

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
May 13, 2016

Approved: June 17, 2016

The meeting of the Louisiana State Board of Examiners of Psychologists (Board) was noticed and agenda posted on May 11, 2016. Dr. Zimmermann, Board Chair, called the meeting to order at 8:30 a.m. on Friday, May 13, 2016 at 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. Present were Board Members, Drs. Marc Zimmermann, Darla Burnett, Phillip Griffin, Koren Boggs, Jesse Lambert; and, Executive Director, Jaime T. Monic.

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

The Board reviewed and discussed the meeting minutes from April 8, 2016. Dr. Boggs moved to approve the minutes of April 8, 2016. The motion passed by unanimous roll call vote of the members present.

Dr. Griffin requested a change for the June 24, 2016 meeting. The Board agreed and moved the date to June 17, 2016.

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 as follows: Zimmermann - YEA, Burnett - YEA, Griffin - YEA, Boggs- YEA

Dr. Griffin moved to close executive session. The motion passed unanimously. The Board opened the meeting to the public at 2:30pm.

Dr. Burnett stated for the record that the Board reviewed the preliminary findings, along with responses provided by Ms. Monic, of the Legislative Audit of the Board's 2014-15FY financial records which included: Inadequate Segregation of Duties and Lack of Supporting Documentation; Inadequate Controls over Employee Payroll and Leave; Inadequate Controls over Debit and Credit Cards; and Inadequate Controls over Travel and Meal Expenses.

COMMITTEE REPORTS:

The Board received the following committee reports:

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

- Reminder of upcoming LSBEP Presentation to LPA on Friday, May 20, 2016 in New Orleans. Dr. Griffin advised that he would expand his section to include information on promulgating rules.
- HB 680 (Moreno) requiring criminal background checks for prospective employees was passed into law; HB 252 was amended and signed into law. This bill will require

additional record keeping and submission of an annual report to the House Committee on Commerce regarding agencies that issue provisional licenses, impacting the LSBEP.

- On Tuesday April 10, 2016 Ms. Monic completed mandatory Civil Service training required under Act 377. Rhonda Boe and Deborah Storer also attended.

Finance Committee Report

The Board reviewed Financial Statements for April 2016 prepared by Ms. Valerie Dominique. Ms. Monic summarized that Ms. Dominique reported that the Board's "...financial status remains steady. We budgeted to have a net loss (Revenue - Expenses) of -\$112,351. With 2 months remaining in this fiscal year you have a net loss of -\$54,399.16. Revenue is under budget by \$1,629.66. Total expenses are under budget by \$57,251.84. It appears that you are on track to stay on budget for FY ending June 30, 2016." Dr. Griffin moved to accept the financial statements provided by Ms. Dominique. The motion passed unanimously.

Dr. Burnett requested that Ms. Monic follow up on the "Vendor" coding by her name. Ms. Monic agreed.

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

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

Oral Examination Committee Report – Dr. Boggs reported that the Board conducted the following oral examinations for licensure conducted in executive session:

ORAL EXAMINATIONS [LSA-R.S. 42.6.1]:

Kelly Bolger, Ph.D. appeared before the full Board for an oral examination for licensure. Dr. Griffin moved that the Board grant **Dr. Bolger** a license to practice psychology with a declared specialty in Clinical Psychology. The motion passed by unanimous roll call vote of the members present.

Amber Allison, Ph.D. appeared before the full Board for an oral examination for licensure. Dr. Burnett moved that the Board grant **Dr. Allison** a license to practice psychology with a declared specialty in Developmental Psychology. The motion passed by unanimous roll call vote of the members present.

John Otzenberger, Psy.D. appeared before Board members Drs. Zimmermann, Griffin and Boggs for an oral examination for licensure. Drs. Darla Burnett and Jesse Lambert recused from this oral examination. Dr. Griffin moved that the Board grant **Dr. Otzenberger** a license to practice psychology with a declared specialty in Clinical Psychology. The motion passed by unanimous roll call vote of the members present.

