

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
March 18, 2016

Final Approved: April 8, 2016

The meeting of the Louisiana State Board of Examiners of Psychologists (Board) was noticed and agenda posted on March 16, 2016. Dr. Zimmermann, Board Chair, called the meeting to order at 8:30 a.m. on Friday, February 26, 2016 at 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. Present were Board Members, Drs. Marc Zimmermann, *Darla Burnett**, Phillip Griffin, Jesse Lambert; and, Executive Director, Jaime T. Monic. Dr. Koren Boggs was absent.

Dr. Zimmermann opened the meeting by reading the Board's Declaration of Purpose, and requested that it be referred as such on future agendas. Dr. Burnett 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 February 26, 2016. Dr. Burnett moved to approve the minutes of February 26, 2016 with corrections. The motion passed by unanimous roll call vote of the members present.

The Board met with Janet Orwig and Joseph Rallo, Ph.D. representatives of the Association of State and Provincial Psychology Boards (ASPPB) to discuss the progression and satisfaction with the ASPPB PLUS Application. Ms. Monic provided feedback on how the Board was managing the applicants going through PLUS and it was her opinion that it was progressing well. Ms. Orwig indicated that they were working on a portal for Boards to log on and review application material real time. Dr. Rallo reiterated his appreciation for the feedback and continued communications on this matter.

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 of the members present.

COMPLAINT MATTERS [LSA-R.S. 42.6.1]

NP15-15-4B – The Board reviewed this matter along with the results of an investigation completed by the Licensed Professional Counselors Board of Examiners. Additionally, they considered the requirements of R.S. 37:2360 and 37:2367. Dr. Burnett moved to refer the matter to the District Attorney of the appropriate parish and consult with general counsel on the requirement to seek injunctive relief. The motion passed by unanimous roll call vote as follows: Zimmermann – yea, Burnett – yea, Griffin – yea, Lambert – yea.

ORAL EXAMINATIONS [LSA-R.S. 42.6.1]: The Board conducted the following oral examinations for licensure:

Rhonda Joy Polakoff, Ph.D. appeared before the Board for licensure via Reciprocity with Texas. Dr. Griffin moved that the Board grant **Dr. Polakoff** a license to practice psychology with a specialty in Clinical Psychology. The Board discussed the recommendation and the motion passed unanimously.

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

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

Michael L. Connor, Psy.D. appeared before the Board for licensure via Certificate of Professional Qualifications. Dr. Burnett moved that the Board grant Dr. Connor a license to practice psychology with a specialty in Clinical Psychology. The Board discussed the recommendation and the motion passed unanimously.

Sarah W. Drummond, Psy.D. [CL], appeared before the Board for an oral examination for licensure. Dr. Griffin moved that the Board grant **Dr. Drummond** a license to practice psychology with a declared specialty in Clinical Psychology. The motion passed by unanimous roll call vote of the members present.

The Board opened the meeting to the public at 2:30pm. Ms. Hanna Bishop, LPA Liaison was present.

COMMITTEE REPORTS:

The Board received the following committee reports:

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

- The LSSP Committee met on March 8, 2016 and drafted revisions to the LSSP Reference Form; they are working on revisions to Regulations for LSBEP consideration; they developed a check list for individuals who are not NASP approved to assist in file reviews; and approved one LSSP Candidate to recommend for license.
- The LPA Meeting is set to be conducted at the DoubleTree by Hilton Hotel New Orleans Airport. LPA has requested short Bio's of presenters.
- The Fiscal Impact Statements for Chapters 8, 9 and 13 were approved and the Notice of Intent submitted to be published in the March 20, 2016 LA Register, on schedule for publication in June 2016.
- 2016 Renewals are coming up.
- 2016 Ethics Reports will be due in May 2016.

Finance Committee Report

The Board reviewed Financial Statements for January and February 2016 prepared by Ms. Valerie Dominique. Ms. Monic reported that the Board remained under budget for the first 8 months with the exception of legal and auditing expenses. The Board has enough cash in the bank to pay its expenses and if there are no unusably large expenses, we are on track to have a small reserve on 6/30/16. Dr. Griffin moved that the Board accept the financial statements as presented. The Board unanimously approved this motion.

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

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

Oral Examination Committee Report – No report.

Jurisprudence Examination Committee Report – No report.

Legislative Oversight Committee Report – No report.

Liaison to Professional Organizations and Boards Report – Dr. Griffin noted that LPA Hanna Bishop was present at the meeting this date, and invited Ms. Bishop to ask questions or provide comments on any matter. Ms. Bishop declined.

Continuing Education Committee – Dr. Burnett moved to change the name of this committee to the Continuing Education/Continuing Professional Development Committee. Dr. Griffin opposed this motion stating that the name of the committee was consistent with the statute and regulations and the name has served and continues to serve the intent/purpose of the committee.

Dr. Burnett also reported that a company called E-Strategy Solutions offers a program for online testing that would provide an opportunity to allow psychologists to take the Jurisprudence Examination for CPD credit.

