

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

DATE: December 10, 2015
TIME: 9:00 a.m., CST
LOCATION: Health Related Boards
Iris Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: J. Trevor Milliron, Ph.D., Chair
Janice Pazar, Ph.D., Vice Chair
David C. Mathis, Ed.D.
Mark Loftis, Ph.D., Sr. Psychological Examiner
Rebecca Joslin, Ed.D., Ph.D.
Janice Pazar, Ph.D.
M. Annette Little, Ph.D., BACB-D
Timothy Urbin, Ph.D.
Hugh D. Moore, Ph.D.

STAFF

PRESENT: Tammy Turner, Board Administrator
Teddy Wilkins, Administrative Director
Paetria Morgan, Board Attorney

Dr. Milliron, Chair, called the meeting to order at 9:08 a.m. A roll call vote was conducted and a quorum was present.

Dr. Milliron welcomed new member, Hugh D. Moore, Ph.D., to the Board of Examiners in Psychology.

Minutes

Upon review of the September 25, 2015 minutes, Dr. Mathis noted three minor grammatical errors to be corrected. Dr. Loftis made a motion, to approve the minutes after the corrections, seconded by Dr. Mathis. The motion carried.

Office of Investigations

Ms. Dorroh stated there are currently sixteen (16) complaints in the Office of Investigations; two (2) complaints against Psychological Examiners and fourteen (14) complaints against Psychologists.

Ms. Dorroh said the number of monitored practitioners is currently eleven (11).

Office of General Counsel

Ms. Morgan stated there is one consent order that will be presented at the meeting and advised the Board that they are required to disclose any conflicts of interest they may have which may impede their ability to make an unbiased opinion and, if there is a conflict, the Board member must recuse him/herself from the meeting.

Dr. Milliron recused himself from the meeting during the review of the consent order for Lance T. Laurence, PhD.

The terms of the consent order were reviewed and approved by the Board, the case disposition was put on record and Dr. Loftis made a motion to accept the terms of the consent order, seconded by Dr. Urbin. The motion carried.

Ms. Morgan stated there are four (4) open cases in OGC. There are no agreed orders or pending legislation to present to the Board at this time.

Ms. Morgan updated the Board regarding the North Carolina Dental Board v. FTC case.

Ms. Morgan reviewed Rule 1180-02-.05 with the Board pertaining to the issuance of a Temporary License for an applicant pursuing licensure in Psychology.

Ms. Morgan said the fee reduction rules were sent to the Secretary of State's office. The telepsychology rules are still in the internal review process. A rulemaking hearing date will be determined upon completion of the internal review process.

Ms. Morgan reviewed the rule amendment process stating the rules go through the Board's advisory attorney, deputy, chief deputy, general counsel, commissioner's office, governor's office, secretary of state's office and, after the rulemaking hearing date, goes to the attorney general's office for legality, after which they are sent to the Secretary of State's Office where they remain for ninety days. Ms. Morgan said during that time there will be a meeting with the Government Operations Committee who has the authority to stay the rules for seventy (75) days.

Ms. Morgan advised the Board that the rulemaking hearing for the Applied Behavior Analyst Licensing Committee rules is set for January 25, 2016, at 9:00 a.m.

Ms. Morgan reviewed Rule 1180-02-.05 with the Board pertaining to the issuance of a Temporary License, particularly subsection (2)(b), circumstances causing the temporary license to become invalid. Ms. Morgan gave a brief summary of the rule and its relation to T.C.A. § 63-11-206(e)(1)(A).

Dr. Milliron stated that the temporary license contrasts from the provisional license because the Provisional License can be extended whereas the Temporary license cannot.

Ms. Morgan explained that the rules do not permit for an extension or 2nd issuance of a temporary license.

Dr. Mathis thanked Ms. Morgan for providing clarification between the two licenses.

Ms. Morgan stated that deviating from the rules and statutes set forth regarding temporary licenses can make the rules complicated to regulate.

Administrative Report

Ms. Turner stated there are 1380 licensed Psychologists, 444 licensed Psychological Examiners/Senior Psychological Examiners and 46 Certified Psychological Assistants as of November 30, 2015.

