

Draft Minutes
Virginia Board of Psychology
Quarterly Board Meeting
May 7, 2013

- TIME AND PLACE:** Dr. Stutts called the meeting to order at 10:11 a.m., on May 7, 2012, in Board Room 2, Suite 201, at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.
- BOARD MEMBERS PRESENT:** Michael L. Stutts, Ph.D., Chair
Jeffrey Clark, Ph.D.
Giordana de Altin Popiolek, Psy.D.
William Hathaway, Ph.D.
Krishna Leyva
Edward Peck, Ph.D.
Thomas Ryan, Ph.D.
Virginia Van de Water, Ed.D.
- BOARD MEMBER ABSENT:** Ali Ahmad
- STAFF PRESENT:** Howard Casway, Sr. Asst. Attorney General
Catherine Chappell, Executive Director
Deborah Harris, Administrative Assistant
Patricia Larimer, Deputy Executive Director - Discipline
Elaine Yeatts, DHP Senior Policy Analyst
- WELCOME AND ORDERING OF THE AGENDA** Dr. Stutts welcomed the Board members and recognized new Board member, Giordana de Altin Popiolek, Psy.D., who was attending her first board meeting.
- Dr. Stutts asked if there were any changes to be made to the agenda. Dr. Hathaway requested that discussion of psychological evaluations be added to the agenda under New Business. Ms. Chappell stated that Dr. Reynolds-Cane was unable to attend the meeting and asked that her report be deleted from the agenda. The agenda was accepted as amended.
- PUBLIC COMMENT:** Jennifer Morgan, Psy. D., Regulatory Affairs Chair, VACP, reported that the *Conversation Hour with the Board of Psychology* at the Spring Virginia Psychological Association (“VPA”) meeting was well received by the membership and that the presentation was always appreciated. She reported that the next *Conversation Hour with the Board of Psychology* would take place during the April 24-25, 2014, VPA meeting in Norfolk. In response to questions posed to the board members on the panel at the recent meeting, Dr. Morgan requested that the Board consider allowing excess continuing education hours acquired during one renewal cycle to be carried over to the next renewal cycle.

**APPROVAL OF
MINUTES**

Dr. Van de Water moved that the Board approve the minutes of the August 7, 2012 meeting, as amended by Dr. Clark. The motion was seconded by Dr. Hathaway and was carried.

**EXECUTIVE
DIRECTOR'S
REPORT:**

Ms. Chappell welcomed the Board members and stated that the Board had not met since August 7, 2012, because of no essential Board business. She recognized Dr. Stutts, whose term will expire on June 30, 2013, and thanked him for his eight years of service to the Board.

Staff Updates

Ms. Chappell recognized Ms. Harris who continued as the board's office contact with licensees, applicants and the public. Ms. Chappell reported that Ms. Larimer had recently returned from extended approved leave. In her absence, the mission critical program of discipline case management had moved forward under the leadership of Jennifer Lang, Administrative Assistant for the Board of Counseling. Ms. Chappell commented that she was encouraged with the progress that Ms. Lang had made in resolving many of the cases in the board's backlog.

Licensing Statistics

Ms. Chappell reported that there were currently 4,124 licensed psychologists regulated by the Board, including 2900 clinical psychologists. There were 412 active Certified Sex Offender Treatment Providers under the Board's regulation. Ms. Chappell reported that there had been a 41% increase in applications for licensure to practice as clinical psychologists from the same time last year. She attributed this increase to the Board's recent regulatory action to allow the use of pre-doctoral practicum hours to offset residency hours.

Discipline Statistics

Ms. Chappell reported that there were currently 28 open discipline cases for the board, with three (3) of the cases under investigation; six (6) cases are at the Administrative Proceedings Division level for notice preparation; 17 cases are in the process of probable cause review, and two (2) cases under board compliance. Since January 2013, the Board had received 23 new cases and closed 15 cases. The Board also closed six (6) older cases, which included resolving a matter with a pre-hearing consent order, which placed the licensee under probation.

Continuing Education Audit

Ms. Chappell reported that Ms. Larimer was completing

continuing education audits for 2011 and 2012, and that some informal conferences may result from her recent evaluation. In performing the audit, staff realized that Guidance Document 125-5.1, which outlined possible disciplinary or alternative actions for non-compliance with CE requirements, did not address CE requirements for Certified Sex Offender Treatment Providers. Their required CE hours were less than the hours required for psychologists. Ms. Chappell stated this matter would be addressed at a future Board meeting.