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]:

Dr. Burnett reviewed and approved the Supervised Practice Plan of **Dr. Jacklyn N. Ruhl**.

LSSP COMMITTEE RECOMMENDATIONS:

The Committee for Licensed Specialist in School Psychology met on March 8, 2016. Ms. Monic presented the following recommendations of the LSSP Committee:

Wealthia Jackson, S.S.P – LSSP Committee, after review and discussion, found Ms. Jackson’s Application to be complete upon receipt of passing Jurisprudence Exam and therefore recommends Ms. Jackson for licensure as a Specialist in School Psychology pending passing Jurisprudence Examination. Dr. Burnett moved in favor of accepting the recommendation. The motion passed unanimously.

Complaints Committee: Reported that the Board received findings on a complaint filed by LSBEP with the Licensed Professional Counselors Board and that LSBEP planned to follow up with appropriate action.

Long Range Planning/Awards Committee: Dr. Griffin noted that he continued to work on planning a meeting with Dr. Darlyne Nemeth regarding Clinical Neuropsychology regulations.

LBAB Liaison Report: Dr. Burnett reported that LBAB continued to work on establishing regulations and have completed their first election.

Professionalism Workgroup: No report.

LSBEP Education & Outreach: No report.

DISCUSSION ITEMS

New Proposed Rule: LAC Title 37, LXIII Chapter 13. Code of Ethics – Dr. Burnett presented draft regulations for the Code of Ethics. The Board discussed these proposals at length as they pertained to applicability to Louisiana psychologists; statutes and regulations. Amendments were suggested and Dr. Burnett agreed to work with Ms. Monic on a final draft to present to the Board in April or May 2016.

2016-17 Renewals (Paper and Online Process and Forms) – The Board reviewed the Paper Renewal forms presented by Ms. Monic and discussed the process for online and paper renewals for 2016. Dr. Burnett moved that the Application for Renewal be revised to include the requested Survey Participation by ASPPB. The motion unanimously passed by the members present.

Ms. Monic reported that Teknarus had become unresponsive to her request to provide a testing site for renewal processing and requested guidance on moving forward with their program or requesting our current programmer to make needed updates and to proceed with our current programmer. After discussion, the Board authorized Ms. Monic to advise Teknarus that they had one week to provide a testing site to prove they have complied with providing a program as

agreed to in the scope of their proposal and our contract and to move forward with our current programmer if they are not able to produce; and further that Ms. Monic is to report back to the Board on this matter at the next scheduled meeting.

Marshfield Clinic Research Foundation (telepractice) – The Board reviewed the request of the Marshfield Clinic Research Foundation. The Board directed Ms. Monic to reply by informing them of the Temporary Practice Provisions; but they could not waive statutorily mandated licensure requirements.

LSSP: Revised Reference Form – The Board reviewed proposed revisions to the application reference form for Licensed Specialists in School Psychology proposed by the LSSP Committee. The revisions are proposed so that the form is applicable to the LSSP. The Board agreed that the revisions were needed and after discussion requested that Ms. Monic return to the committee with one suggestion to amend the form without a reference to NASP. Ms. Monic agreed to bring that to the Committee for negotiation.

LSBEP Opinion No. 006: Records Retention: Inquiry from Gail Gillespie and Updates to Opinion – The Board reviewed Opinion No. 006 pertaining to Records Retention. The Board agreed that this Opinion required revision due to the outdated statutory reference, but needed additional time to consider new appropriate language. Dr. Burnett moved to continue this discussion item until the next regularly scheduled meeting. The motion passed unanimously. Additionally, Ms. Monic was directed to refer Dr. Gillespie to review and adhere to the requirements of handling records for the Social Security Administration under 40:1165.1.C(1).

Investigations of Dual Licensed Psychologists – Ms. Monic and Dr. Zimmermann brought this issue to the Board where the Board currently has information concerning potential violations of two Licensed Psychologists who are also licensed with the Board of Medical Examiners. Ms. Monic requested direction from the Board on any history of dual investigations/cooperation in investigations against dually licensed psychologists. The Board was not aware of a past precedent and directed Ms. Monic to proceed with an investigation under the current procedures.

POLICY & PROCEDURE: Complaints Process* (Attorney Review and revisions) – The Board reviewed the revisions and comments proposed by Amy Lowe, General Counsel for the Board regarding the current Complaints Process. Dr. Burnett moved that the Board approve the revisions to the Complaints Process. The motion passed by unanimous roll call vote as follows: Zimmermann – yea, Burnett – yea, Griffin – yea, Lambert - yea

2016 Regular Session – The Board reviewed legislation with potential implications on the budget and functional authority and autonomy of the Board and practice of its licensees with particular focus on the following:

HB 74 RICHARD - PUBLIC CONTRACTS: Provides for a 15% reduction of all state

professional, personal, and consulting service contracts

HB 81 BROADWATER - PUBLIC RECORDS: Requires public bodies to make certain information concerning the custodian of records publicly available (Item #16 and 36)

