

TENNESSEE BOARD OF EXAMINERS IN PSYCHOLOGY

DATE: March 15, 2018

TIME: 9:00 a.m., CST

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

BOARD MEMBERS

PRESENT: Hugh D. Moore, Ph.D., Chair
H. R. Anderson, Jr., SPE
Rebecca Joslin, Ed.D., Ph.D.
Connie Mazza, SPE
J. Dale Alden, Ph.D.
Michael Tonos, BCBA, LBA
Dr. Neelam Jain, Ph.D

BOARD MEMBERS

ABSENT: Timothy Urbin, Ph.D.
Todd Moore, Ph.D.
Jennifer Winfree, Consumer Member

STAFF

PRESENT: Teddy Wilkins, Unit Director
Lisa Williams, Board Administrator
Paetria Morgan, Office of General Counsel

Dr. Moore, Chair, called the meeting to order at 9:02 a.m. A roll call was conducted and a quorum was present.

Minutes

Upon review of the December 7, 2017 minutes, Dr. Joslin made a motion, seconded by Mr. Anderson, to approve the minutes. The motion carried.

Tennessee Psychological Association

Mark Greene, chief lobbyist for TPA, spoke on Public Chapter 350 as it regards to granting continuing education credits in exchange for volunteer health care services. A psychologist that could document appropriate volunteer work could get the lesser of 8 hours CE credit or twenty percent of their CE credit. There are no specific guides as to what type of CE credit that could be or what category. The board would need to make that decision. Mr. Greene discussed how

the Senate Bill No. 639 did not amend title 11 or any other health profession except title 6 which is the medical doctor chapter. It was believed that this bill only pertained to chapter 63, title 6. It is felt that Title 11 Psychologists did not receive appropriate notice since it was not included in Bill No. 639. It is felt that the appropriate place for this if it goes beyond physicians is Title 1 which addresses all health related boards. TPA has taken the position that this does not apply to Psychology. TPA feels that 8 hours or twenty percent is too much and 40 hours for two years is appropriate and twenty percent is too much for volunteer work. TPA did not pursue legislation concerning this since they felt it did not apply to psychologists. Office of General Counsel has since decided that it does apply to other professions and this decision was arrived at in late February after the deadline. Mr. Greene stated that we really do not have the ability to move the bill at this point. It is theoretically possible, but would take a herculean effort. TPA sought out Representative Bob Ramsey, chairman of state government committee and longtime member of the health committee, to seek an Attorney General's opinion. The suggestion from TPA is to wait and see what the Attorney General's opinion is on this before we proceed with the rules. They feel there is a serious disagreement and there is more than one way to look at this bill. Nothing can be done about this legislatively this year. Ms. Morgan reviewed information provided to the board concerning continuing education and Public Chapter 350. The definition found in this information is the reason Office of General Counsel feels that it does apply to Title 11, psychologists, and all other health related professions as health care providers. Mr. Greene stated that no legislation was introduced last fall because at the time it was felt that this bill did not apply to Title 11.

Office of General Counsel

Ms. Morgan stated there are no consent orders and no agreed orders. There are two open cases in OGC that were set for contested cases today, but they have been continued for the June 14, 2018 meeting. There are no appeals in Chancery Court. Conflict of Interest was reviewed.

An email was sent out in February concerning two bills in legislation.

Investigative Reports

Ms. Rachael Fouch said complaints for the psychological examiners open year to date are two, and currently open complaints are four. New complaints open for psychologists are four, total complaints closed are ten and currently open complaints are eighteen. Seventeen individuals are being monitored.

Financial Report

Ms. Noranda French, Division of Licensure and Regulation, reviewed the Mid-Year Fiscal 2018 Report. She stated that the mid-year expenditure comparison shows that expenditures appear to be right on track. She presented the year end closing projections. Salaries and Wages is projected to close with around \$34,165. Employee Benefits is projected to close around \$12,675. Travel is projected to close around \$9,101. Professional Service and Dues is projected to close around \$10,238. Grant and subsidies is projected to close around \$32,456. Training of state employees is projected to close around \$1,040. State professional services is projected to

close around \$4,221. Allocated expenditures for Administration is projected to be around \$13,576. Investigations is projected to be around \$31,988. Legal is projected to be around \$24,448. The Cash Office is projected to be around \$1,421. That gives the board a projected expenditure amount of \$175,331. It is projected that the board will generate revenues of \$245,000. The board has a projected year net of \$70,388. This board's portion of LARS is projected to be \$8,248. The board has a projected cumulative carryover of \$1,130,635. This year will see the full effects of the fee decrease.

Administrative Report

Ms. Williams stated that the psychologists had 1,409 active licensees. The psychological examiners and senior psychological examiners had 386 active licensees. The certified psychological assistants had 53 active licensees.

