

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
March 3, 2017

FINAL APPROVED: April 7, 2017

The meeting of the Louisiana State Board of Examiners of Psychologists (Board) was noticed and agenda posted on, Wednesday, March 1, 2017. Dr. Darla Burnett, Chair, called the meeting to order at 8:45 a.m. on Friday, March 3, 2017 at 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. Present were Board Members, Drs. Darla Burnett, Phillip Griffin, Koren Boggs, Jesse Lambert, Amy Henke; and, Executive Director, Jaime T. Monic.

Dr. Burnett opened the meeting by reading the Board's Declaration of Purpose.

Dr. Boggs moved to approve the agenda for the day. The motion passed by unanimous roll call vote as follows: Burnett - YEA, Griffin - YEA, Boggs- YEA, Lambert – YEA, Henke - YEA.

The Board reviewed and discussed the meeting minutes from February 10, 2017. Dr. Lambert moved to approve the minutes of February 10, 2017. The motion passed by unanimous roll call vote of the members present.

Dr. Griffin moved to enter Executive Session pursuant to LSA R.S.42:6.1, to conduct oral examinations and file reviews. The motion passed by unanimous roll call vote as follows: Burnett - YEA, Griffin - YEA, Boggs- YEA, Lambert – YEA, Henke - YEA.

Dr. Griffin moved to close executive session. The motion passed unanimously.

The Board opened the meeting to the public at 12:11 p.m. Dr. Kim VanGeffen, representing LPA, was present for the open meeting.

COMMITTEE REPORTS:

The Board received the following committee reports:

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

- Rules on Fees, Ethics and Supervision are on target for publication in the March 20, 2017 register.
- LSSP Call for Nominations have been sent. Interest was received by one LSSP who has not yet met the requirement for number of years licensed. No other nomination has been received.
- ASPPB is soliciting comments and input on their *Model Act for the Licensure and Registration for Psychologists, Model Regulations and Code of Conduct*. The deadline for submitting public comments is May 8, 2017. Dr. Burnett requested that Ms. Monic email the link to everyone and add the matter as a discussion item on April 7, 2017.
- LBAB is due two refunds in the amount 11.59 and 251.35 as a result of an auto draft on their card in 2016 intended to renew LSBEP's website.

Finance Committee Report

The Board reviewed Financial Statements for January 2017 prepared by Ms. Valerie Dominique. Dr. Griffin moved to accept the financial statements provided by Ms. Dominique. The motion passed unanimously.

Dr. Burnett reported that she reviewed and approved Leave Reports for Ms. Monic.

Dr. Burnett reported that she reviewed and approved Bank Reconciliations prepared by Ms. Monic from January 2016.

Oral Examination Committee Report –Dr. Boggs reported one Oral Examination was conducted this day as follows:

Monica Summers Guidry, Psy.D. appeared before the Board for an oral examination for licensure. Dr. Henke moved that the Board grant **Dr. Guidry** a license to practice psychology with a declared specialty in Clinical Psychology. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Burnett - YEA, Griffin – YEA, Boggs - YEA, Lambert – YEA, Henke - YEA.

Jurisprudence Examination Committee – No report.

Liaison to Professional Organizations and Boards Report – Dr. Griffin reported that LPA would like more information presented from the Board regarding substantive information on complaints (i.e. what the complaints were about). Dr. Burnett suggested that the APA Trust keeps annual statistics on disciplinary actions, and we could derive some data there.

Continuing Professional Development Committee – Dr. Lambert reported that 2014-16 Continuing Professional Development audit reviews were completed. There were several issues in reporting, primarily regarding classification of CPD into the new categories. Participants were sent compliance letters calling attention to the most common reporting errors found. This problem did not result in any deficiency in a licensee meeting their CPD requirements. Dr. Lambert and Dr. Burnett would be working with Ms. Monic to develop Q&A for the website, based on audit reviews and questions asked during the 2016 renewal period.

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. Henke reviewed and presented the Application for License of **Catherine Lisette Wise, Psy.D.** to the Board with a motion to 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. Burnett reviewed and presented the Application for License of **Janina Mayeux, Ph.D.** to the Board with a motion to 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. Boggs reviewed and presented the Application for License of **Tracy Carlson, Ph.D.** to the Board with a motion to 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. Lambert reviewed and presented the Application for License via Reciprocity with Texas of **James P. Thompson, Ph.D.**, noting that Dr. Thompson has not taken an Oral Examination for licensure Dr. Lambert moved to confirm his Candidacy status and invite him to take the Oral and Jurisprudence Examinations for Licensure. The Board discussed the motion. The motion passed unanimously.