Legislative Oversight Committee Report – Dr. Burnett reported that HCR 65 had passed and would require the appointment of a member of the LSBEP to serve on a committee that will look at the Federal Trade Commission case out of North Carolina. She also reported that HCR 86 regarding a study group for Scope of Practice issues had also passed.

Liaison to Professional Organizations and Boards Report – Dr. Griffin reported that he met with Dr. Nemeth. He provided the Board members with the Official Position of the National Academy of Neuropsychology regarding their definition of a clinical neuropsychologist and APA’s Archival Description of Clinical Neuropsychology.

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]:

The Board reviewed the Application for License of **Melissa Kunimatsu, Ph.D.** on request of Dr. Kunimatsu, in order to determine her credentials and meeting the requirements to apply for a Provisional License. Dr. Zimmermann affirmed her eligibility and moved that the Board notify her that she is eligible to apply for a provisional license. The Board discussed the motion. The motion passed unanimously.

Dr. Lambert reviewed the Respecialization Application for License of **Fernando Pastrana, Ph.D.** and moved that the Board confirm his Candidacy status and invite him to take the Oral Examination for Respecialization in Clinical Neuropsychology. The Board discussed the motion. The motion passed unanimously.

Dr. Boggs reviewed the Respecialization Application for License of **Kimberly S. Hutchinson, Ph.D.** and moved that the Board request additional documentation to confirm post-doctoral training for respecialization in Clinical Neuropsychology. The Board discussed the motion. The motion passed unanimously.

Dr. Lambert reviewed the Application for License of **Elizabeth Carey, 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 PLUS Application for License of **Tracy A. Lewis-Todd, 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. Griffin reviewed the Application for License of **Robert J. Sawyer, Ph.D.** and moved that the Board confirm his Candidacy status and invite him to take the Oral and Jurisprudence Examinations for Licensure with an initial specialization in Clinical Neuropsychology. The Board discussed the motion. The motion passed unanimously.

The Board reviewed the Application for License of **Kristin Leigh Joiner Miller, Ph.D.** Dr. Burnett affirmed Dr. Miller's credentials and moved that the Board confirm her Candidacy status to take the national Examination for Professional Practice in Psychology. The Board discussed the motion. The motion passed unanimously.

Complaints Committee: The Board reviewed new information regarding new referral services being offered by Walgreens Pharmacy. With the Board's consent, Dr. Zimmermann requested this information be added as a discussion item on the June 2016 agenda.

COMPLAINTS [LSA-R.S. 42.6.1]:

The following complaint matters were considered in Executive Session:

NP14-15-4B – This matter previously considered by the Board on March 18, 2016, was revisited with additional information from the Board's General Counsel, Amy Groves Lowe. After fully considering the matter in conjunction with the Consent Agreement and Order executed January 22, 2016 between the Licensed Professional Counselors Board of Examiners (LPCBE) and Ms. Andrea Pharr, the LSBEP affirmed the findings of the LPCBE and, being satisfied with the agreement to refrain from any further misconduct, Dr. Burnett moved to close the matter. The motion passed unanimously.

LSBEP vs. CD – The Board reviewed this matter concerning unlicensed practice and found no cause to continue with an investigation. Dr. Lambert moved to close the matter. The motion passed unanimously.

LSBEP vs. PT - The Board reviewed this matter concerning unlicensed practice and found no cause to continue with an investigation. Dr. Lambert moved to close the matter. The motion passed unanimously.

Long Range Planning/Awards Committee: Dr. Griffin requested and the Board agreed to place the remaining agenda items on the Long Range Planning Agenda: **Specialty Designations; Assessing criteria for meeting postdoctoral supervision requirements for licensure; and, Unlicensed Assistants.**

LBAB Liaison Report: Dr. Burnett reported that LBAB continued to work on establishing regulations and are anticipating two new member appointments at the end of the legislative session. Dr. Burnett reminded LSBEP members that the new Liaison to the LBAB Board would need to be considered for July. The LBAB Board currently meets once per month on a Tuesday.

LSBEP Education & Outreach: Dr. Griffin reported that he still aspired to the production of a webinar or online training for continuing professional development requirements for psychologists. Ms. Monic agreed to continue investigating options to facilitate this. Dr. Zimmermann asked the Board to consider an annual Ethics/Forensics training workshop or examination to be included as part of CPD requirements.