Ms. Williams said there are currently 11 Psychologist applications in process, no applications in process for senior psychological examiners or certified psychological assistants.

Newly licensed for psychologists is 13 and certified psychological assistants had 4.

Psychologists had 163 renew, psychological examiners had 32 renew and certified psychological assistants had 4 renew.

Psychologists had 114 renew online which is 70%, psychological examiners and senior psychological examiners had 16 renew online which is 50% and certified psychological assistants had 2 renew online which is 50%.

The board had 14 psychologists retire, 4 psychological examiners and senior psychological examiners retire and no certified psychological assistants retired.

The board had 12 psychologist's licenses expire, 5 psychological examiner and sr. psychological examiners licenses expire and 2 certified psychological assistant licenses expired.

Ms. Williams asked the Board members to sign the conflict of interest statement in their folder as well as their travel and per diem claims.

Ms. Williams stated the next scheduled Board Meeting is June 14, 2018 and the following dates have been scheduled for 2018:

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September 13, 2018
December 6, 2018

Discuss and Ratify/Deny Newly Licensed and Reinstated

Newly Licensed

Dr. Joslin made a motion, seconded by Mr. Anderson to ratify the following newly licensed Psychologists:

**Bolden Jennifer
Bonsu Jacqueline A.
Douglas Amber
Elizabeth
Gonzalez Kirsten
Ashley
Hughes Hilary Layne
Kujawa Autumn Joy**

**Kulenovic Dina
Miller Nichole
Neul Shari
Niel Kristin Annette
Price Stacie
Shelton Sarah Faith
Swaim Jennifer Dr**

The motion carried.

Dr. Joslin made a motion, seconded by Mr. Anderson to ratify the following newly licensed Certified Psychological Assistants:

**Fox Victoria Elizabeth
Hardin Robin Nicole**

**Hughes Shelby Brooke
Plummer Lindsey Taylor**

The motion carried.

Dr. Joslin made a motion, seconded by Mr. Anderson, to ratify the following reinstated Psychologists:

**Goff John R.
Heil Kristen Marie**

**Lucente Stephen William
Todd Janet L.**

The motion carried.

Newly Licensed Applied Behavior Analysts

Dr. Joslin made a motion, seconded by Mr. Tonos to ratify the following newly licensed Department of Intellectual and Developmental Disabilities (DIDD) provisional behavior analysts:

Randolph Yvonne

Workman Matthew Lindsey

The motion carried.

Dr. Joslin made a motion, seconded by Mr. Tonos to ratify the following newly licensed Board Certified Behavior Analysts:

Adler Ellen Kay
Bennett Brittany Paige
Birch Derek John
Briegel Katharine Nicole
Brooks Anna Victoria
Butler Jr. Maurice
Caradine Mallorie Hutton
Carruthers-Thorne Julia Anne
Coker Carissa Danielle
Cole Melissa Gwen
Cornelius Anna
Counts Victoria
Crawford Allison
Davis Jenni Talia
Deangelis Michael Dominick
Delapp Christina M.
Demarco Julie Ann
Dignan Kathleen Estelle
Edwards Candi Carmel
Evans Stacia Latorria
Fanning Amber
Ferguson Courtney
Gedge Hilary Shank
Hamner Ashton Harris
Hardwick Jennifer Lynn
Harris Alyssa
Harris Curtis Joe
Hascall Michelle
Heidler Laura Marie
Henson Brooklyn Ellise
Hopkins Erica Latrice
Jamerson Jeannette Antonia
Johnson Wende
Jones Darrin
Jones Sarena
Kretzer Stephanie Michelle
Lapaglia Michael Keith
Lauletta Rachel M.
Law Matthew Alan

Long Yan
Maier Kelly Ann
Mcduffie Odofemi
Milam Allison
Miller Kristin Sue
Miller Neal Douglas
Muchukot Loretta
O'Quinn Casey Lynn
Patel Natasha Milan
Phillips Rebecca
Ramsey Charlye Michelle
Rand Alexis Christian
Rasbach Stephanie Ann
Rawlins Layaranda Gabrielle
Roberson Falon Amelia
Robinson Sharon
Rodriguez Aracelia Flor
Rost Tamera Regina
Ruddy Meghan Nicole
Schewe Ivey Arline
Shelley Jessica Marie
Smith Clinton
Smith Mallory Elaine
Stallons Brandi
Szarka Erin Lobb
Talbert Kylie Mcalister
Talley Olivia Akridge
Taylor Charles L.
Tucker Catherine Scott
Van Horn Brooke Nicole
Vandelaar Ellen Marie
Vega Gabrielle Marie
Vogel Ashley Elizabeth
Von Ahnen Stephanie Susanna
Warden Mary
Wigginton Lori N.
Wood Jessica Renee
Zhang Qinyong
Zucker Leigh Alison

The motion carried.