HB 105 HENRY - APPROPRIATIONS: Provides for the ordinary operating expenses of state government for Fiscal Year 2016-2017

HB 162 EDMONDS - PUBLIC MEETINGS: Prohibits communication among a quorum of the members of a public body unless such communication is contemporaneously visible or audible to the public unless the public body is in an executive session authorized by law

HB 210 CONNICK CRIMINAL/PROCEDURE: Provides relative to time limits for institution of prosecution of certain sex offenses

HB 258 M. JOHNSON MEDICAID: Provides relative to grounds and procedures for denial or revocation of Medicaid provider enrollment and eligibility for health facility licensure

HB 232 STOKES - HEALTH/MEDICAL TREATMENT: Adds limitation of liability provisions to the Right To Try Act

HB 258 JOHNSON - MEDICAID: Provides relative to grounds and procedures for denial or revocation of Medicaid provider enrollment and eligibility for health facility licensure

HB 322 IVEY - WEAPONS/FIREARMS: Provides with respect to the reporting of certain judicial proceedings regarding the possession of firearms

HB 302 LEGER HEALTH/CHILDREN: Requires a child wellness evaluation for each student entering kindergarten or sixth grade

HB 497 NORTON MENTAL HEALTH: Requires the Department of Health and Hospitals to implement the Medicaid health home option for persons with serious mental illness

HB 454 RICHARD - CONTRACTS: Provides for reporting, review, and approval by the Joint Legislative Committee on the Budget of certain professional, personal, and consulting service contracts

HB 480 JACKSON - HEALTH SERVICES: Provides relative to the practice of telemedicine in licensed healthcare facilities

HB 517 BACALA MEDICAID: Establishes certain provider fees within the Louisiana Medicaid program

HB 570 SCHRODER HEALTH SERVICES: Provides relative to the practice of telemedicine

HB 624 MORENO WEAPONS/FIREARMS: Provides with respect to the reporting of certain judicial proceedings regarding the possession of firearms

HB 680 MORENO - HOSPITALS: Requires healthcare services providers to conduct background checks on prospective employees

HB 762 JACKSON - MENTAL HEALTH: Provides relative to referrals of certain Medicaid enrollees for mental health counseling or treatment by managed care providers

HB 763 CARPENTER - HUMAN SERVICES: Authorizes and provides for mental health emergency room extensions (OR See Note)

HB 812 PUBLIC BLDGS/GROUNDS-ST: Provides relative to maximizing the use of available office space in state buildings (OR SEE FISC NOTE GF EX)

HB 833 LEGER - STUDENT/DISCIPLINE: Provides relative to student discipline including the creation of the Commission on Safe Supportive Discipline

HB 909 ANDERS - BOARDS/COMMISSIONS: Provides with respect to limitation of terms of members of boards and commissions

SB 114 LAFLEUR - HEALTH/HOSPITALS DEPT: Requires approval by the secretary of the Department of Health and Hospitals for any salary adjustments or cost of living adjustments for certain management boards falling under the auspices of the department.

SB 193 LONG HEALTH/ACC INSURANCE: Provides relative to the adequacy of networks utilized by health insurance issuers for the provision of health care services. (8/1/16)

SB 210 BARROW HEALTH SERVICES: Provides relative to behavioral health services. (gov sig)

SB 236 BARROW CORONERS: Provides relative to admissions by emergency certificate of persons suffering from mental illness and substance abuse. (8/1/16)

SB 239 MILKOVICH - ADMINISTRATIVE PROCEDURE: Provides for proper venue for all administrative hearings involving action against regulated professions and occupations.

SB 285 WARD - PUBLIC MEETINGS: Provides an exception to the Open Meetings Law relative to attorney-client privilege. (8/1/16)

SB 309 CLAITOR HEALTH CARE: Amends supervision requirements for certain addictive disorder practitioners in certain custodial environments. (8/1/16)

SB 324 MORRELL JUVENILE JUSTICE: Creates the Raise the Age Louisiana Act of 2016 and the La. Juvenile Jurisdiction Planning and Implementation Council. (8/1/16)

SB 328 HEALTH CARE: Provides for telehealth access. (8/1/16)

SCR CLAITOR - SPEECH/PATH/AUDIO: Directs the Louisiana Board of Examiners for Speech-Language Pathology and Audiology to evaluate and report on licensing requirements and procedures that may need to be updated in current law.

RULE: Unlicensed Assistants to Psychologists – The Board continued to discuss the current requirements for supervision of unlicensed assistants and establishing a requirement to register assistants to psychologists. The Board agreed to continue its study and investigation of this potential.

LPA Presentation – The Board agreed that it would present at LPA as a Panel and reviewed the draft presentation materials provided by Ms. Monic.

Specialty Designations - Dr. Lambert initiated a discussion on the matter of specialty designations, assessing credentials for licensure and defining scope of practice for specialty designations versus moving to a broader status of healthcare provider/non-healthcare provider. The Board agreed to continue this discussion, investigation and receiving input on this subject.