There was no report from the following committees:

Jurisprudence Examination Committee Report; Continuing Professional Development Committee; or, Professionalism Workgroup

DISCUSSION ITEMS

Federation of Association of Boards (FARB) Renewal – The Board reviewed the membership renewal for FARB. Dr. Burnett moved in favor of renewing the membership for the required \$150 fee. The motion passed unanimously.

LSBEP and LA Behavior Analysts Board: Board Memorandum of Understanding

– Dr. Burnett presented the MOU between the LSBEP and LBAB. The LBAB was agreeable to the original amendments requested by the LSBEP, with the exception of amending B1.b concerning the purchase of office furniture, equipment or computers and the requirement for a 50% use fee. The LBAB felt this would be too high in some instances. The Board requested that the following language be proposed: *“The LSBEP and LBAB agree that should new furniture or new office equipment be purchased, LBAB will pay a one-time “use fee”. The use fee will be determined based on the usage and depreciation value of the item purchased at a percentage rate not to exceed 50%. Both boards agree that the furniture or equipment purchased belongs to LSBEP. This does not preclude either board from purchasing computers or equipment necessary for exclusive use by their respective board.”*

LAC Chapter 8, Proposed Revisions: Review and consideration of comments received on April 8, 2016 and April 9, 2016 – The Board reviewed two issues brought by 23 comments to the proposed revisions to LAC Chapter 8. The Board also reviewed the procedures for promulgating the rules.

The first issue concerned the amount of time required to maintain documentation of Continuing Professional Development. A review of La. R.S 37:21 which sets limitations on disciplinary proceedings by professional or occupational boards and commissions, establishes that prescriptive periods for proceedings are, in some cases up to 5 years. In these circumstances, a psychologist may be required to provide evidence supporting competence and training. Since CPD is reported for a two-year period, and such report cannot be split, the Board determined that it is appropriate that psychologists maintain supporting documentation of Continuing Professional Development for 6 years.

The second issue concerned the calculation of credit for the preparation and presentation of a workshop. After discussion, it was the consensus of the Board that, while they were not opposed to amending the rule to allow for the *calculation of credits for the preparation and teaching of a workshop to be at four times the credits granted attendees divided by the number of presenters* as requested by all 23 commenters, they also had to consider the larger impact on the renewals for all licensed psychologists and the risk of missing the deadline to have detailed and unambiguous rules in place for the beginning of the renewal season on July 1, 2016. Dr. Griffin moved, and the board agreed unanimously that Ms. Monic should investigate all options to promulgate by

July 1, 2016 whether it required moving forward with or without the requested change. In the later case, the Board would consider the amendment at a later date.

Contracts

Ms. Monic reported on the status of Dr. Garners contract with the Board for the 2015-16FY.

Dr. Garner requested the Board reconsider the terms of his contract. After reviewing his proposal, Dr. Burnett 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 \$12,000. That fee schedule should reflect the following:

- *\$100/hour, payable upon completion of a review of a Request for Investigation, with a preliminary and final recommendation to the LSBEP, such review shall not exceed \$200 per case.*
- *\$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. Lambert moved that the Board authorize Ms. Monic to negotiate a contract not to exceed \$15,000 to implement the proposed PHASE I for the required amendments to the License Database and Renewal System for the remainder of the 2015-16FY and not to exceed \$10,000 to implement PHASE II in the 2016-17FY. The motion passed by unanimous roll call vote of the members present.

Accounting Policies and Procedures – The Board reviewed and by motion of Dr. Burnett, unanimously approved updates to accounting policies and procedures to facilitate segregation of duties among employees; record keeping; controls over payables, receivables, debit and credit card purchases; and controls over employee payroll and leave; and controls over travel and meal expenses.

Telepsychology and Physician Emergency Certificate – Dr. Lambert led the discussion of this matter and moved that the Board publish an official opinion that it is within the scope of practice for a qualified psychologist to execute a Physician Emergency Certificate via tele-psychology medium in accordance with LA R.S. 28:53. The motion unanimously passed.