Dr. Joslin made a motion, seconded by Mr. Tonos to ratify the following newly licensed Assistant Behavior Analysts:

Bostic Lori Dunn

Holley Pia

The motion carried.

Applicant File Review

Lacey Hall, certified psychological assistant applicant, appeared before the board telephonically to present her case concerning the required course in ethics and to request approval of the course with ethics that she completed. Dr. Jain recused herself during this file review on grounds of conflict of interest. Lisa Jacola, supervisor, was present in the room with Lacey Hall. Lacey Hall stated the facts concerning the ethics course she took and other post-graduate activities that she wanted to be considered for approval of the graduate ethics course. Dr. Moore addressed her presentation and the lack of the word ethics in the name of the course and the lack of ethics as being the main subject of the course. Ms. Mazza pointed out that the requirements in the code for the course of ethics is supposed to be based on the code of ethics of the APA of three hours and this course seems to fall short of meeting the requirements. Dr. Moore stated that in the rules the board is looking for course work that essentially covers the APA ethical code. The board was looking for something much more specific to ethics. Dr. Jacola pointed out the qualifications of the programs at St. Jude's that are not part of Ms. Hall's graduate program that she has participated in and wanted to be considered for her graduate course. Dr. Moore suggested to Dr. Jacola that she might want to consider that the ethics coursework be required before individuals were accepted to participate in the programs that she was mentioning. He suggested another alternative would be for St. Jude to partner with some local universities for participants to take the required coursework. Dr. Alden stated that the addressing of ethical content as applied to particular topic matter is what is being concerned here and it is not as broad as an ethical course where the course is covering the entire APA ethics code and is what the current rules and regulations are written to address as a more broad approach. Ms. Hall requested the board to approve an ethics course for her to take. Dr. Moore stated that the board does not approve specific curricula. He stated for the record that the course and programs were not accepted for her ethics course requirement. The board offered Ms. Hall the option to withdraw her application or to leave the application open and to comply with the submission of an ethics course that meets the requirements within one year. Dr. Alden made a motion for Ms. Hall to be offered the opportunity for one year to withdraw her application or to take an ethics course that fulfills requirements for submission with her current application that must be submitted within the year, seconded by Mr. Anderson. The motion carried.

Discuss Certified Psychological Assistant Courses

Ms. Williams briefly stated the reason for this discussion which concerns the course of ethics which was basically covered in the previous review and the psychopathology course that does not meet all the requirements. There are two applicants currently submitting the same course for their psychopathology course. This course at least once in the past was approved by a previous board. This course is being reviewed to determine if it does or does not meet the requirements.

Dr. Moore stated that the course taken did not meet the requirements of the psychopathology course, but is a course that you would take in addition to psychopathology. A psychopathology course is usually going to have the word psychopathology or abnormal psychology in the title or in the description of the course. The course presented touched on psychopathology but it did not count specifically for the psychopathology course requirement. It was determined that this course did not meet the DSM-5 (The Diagnostic and Statistical Manual of Mental Disorders) and was the reason it was not being approved. Ms. Wilkins pointed out that this course was coming from a school psychology program and not a clinical psychology program and the two programs are not geared the same. She stated that the rules are very clear for psychopathology just like in the ethics course. Ms. Morgan pointed out this discussion of qualifications for licensure as a certified psychological assistant is based on Rule 1180-04-.02 and this particular area is found specifically in (4)(a). Dr. Moore called for a motion for the board to offer these two applicants awaiting a decision concerning this course the opportunity to either withdraw their applications, have the application automatically close due to inaction or to fulfill the requirement more properly within a year to be consistent with the previous applicant just reviewed. A motion was made by Dr. Alden, seconded by Dr. Jain. The motion carried.

Tennessee Colleague Assistance Foundation

Dr. Brian Wind, Executive Director of Tennessee Colleague Assistance Foundation, presented an update on TCAF activities and progress. TCAF has continued to remain highly functional and busy since the last update to the board. They have received a steady number of referrals from various different sources and inquiries which are pretty frequent and common. Currently there are eight contracts active and one contract pending. The majority of the referrals and inquiries TCAF has been getting recently have been self-referrals. There are three types of referral sources that they accept which are self-referrals, board referrals and other referrals. They continue to run fairly smoothly and have been around for about ten years. They have been piloting a monitoring software package with two of their clients for the past three and half months and it has been working so well that the goal would be to have all eight clients under contract with them using the software package by the end of quarter two 2018. That would translate to a different kind of markedly improved reporting process from them to the board. Dr. Wind is personally working on compiling a comprehensive history which will be provided to the board when complete.