Dr. Griffin reviewed and approved the Supervised Practice Plan for **Irving A. Arevalo, Ph.D., Emily MacDougall and Carley Turner, Psy.D.**

Complaints Committee: - The following cases were reviewed by the Board:

1. **P14-15-13C** – The Board reviewed and by motion of Dr. Jesse Lambert approved the Continuing Education selections presented by the respondent for continued compliance with this regard.
2. **NP16-17-07C** – Dr. Burnett reported the status of this complaint to the Board. The investigation is ongoing.
3. **NP16-17-08C** - Dr. Burnett reported the status of this complaint to the Board. The investigation is ongoing.
4. **NP16-17-11C** - Dr. Burnett reported the status of this complaint to the Board. The investigation is ongoing.
5. **P15-16-03C** – The Board thoroughly reviewed and discussed the Request for Reconsideration/Rehearing of this matter by the Board filed by Dr. Eric Cerwonka. Finding no grounds for reconsideration, following review of the request by Attorney Amy Groves Lowe, Dr. Griffin moved to deny Dr. Cerwonka's request. The motion passed by unanimous roll call vote as follows: Burnett - YEA, Griffin – YEA, Boggs - YEA, Lambert – YEA, Henke - YEA.

Long Range Planning/Awards Committee: No report.

Legislative Oversight Committee Report – Dr. Burnett reported that Ms. Monic met with Legislative Attorney Christine Peck to again discuss the Board's issues pertaining to postdoctoral supervision requirements for licensure, fines in disciplinary matters, prescriptions in disciplinary

matters, and renewal fees for provisional licenses that may require statutory revisions. Ms. Monic reported that legislation was drafted to address these issues. This draft is on this agenda for discussion.

Dr. Burnett also reported that there were no new developments with the SCR 65 Committee report that had been submitted to the legislature.

LBAB Liaison – Dr. Griffin reported that the members of the LBAB continued to work on administrative procedures concerning documenting supervision of SCABA’s and Line Technicians.

LSBEP Education & Outreach – Dr. Griffin reported that, as mentioned by Dr. Lambert in his report, the Board would be developing its Frequently Asked Questions page concerning Continuing Professional Development. Dr. Griffin also reported that the Louisiana Psychological Association has requested that he direct the presentation.

DISCUSSION ITEMS

LSBEP Final Election Results Announced – Dr. Burnett opened the Election Results for the 2017-2022 LSBEP Board Seat. She reported the results as follows: 315 votes were cast out of 763 electors. Dr. Leah Crouch received 169 votes, Dr. William Schmitz received 122 votes and 24 electors abstained. A copy of the results were hand-delivered to Dr. Kim VanGeffen, representing LPA, who was present for the announcement.

National Register of Health Service Providers – In response to the Board declining its participation in the National Register’s mobility program, the National Register sent a follow up letter requesting to meet in person with the Board. The Board agreed on offering a time for representatives of the National Register to meet with the Board to further discuss this matter in person.

Letter to ASPPB/ABPP – By motion of Dr. Henke, the Board unanimously approved correspondence to be sent to the Association of State and Provincial Psychology Boards and American Board of Professional Psychology soliciting the organizations current credentialing standards in order for LSBEP to audit guild standards against Louisiana’s statutory and regulatory requirements for licensure as a psychologist.

LSBEP Opinion (New) Conversion Therapy – The Board reviewed and discussed the opinion concerning Conversion Therapy drafted by Dr. Boggs in collaboration with Drs. Burnett and Henke, which opined that:

“The Louisiana State Board of Examiners of Psychologists [LSBEP], in accordance with policy and position statements published by national organizations including the American Psychological Association, the National Association of Social Workers, the American Counseling Association, the American Academy of Child and Adolescent Psychiatry, the National Association of School Psychologists, and the American Medical Association, recognizes that interventions referred to as “sexual orientation change efforts” including,

but not limited to, “conversion therapy” and “reparative therapy,” are not supported by empirical evidence. Moreover, evidence shows that treatment which is based upon the assumption that homosexuality per se is a mental disorder or based upon the a priori assumption that a patient should change his/her sexual orientation may have deleterious effects.

Further, this Board opines that individuals licensed under this Board could be subject to charges of misconduct and disciplinary action for offering to provide or engaging in the practice of providing such interventions. Individuals licensed under this Board adhere to the American Psychological Association’s Ethical Principles of Psychologists and Code of Conduct adopted by the LSBEP under the Louisiana Administrative Code, Title 46 Part LXIII. Psychologists Chapter 13. Relevant Standards include 3.04 Avoiding Harm, 2.01(b) Boundaries of Competence, 2.04 Bases for Scientific and Professional Judgments, and 5.01(b) Avoidance of False or Deceptive Statements.”

Dr. Henke moved in favor of the adoption of the opinion. The motion passed by unanimous roll call vote as follows: Burnett - YEA, Griffin – YEA, Boggs - YEA, Lambert – YEA, Henke - YEA.