Ms. Turner said there are twenty-three (23) Psychology applications in process, twenty-two (22) newly licensed, sixty-four (64) renewals, seven (7) retired, eleven (11) expired and three (3) reinstated. Ms. Turner said eighty (80) renewed online which is 62%.

Ms. Turner said there are no Psychological Examiners/Senior Psychological Examiner applications in process, one (1) upgrade to a Senior Psychological Examiner, thirty-five (35) renewals, five (5) retired, zero (0) expired and zero (0) reinstated. Ms. Turner said twenty-nine (29) renewed online which is 56%.

Ms. Turner said there were not any Certified Psychological Assistant applications in process, seven (7) newly licensed and one (1) renewal, zero (0) retired, zero (0) expired and zero (0) reinstated. Ms. Turner said one (1) renewed on line which is 100%.

Ms. Turner advised the Board of the ASPPB 2016 Midyear Meeting in Anchorage, Alaska, May 4 – 7, 2016. Dr. Loftis made a motion to send Dr. Pazar, Dr. Moore, Dr. Mathis, and Ms. Wilkins to the conference, seconded by Dr. Little. The motion carried.

Correspondence

The Board reviewed correspondence submitted by Susan Glass, PsyD. Dr. Glass requested consideration for reinstatement of a temporary license that is no longer valid. The Board was unable to reinstate the temporary license.

Dr. Loftis discussed the letter written to the Tennessee Psychological Association (TPA) in reply to the correspondence received at the September 10, 2015 board meeting. The correspondence from the TPA was in regards to the Rules and Regulations for T.C.A. § 63-11-301 through T.C.A. § 63-11-311, Applied Behavior Analyst Licensing Committee. Dr. Loftis expressed that the Board of Examiners in Psychology has yet to formally review the new rules and regulations for the LBA License. However, their concerns are being addressed.

Newly Licensed

Dr. Urbin made a motion to approve the following newly licensed Psychologists and Psychological Assistants:

Psychologists:

Lucille Carriere, Ph.D.	Rebecca Cicha, Ph.D.	Natalie Efstahiou, Ph.D.
Allison Elledge, Ph.D.	Jeffrey Hine, Ph.D.	John Hummer, Ph.D.
Stephanie Insko, Ph.D.	Sarah Irby, Ph.D.	John Jackson, Ph.D.
Heather Joppich, Ph.D.	Angela Kocian, Psy.D.	Laura McCracken, Ph.D.
Kathryn Perkel, Ph.D.	Katie Price-Verdell, Psy.D.	Betty Rich, Ph.D.
Rebecca Trupe, Ph.D.	Amber Thornton, Psy.D.	

Psychological Assistants:

Patti Fite	Joseph Hamil	Melinda Lehman
Wendy Melson	Danielle Miro	Lauren Qualls
Amira Wassef		

The motion was seconded by Dr. Pazar. The motion carried.

Reinstated and Upgraded Licensees

Dr. Pazar made a motion to approve the following reinstated Psychologists, and Psychological Examiner Upgrade to Senior Psychological Examiner:

Psychologists

Margaret DeBon, Ph.D.
Harold Wagner, Ph.D.
Laurie Williams, Ph.D.

Psychological Examiner upgrade to Senior Psychological Examiner

Emily Davis, SPE

The motion was seconded by Dr. Joslin. The motion carried.

Closed/Abandoned Files

Dr. Pazar made a motion to approve the following closed/abandoned Psychologists, Psychological Examiner, and Psychological Assistant files:

Psychologists

Alexis Arczynski
Thomas Golden
Patricia McKee
Krista Jo Peterson

Marissa Carraway
Katherine Hernbeck
Eva Maldonado-Renta
Gregory Stevens

Ashley Dillon
Justin LaPilusa
Melissa Mowder

Psychological Examiners

Jane Harlan
Julie O'Digie

Psychological Assistants

John Logan
Marcia Summers

Shannon Manor
Justin Wright

Adrian O'Bryant

The motion was seconded by Dr. Joslin. The motion carried.

Agreed Citations

Dr. Loftis made a motion to approve the following Agreed Citations for continuing education violations:

Joan M. Schleicher, Ed.D.
Mark Heinrich, SPE
Amanda Caldwell Campbell, PE

The motion was seconded by Dr. Urbin. The motion carried.