Dr. Murphy Thomas, TCAF Board Chair, presented some challenges faced by TCAF concerning confidentiality. They have a very strict confidentiality policy. If there is abuse, they are required to make reports to proper authorities. The board of examiners is not identified as being one of those proper authorities. The only exception is if the abused child involved is a patient of the psychologist. The information they have is pretty much controlled by the Tennessee statutes. Based on the statute dealing with all of the peer organizations that deal with impaired professions such as The Tennessee Medical Foundation, if they have information the board must have; they will supply that information. But if the information they have is of a private and confidential nature that the board can obtain through its investigative function, TCAF will not provide the information.

Discuss APA Code of Ethics, Continuing Education Rules and Telepsychology Rules

Ms. Morgan stated that currently licensees are being held accountable to the 2003 Ethical Code. The board is looking at both the 2010 and the 2016 amendments to the Ethical Code. The board can decide whether to adopt either one of the amendments or both. The amendments were considered individually. Dr. Moore read the 2010 amendments of the Introduction and Applicability, 1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority and 1.03 Conflicts Between Ethics and Organizational Demands. He addressed the 2010 amendments as dealing with the basic principles of human rights. Ms. Morgan saw no conflicts between the 2003 ethical code and the 2010 amendments and the statutes. Statute 63-11-215 is the practice act violations that are being referenced in connection to the amendments. Dr. Moore called for a motion of incorporating as read the 2010 amendment to the APA Ethical Code with the understanding that the law trumps the ethical code. Mr. Tonos made a motion, seconded by Mr. Anderson. The motion carried. Dr. Moore read and called for the motion for the incorporation of the 2016 amendments of the APA Ethical Code and that the Ethical Code would be referred to from this point forward as the 2016 Code of Ethics. The motion was made by Mr. Anderson, seconded by Dr. Jain. The motion carried.

Ms. Morgan requested the board review the Continuing Education recommended language changes to the CE rule. The language was changed in 1180-01-.08(2)(d)1(iii) to read one quarter length three (3) credit hour course equals fourteen (14) CE hours. The language changed from twenty-two (22) to fourteen (14). 1180-01-.08(2)(d)3 to read Passing a graduate course in an APA-approved graduate psychology program. (To be assigned five [5] CE units per semester hour with a maximum of fifteen [15] hours). Dr. Auble reviewed some of the changes made to the rules concerning a maximum of nine hours of APA required and the sponsor approved CE's. It was decided to remove 1180-01-.08(2)(b)1 which references the maximum of nine (9) hours of continuing education obtained from these sources. Ms. Morgan reviewed the voluntary provision of healthcare services section change and the language of that section 1180-01-.08(2)(e). Ms. Wilkins stated that the board would probably need to come up with a policy statement concerning what can be counted for volunteer work at some point down the road. The language was reviewed for 1180-01-.08(1)(d)3 and it was decided to change the words to Professional Ethics since it no longer says APA Code of Ethics. The new language would read Professional Ethics in Psychology. This change eliminates any confusion in the type of ethics that is required. The board made the decision to make an addition to 1180-01-.08(1)(a). If a newly licensed person is audited and their initial license is less than a twenty-four (24) month / two (2) year period renewal period, then they would need to complete 30 hours of CE's instead of the full 40 CE hours. Ms. Morgan will put that into a rule. Ms. Wilkins pointed out that they would be able to count the 3 hours of ethics toward their required CE hours for taking the Ethics and Jurisprudence Exam. Clarification was made to 1180-01-.08(2)(c)3 by changing the wording to include per year for the five hours of CE credit. Three (3) hours will count as ethics hours. It was suggested to change the language to read Three (3) total APA or sponsor approved CE hours shall pertain to a combination of all of the following areas. Dr. Moore called for a motion to pass the changes and amendments that have been proposed. Dr. Joslin made a motion, seconded by Mr. Anderson. The motion carried.

Ms. Morgan suggested that the board review the pages on telepsychology in the packet provided which includes the telehealth statute, the draft of the telepsychology rules, the telepsychology rules from Ohio which were used by the board that was sitting at that time to enable the current board to see what that board used as a guide to create the telepsychology draft and also included is the board of medical examiners telehealth rules. Ms. Morgan stated there are a set of questions that need to be answered before the board can move forward with these rules. It was suggested that Ms. Morgan provide the board with the questions. Dr. Moore called for a motion to table this discussion until the board can review the questions Ms. Morgan will provide and the packets that they will take home. Dr. Alden made a motion, seconded by Mr. Anderson. The motion carried.

Adjourn

With no other Board business to discuss Mr. Anderson made a motion, seconded by Dr. Joslin, to adjourn at 1:17 p.m. The motion carried.

Ratified by the Board of Examiners in Psychology on this the 14th day of June, 2018.