  
Easterwood-Wilson  
April

Engbino Kelsie  
Finley Sandra  
Gibbs Cleveland  
Gonzalez Melissa Luke  
Gregory Katie W  
Hood Janna  
Hughes Deborah K  
Joyner Rachel C  
Karen Tara J  
Lightner Andrew R

Linville Jason  
Matuza Julia S  
Negrin Santana  
Alexander  
Orr Hayley Alica  
Sowienski Stephanie  
Spiess Sichel  
Warrington Tiffany A  
Wilson Carolyn  
Woods Reanne H

The motion carried.

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

Assistant Behavior Analysts

Thompson Lindsey J

The motion carried

Dr. Staab made a motion, seconded by Mr. Anderson to ratify the following reinstated Behavior Analysts:

Reinstated

Buchanan Andrew  
Hopkins Erica Latrice  
Lavery Matthew David

The motion carried

**Applicant File Review**

**Dennis Painter's** file was summarized by Dr. Fleming who reviewed the file. Dr. Painter applied for Senior Psychological Examiner with HSP. Dr. Fleming voiced two concerns. He completed all his Continuing Education credits online and as per the rules and regulations you cannot acquire all the CEs online. Only twenty Type I can be done online. The other concern was that he obtained sixty-nine hours of CEs in one day. Dr. Painter's response to this concern was that the online source allows a person to take the exam without doing the course and that is how he was able to do so many CEs in one day. Dr. Fleming felt this should go before the board since the process by which Dr. Painter obtained the hours was not in the spirit of continuing education. Ms. Putnam

stated that regardless that he did sixty-nine hours in one day, the fact that he did more than the twenty that the rules state are limited to being online; he doesn't meet the board's requirements. He must be notified that he has not fulfilled all the requirements as he still needs to obtain the remaining amount of hours absent the twenty hours he can get credit for that he did online in a form of Type I, Type II or Type III that is not online. Mr. Anderson questioned how much time a supervisor must spend with a psychological examiner (PE) on a monthly or weekly basis or annual basis. Ms. Putnam stated that a newly licensed PE licensed less than five years must meet with a supervisor one hour a week. A PE practicing five years or more must meet with their supervisor no less than monthly. She pointed out that supervision was not an issue here and the only issue was the sixty-nine hours of CEs and the online CEs. Dr. Moore stated that he interprets the rules to mean that 100 of the 200 CE hours required can be online CEs for the upgrade. Ms. Putnam stated that according to the rules only 20 hours can be online. Dr. Fleming made a motion to let Dr. Painter know that he is ineligible for upgrade due to the fact that he has gone over the maximum number online hours and he needs at least twenty face to face and seconded by Mr. Anderson. The motion carried. Dr. Fleming made a second motion that due to Dr. Painter's admission that he did not engage in the actual course work material, but just took exams as indicated in his letter dated December 3, 2019 to the board of psychology; that we do not allow him to utilize any of the 69 hours received on that day as part of his upgrade package and the motion was seconded by Mr. Anderson. Discussion ensued and the board came to the conclusion based on more than one correspondence from Dr. Painter that it is unknown if he properly sat through the course versus only taking the exam. Dr. Fleming withdrew his motion about the sixty-nine hours and Mr. Anderson withdrew his second of same motion. Dr. Fleming made a motion to rescind Dr. Painter's ineligibility for upgrade motion and this motion was seconded by Dr. Staab. The motion carried. Ms. Putnam clarified at this point that both motions have been withdrawn or rescinded. Dr. Fleming made a motion that Dr. Painter is ineligible for upgrade because he obtained all of his CEs online and Mr. Anderson seconded the motion. The motion carried. Ms. Putnam stated that the second motion should clarify what requirement Dr. Painter needs to meet in order to be eligible for upgrade. Dr. Fleming made a motion that in order for Dr. Painter to move forward with his upgrade, he has to submit documentation of continuing education that begins December 5, 2019, he must show documentation of 200 hours of which only 50 hours can be online hours and the motion was seconded by Dr. Staab. Dr. Douglas stated as per rule 1180-01-08. Dr. Fleming accepted the amendment to the motion to add as per rule 1180-01-08. More discussion ensued and it was stated that the upgrade requirements can be completed in less than five years. Dr. Douglas stated the reminder that no more than twenty online hours can be done in a two year period. The motion carried.

### **Tennessee Psychological Association**

Dr. Pam Auble, TPA representative, reminded the board at the last board meeting they requested TPA's input on the EPPP2. TPA got Dr. Elise Oehring, a young psychologist, involved and she took a poll from the ECP (Early Career Psychologists). She also did some independent research. TPA became aware of an article that will be published in the American Psychologist. A letter was created from the sources mentioned and Dr. Auble presented it to the board. The EPPP2 is an assessment of the skills and competency for licensure as opposed to knowledge based as in the EPPP1. Dr. Auble believes this is a laudable goal for protecting the people. The validation issues are what concerned Dr. Auble the most. ASPPB has addressed content and structural validity.



She states that this is different than validation. Validation has not been done by ASPPB and this includes investigation into whether the performance on EPPP2 will relate to other indices of competency. There has been no look into whether the EPPP2 shows any bias against different groups of people and different demographics. There have been some issues with EPPP1 on that. EPPP2 is just an unanswered question. Does EPPP2 provide incremental validity above and beyond EPPP1 or above and beyond the successful completion of pre-doctoral training of internship and of the post-doctoral year of supervision? This is the issue of necessity. Is the EPPP2 necessary with all the things that are already in place? It is unclear at this point whether the value of the EPPP2 is greater than the other effective EPPP2 which is going to be an increase barrier for licensure. The bottom line recommendation from TPA at this time is more research is needed. The recommendation from TPA is to refrain from being an early adopter in order to further study the implications and discuss how best to accomplish the goal of professional competence while also protecting the public. Dr. Fleming made a motion that the board presents itself in line with TPA which refrains from adopting the EPPP2 at this time and seconded by Mr. Anderson. The motion carried.

### **ASPPB Annual Meeting**

Dr. Fleming attended the ASPPB annual meeting that met in October. The big issue that was discussed at the ASPPB meeting was government efforts undermining psychology regulation and the voice of boards not being heard with regards to legislature and making rules and regulations with regards to how we practice psychology. He stated he was not sure it was an issue here in Tennessee, but it did seem to be an issue in a lot of states. He stated there would be seen a joint effort across the board to really begin to have more lobbying, more voice in government insuring that we are working more with our legislators and our political officials to ensure that our voices are being heard and so that regulation and positive procedures are not being made without our voices. Also discussed was uniformity across states and how psychology is practiced.

With no other Board business to discuss Dr. Fleming made a motion, seconded by Dr. Carter to adjourn at 12:31 p.m. The motion carried.

*Ratified by the Board of Examiners in Psychology on this the 12th day of March, 2020.*