Dr. Urbin made a motion to approve the following Agreed Citation for a lapsed license violation:

Margaret DeBon, Ph.D.
Laurie T. Williams, Ph.D.

The motion was seconded by Dr. Joslin. The motion carried.

Licensure File Review

Dr. Joslin made a motion to approve **Melissa Mathews, Ph.D./HSP** to sit for the Ethics & Jurisprudence examination. The motion was seconded by Dr. Urbin. The motion carried.

Dr. Little requested that applicant, **Shenita Head, Ph.D./HSP** provide the Board with a side by side comparison of how her internship compares to an APPIC listed internship.

Dr. Loftis made a motion, seconded by Dr. Urbin, to approve **Heather Wadeson, Ph.D. /HSP** to sit for the EPPP and Ethics & Jurisprudence examination. The motion carried.

Dr. Urbin made a motion, seconded by Dr. Loftis, to approve **Julie Gersch, Ph.D./HSP**, to sit for the Ethics & Jurisprudence examination. The motion carried.

Dr. Mathis made a motion, seconded by Dr. Urbin, to approve **Anne Saravo, Ph.D./HSP** to sit for the Ethics & Jurisprudence examination. The motion carried.

Dr. Pazar made a motion, seconded by Dr. Urbin, to approve **Charles Rudolph, Ph.D./HSP** to sit for the Ethics & Jurisprudence examination. The motion carried.

Dr. Loftis made a motion, seconded by Dr. Urbin, to approve **Judiann McNiff Jones, Ph.D./HSP** to sit for the EPPP and Ethics & Jurisprudence examinations. The motion carried.

Behavior Analyst Committee

There was a comparison completed by Dr. Auble, Dr. Little, and Dr. Loftis addressing the APA Ethics Code verse the BABC Ethics Code. Dr. Loftis mentioned which code the Behavior Analysts will abide by was one of the concerns brought forth by the Tennessee Psychological Association (TPA). The TPA is questioning whether or not Behavior Analysts will be required to abide by the APA Code of Ethical Standards. Dr. Little mentioned the comparisons that were completed and stated there were not many differences. Dr. Loftis voiced his opinion on the matter and stated he did not find any codes that contradict, however there are some differences and codes that Psychologist must follow.

Ms. Morgan stated that the matter was brought in front of the Applied Behavior Analyst Licensing Committee at their November meeting and the Committee made a motion to abide by the BACB Code of Ethics only. The Committee's decision to do so, is supported by T.C.A. § 63-11-310(a), and the statute reads, "*all licensees shall comply with their respective certifying entity's Guidelines for Responsible Conduct and Professional Disciplinary and Ethical Standards*".

Ms. Morgan stated that based on the statute the Applied Behavior Analyst Licensing Committee, they do not have to take on additional ethical codes, they are only required to abide by their own code under the Behavior Analyst Certification Board (BACB) Code of Ethics and decided not to complicate things by adding additional codes. Ms. Morgan stated that the licensed behavior analysts will not be psychologists; they will have their own licensing and abide by their own set of rules and ethical code.

Dr. Mathis stated there have been concerns raised by analysts who would be working alongside psychologists or in mental health facilities with psychologists and in that case the psychologist would maintain the responsibility and oversight for that analyst; therefore the psychologist would be operating under the APA Code of Ethics and would ensure that the work of the analyst corresponds to that. Also stating that the psychologist would still be protected under the APA code and does not feel that would be contradictory.

Dr. Milliron asked Dr. Loftis and Dr. Little if they found any obligation under the APA Code that was not under the BACB Code that would not protect the public.

Dr. Loftis stated that he did not find any compelling situation in regards to protecting the public.

Dr. Little stated that she did not find anything that would be significant enough as far as protection of the consumer.

Dr. Milliron stated that it is up to the Applied Behavior Analyst Licensing Committee to write the rules and preside over the rulemaking hearing. After they are approved, they will be brought to the Board of Examiners in Psychology for approval. The Board of Examiners in Psychology cannot directly make any changes; however, can most certainly make suggestions. Dr. Milliron expressed to his fellow board members that they are more than welcome to attend the rulemaking hearing.