She commented that the Board may want to contemplate using an agency subordinate to resolve CE matters that require an informal conference.

Financial Update

Ms. Chappell distributed a report of the board's financial information as of March 31, 2013. The revenue and expenditures information documented that sufficient cash flow existed as of that date, which was attributed to renewal income. With annual licensure renewal, the Board was able to sustain itself.

She commented that Ms. Yeatts would provide further information on renewal fees under New Business.

Outreach Opportunities

Ms. Chappell announced that she had participated with Dr. Van de Water, Dr. Peck, and Dr. Hathaway in the annual *Conversation Hour with the Board of Psychology* at the VPA's Spring meeting. She reported that the panel received many questions relating to distance therapy and several questions related to the ability to carry over surplus continuing education hours from one renewal period to another.

Trends

Ms. Chappell reported that there had been a noted increase in licensure applications due to the recent regulatory changes. However, she noted that the use of pre-doctoral practicum hours to offset post-graduate hours may be problematic for licensees who move from state to state who do not have post-doctoral experience. Each jurisdiction had its own licensing standards, which may require additional post-graduate hours for those licensees.

She remarked that licensure portability was a national issue, particularly with military families that move from state to state; retirees settling in Virginia and deciding to return to the work

force; and new licensees moving to other jurisdictions early in their careers.

Ms. Chappell note that staff continued to receive inquires from potential applicants who desire to obtain their doctoral psychology degree through on-line programs. The Board's contracted credentials reviewers ensure that applicants meet the education requirements of the regulations.

Ms. Chappell reported that staff continued to receive inquiries regarding provision of psychological services online. She noted that the Board participated in an ad hoc committee several years ago with members of the Boards of Counseling and Social Work on this matter. The Board of Psychology had decided to address these concerns on a case-by-case basis. However, the Board of Counseling had developed a guidance document which might be a model to the Board should they wish to issue guidance in the future. In the meantime, staff advised licensees who contemplated distance therapy to contact the jurisdiction in which the client was located to determine any licensure requirements. Distance therapy provided by a Virginia licensee to a client located in Virginia must meet the standards of practice of the regulations.

Copies of an article on social media concerns as well as an article regarding regulatory authority were distributed for the board members' reference.

**LEGISLATIVE
UPDATE:**

Ms. Yeatts provided a summary of legislative action that passed during the 2013 General Assembly session. She commented that most of the new legislation would not affect the practice of psychology. However, she did highlight House Bill 1791, which prohibited a practitioner of the healing arts whose license, certificate, registration, or permit had been suspended or revoked by a health regulatory board from engaging in practice pending appeal of the Board's order. This bill was proposed at the request of the Department of Health Professions.

**ASPPB MEETING
REPORT**

Dr. Hathaway announced that he had attended the Fall 2012 meeting of the Association of State and Provincial Psychology Boards ("ASPPB"). Ms. Chappell noted that due to funding limitations with respect to travel, Dr. Hathaway had attended the meeting at his own expense. Dr. Hathaway reported that he attended a presentation on the ASPPB Psychology Licensure Universal System ("PLUS"), which is an online system designed to allow individuals to apply for licensure, certification, or registration in any jurisdiction currently participating in the PLUS

program. Dr. Hathaway noted that a PLUS representative would be available to meet with any psychology boards interested in learning more about PLUS. Dr. Hathaway also reported that there were discussions at the ASPPB meeting regarding the topic of competency testing.

**COMMITTEE
REPORTS:**

Board of Health Professions –Dr. Van de Water

Dr. Van de Water reported that the Board of Health Professions had not met since she was appointed to represent the Board of Psychology. She planned to attend her first Board of Health Professions meeting on May 14, 2013.

NEW BUSINESS:

Regulatory Reform Initiative

Ms. Yeatts presented proposed regulatory changes to be considered in conjunction with the Governor's Regulatory Reform Project. Ms. Yeatts indicated that the Board approved regulatory reform amendments would be fast-tracked. The following regulations were reviewed:

18VAC125-20 (Regulations Governing the Practice of Psychology): Ms. Yeatts stated that although Chapter 20 was not due for a periodic review, staff and credential reviewers had made some recommendations for changes that were consistent with the Regulatory Reform Project. Dr. Peck moved that the Board adopt the proposed regulations as presented by Ms. Yeatts. Dr. Clark seconded the motion, which passed unanimously.