Duty to Warn HIV/AIDS – As a result of an inquiry presented by Dr. Jay Sevin, Dr. Griffin presented the Board with information to discuss a psychologist’s duty to warn in instances where a patient/client discloses their HIV/AIDS status to the psychologist. The Board agreed to respond to Dr. Sevin that the limitation of liability under La. R.S. 9:2800.2 pertains to the requirement to report a threat of **physical violence** which is deemed to be significant in the clinical judgment of the treating psychologist and is coupled with the intent and ability to carry out such threat and does not apply to warning a partner of a client’s HIV/AIDS status. Further, in support of this, the American Psychological Association’s stand in consideration of warning the partner of a patient who may transmit the HIV virus is that "A legal duty to protect third parties from HIV infection should not be imposed." The Board agreed to further develop a Q&A with regard to this topic.

Neuropsychology Proposed Rule Revisions – The Board continued to discuss and evaluate the need for potential revisions to the requirements for a neuropsychology specialty designation. Dr. VanGeffen added to the Board’s discussion the concern that the requirements for someone applying for initial licensure were not equal to someone who would respecialize in clinical neuropsychology. Dr. Griffin agreed to continue to work on assessing and drafting the revisions.

LSBEP Policies & Procedures: Criminal Background Checks – The Board reviewed proposed revisions to the policies and procedures concerning the conduct and handling of criminal background records, necessary to comply with federal requirements. Dr. Griffin moved to adopt the policy as amended. The motion passed unanimously.

Inquiry from Christine Peck concerning the practice of psychology – The Board reviewed and thoroughly discussed an inquiry from Attorney Christine Peck concerning trends in the practice of psychology related to prescribing practices. Dr. Burnett agreed to work with Dr.

Lambert in formulating a response that communicates that Psychologists may choose to specialize in a variety of areas and practices based on their training; that it is appropriate that any psychologist who chooses to specialize, make appropriate referrals for those individuals requesting services outside their area of specialization; that there is no known trend in psychology towards increased prescribing of psychotropic medication; providing therapy (talk therapy) has been and continues to be an essential part of psychology; and that Medical Psychologists are licensed in this state by the Board of Medical Examiners to prescribe psychotropic medications.

Inquiry from Keith Westerfield concerning training teachers to administer tests – The Board reviewed and thoroughly discussed an inquiry from Dr. Keith Westerfield concerning training teachers to administer tests. The Board agreed that a teacher is not eligible for licensure and should not administer/interpret psychological tests without supervision from a licensed psychologist. However, if the intent is to employ an individual as a psychological assistant, that individual may be trained as an assistant to administer tests under Chapter 11 of the Louisiana Administrative Code, Part LXIII. Psychologists. Dr. Lambert agreed to formulate a response that communicates the requirements for supervising unlicensed assistants under Chapter 11 emphasizing the specific requirements of that Chapter.**Inquiry from Virginia Garrett concerning BCBS records request** – The Board reviewed and thoroughly discussed an inquiry from Dr. Virginia Garrett concerning releasing patient records to a third party auditor contracted by Blue Cross/Blue Shield. The Board advised that a psychologist only release that information which is minimally required for billing/reimbursement to the insurance carrier, unless the psychologist's contract with the insurance carrier provides otherwise and is accompanied by a patient's consent to release such information.

SCR 10: 2017 First Extraordinary Session – The Board reviewed and discussed SCR 10 of the 2017 First Extraordinary Session. The Board agreed to provide information appropriate for the Commissioner of Administration's study.

2017 Regular Legislative Session LSBEP – The Board reviewed and discussed draft legislation to address LSBEP's issues pertaining to postdoctoral supervision requirements for licensure, fines in disciplinary matters, and prescriptions in disciplinary matters. Ms. Monic advised that the fee for provisional license renewal could not be drafted to mirror the fee for the renewal of a retired license due to constitutional requirements. Therefore this amendment was not worth pursuing and was left out. Dr. VanGeffen participated in this discussion and indicated there may be concerns from LPA regarding the prescriptive periods being eliminated. The Board accepted the legislation and Dr. Burnett directed Ms. Monic to share the legislation with representatives from the Louisiana Psychological Association for their review, comments and concerns.

LSBME Opinion Regarding Signing Off on Test Results – The Board reviewed and discussed concerns regarding the Opinion of the La. State Board of Medical Examiners concerning interpreting test results for dyslexia. However, no motion was made to entertain a response to LSBME, given their statutory authority. **APA Report of the Task Force on Test User Qualifications** – This information was reviewed and discussed in conjunction with the previous discussion item regarding LSBME'S use and interpreting test results for dyslexia.

Dr. Lambert moved to adjourn the meeting at 4:00 p.m. The motion passed unanimously.