Ms. Wilkins advised the board that they have an option to compose a letter from the Board of Examiners in Psychology addressing any issues or concerns to be heard at the LBA rulemaking hearing.

Ms. Morgan again advised the Board that with respect to the Ethical Codes, the Board does not have the authority to impose an additional Ethical Code onto the Applied Behavior Analyst Licensing Committee. The statute states the Committee is only required to follow the BACB Ethical Code.

Financial Report

Vanessa Crutcher presented the board with the closing financials for FY 2015 and advised the board of the fee reductions effective February 16, 2016.

Update from the Tennessee Psychological Association (TPA)

Norman Stephenson, Ph.D. stated that Dr. Frank Edwards will be making the presentation.

Dr. Milliron welcomed Dr. Edwards.

Dr. Edwards stated that he would be replacing Dr. Stephenson at the end of next year. Dr. Edwards discussed one of the proposed bills on training in suicide prevention. The TPA is asking psychologists to be exempt from that training due to the amount of training psychologists already participate in relating to that issue. Dr. Edwards would like the record to reflect that the TPA is against Tennessee Psychologists from having to seek continuing education in suicide prevention.

Dr. Mathis asked Dr. Edwards about the current status of the bill. Dr. Edwards stated that it would be in legislations next session.

Dr. Edwards stated that the TPA is also opposed to a bill that would allow a psychologist during their training program to refuse a patient based on religious beliefs and the TPA expects the bill to resurrect itself in some fashion because there is a lot of religious support for it.

Dr. Edwards stated that he agrees with Dr. Little's assessment that there is very little difference between the BACB code of ethics and the APA's code of ethics. The TPA wants to ensure that the ethical standards are the same within them. Dr. Edwards states the concern is that the Applied Behavior Analysts do not have any requirements for continuing education in Tennessee Code.

Dr. Little stated that the Applied Behavior Analyst Licensing Committee made a motion that applicants would be required to attest that they have read and understand Tennessee Code verse requiring applicants to obtain one (1) hour continuing education in Tennessee Code. The Committee felt it would be better controlled.

Dr. Mathis asked for clarification as to the attestation of the applicants, that they would be attesting to understanding all the Tennessee Rules & Regulations pertaining to Behavior Analysts not Psychology.

Ms. Turner stated to the Board that the Applied Behavior Analyst licensee would also have to read and attest each time they renew their license as well so they will be informed of any changes that have been made since they were licensed or renewed.

Ms. Morgan advised the board that the Behavior Analysts will be practicing under their own practice act, not the Psychology Practice Act. Applied Behavior Analyst licensees have their own statute.

Dr. Urbin stated his concerns regarding an analyst working under a psychologist and what practice act will be followed and what the process will be concerning complaints.

Ms. Morgan advised the board that though any violations will not come before the Board of Examiners in Psychology, issues will be brought to the board for ratification once the matter has appeared before the Applied Behavior Analyst Licensing Committee.

Ms. Wilkins explained to the board that the Applied Behavior Analyst Licensing Committee has their own statute and will have their own rules that they will abide by.

Ms. Morgan reiterated to the board that the Applied Behavior Analyst Licensing Committee and the Board of Examiners in Psychology will follow their own rules and practice acts. Ms. Morgan stated that if the licensees were supposed to only follow the Board of Psychology rules and practice act, the legislature would not have enacted an Applied Behavior Analyst statute and the authority to establish their own rules.

Dr. Moore commented as to whether or not bad actors in the Applied Behavior Analyst profession could potentially have a negative effect on the Board of Examiners in Psychology should an issue arise.

Ms. Morgan stated that the rules are not meant to gauge public perception or to be a public relations stamp for one particular profession or the other; the purpose of the statute is to protect the public.

Other Board Business

Dr. Joslin gave a presentation regarding the ASPPB Conference that she and Dr. Little attended in October, 2015.

Adjourn

With no other Board business to conduct, Dr. Loftis made a motion, seconded by Dr. Urbin, to adjourn at 12:08 p.m. The motion carried.

Adopted by the Board of Examiners in Psychology on this the 17th day of March, 2016.