18VAC125-15 (Regulations Governing Delegation to an Agency Subordinate): Ms. Yeatts presented proposed changes to Chapter 15 for consideration. Dr. Hathaway made a motion to adopt the proposed regulations as presented by Ms. Yeatts. Dr. Van de Water seconded the motion, and the motion carried.

Amendment to Regulations for Fee Reduction

The Board discussed Dr. Reynolds-Cane's February 27, 2013 Memorandum, in which recommendation was made that the Board consider a one-time renewal fee decrease as a result of a projected surplus of revenue. The Board would discuss the matter further at the next meeting.

Revision of Bylaws

Dr. Van de Water made a motion to adopt the Board's Bylaws as a Guidance Document. The motion was seconded by Ms. Leyva and was carried. The Bylaws would become Guidance Document 125-6.

Continuing Education Hours

Upon a motion made by Dr. Peck, which was seconded by Ms. Leyva, the Board voted to propose an amendment to § 54.1-3606.1 of the *Code of Virginia*, to add language allowing a licensee to carry up to seven hours of continuing education in excess of the required fourteen hours over to the next annual renewal cycle. Ms. Yeatts would include this proposed amendment in the summary of legislation proposals due on July 12, 2013.

Leadership Transition

Ms. Chappell reminded the Board that Dr. Stutts' term expired on June 30, 2013, and she asked the Board members to consider leadership transition. Dr. Van de Water currently served as the vice-chair and would serve as interim-chair until elections were held. She encouraged Board members to serve as officers or on a standing committee in the coming year.

Committee Assignments

Dr. Ryan, Dr. Hathaway, Dr. de Altin Popiolek and Ms. Leyva expressed interest in serving on the Discipline Committee. Ms. Leyva expressed interest in serving on the Regulatory Committee. Dr. Hathaway and Dr. Peck expressed interest in serving on the Credentials Committee.

18VAC125-30 (Regulations Governing the Certification of Sex Offender Treatment Providers)

Ms. Yeatts announced that the Regulations Governing the Certification of Sex Offender Treatment Providers (CSOTP) were scheduled for a periodic review. She commented that no current board member held the CSOTP credentials and suggested that an Ad Hoc Committee be formed to contemplate revision. Dr. Stutts appointed Dr. Peck as Chair of an Ad Hoc Committee which would be comprised of Board members and certified sex offender treatment providers. Ms. Chappell commented that she had identified a Board of Counseling board member, who held the CSOTP credential, and who had agreed to participate.

Psychological Evaluations

Dr. Hathaway asked the Board to consider whether the term 'psychological evaluation' was a protected term, which limited the performance of psychological evaluations to psychologists. The Board tabled the issue until the next Board meeting.

Ethics Definition

Dr. Van de Water requested that the Board contemplate

defining the term 'ethics' as used in Regulation 18VAC125-20-121(A) of the Regulations Governing the Practice of Psychology with respect to continuing education requirements. The issue was tabled until the next Board meeting.

OLD BUSINESS: No old business was presented.

CLOSED MEETING: Dr. Van de Water moved that the Board of Psychology convene in closed session pursuant to § 2.2-3711(A)(4) in accordance with § 2.2-3704(A) and § 54.1-108 of the *Code of Virginia* in order to discuss applications for licensure. She further moved that Mr. Casway, Ms. Chappell, Ms. Harris and Ms. Larimer attend the closed meeting because their presence in the meeting was deemed necessary and they would aid the Board in its consideration of the matter. The motion was seconded by Dr. Peck and carried.

RECONVENE: Dr. Van de Water certified that, pursuant to § 2.2-3712 of the *Code of the Virginia*, the Board heard, discussed or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion.

DECISION: The Board considered four (4) applications with respect to examination accommodations, internship deficiency, and criminal convictions. The Board approved two (2) applications and deferred two (2) applications because additional information was needed.

ADJOURN: There being no further matters to come before the Board, the meeting adjourned at 2:00 p.m.

Michael Stutts, Ph.D., Chair

Catherine Chappell, Executive Director