

**THE VIRGINIA BOARD OF PSYCHOLOGY
MINUTES
Tuesday, February 11, 2014**

The Virginia Board of Psychology ("Board") meeting convened at 10:10 a.m. on Tuesday, February 11, 2014 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Virginia Van de Water, Ed.D., Chair called the meeting to order.

BOARD MEMBERS PRESENT: William Hathaway, Ph.D.
Russell Leonard, Ph.D.
Barbara Peery, Ph.D.
Edward Peck, Ph.D.
Giordana de Altin Popiolek, Psy.D.
Thomas Ryan, Ph.D.
Herbert Stewart, Ph.D.
Virginia Van de Water, Ed.D., Chair

BOARD MEMBERS ABSENT: Ali Ahmad

DHP STAFF PRESENT: Elizabeth Carter, Director – Workforce Healthcare Data Center
Catherine Chappell, Executive Director
Justin Crow, Deputy Director – Workforce Healthcare Data Center
Deborah Harris, Licensing Manager
Patricia Larimer, Discipline Deputy
Elaine Yeatts, Senior Policy Analyst

**ESTABLISHMENT OF
A QUORUM:**

With eight members of the Board present, a quorum was established.

ORDERING OF AGENDA

Ms. Chappell asked that a possible modification of a consent order be discussed in closed session at the end of the meeting. She also commented that Dr. Reynolds-Cane and board counsel were not able to attend the meeting and she planned to report for them under the Executive Director's Report. The agenda was accepted as amended.

PUBLIC COMMENT

Jennifer Morgan, Psy.D., VPA/VACP thanked the Board for its efforts. She reminded board members of the Spring Conversation Hour in Norfolk on Friday, April 25, 2014.

APPROVAL OF MINUTES

Dr. Van de Water asked the board members to review the minutes from the November 5, 2013. The Board voted to accept the minutes of November 5, 2013 Board meeting, as written. The motion passed unanimously.

HEALTH WORKFORCE DATA CENTER SURVEY RESULTS

Dr. Elizabeth Carter and Mr. Crow presented the Healthcare Workforce Data Center report which was developed from responses to the 2013 online renewal survey. The report provided baseline information on the working population of Licensed Clinical Psychologists. Dr. Carter requested comments regarding the report be sent to her in the next couple of weeks so that the report could be finalized and posted on the Board's website.

REGULATORY/LEGISLATIVE UPDATE

Ms. Yeatts provided a handout regarding bills presented to the General Assembly for 2014 relating to the Department of Health Professions. She highlighted HB 926 regarding Applied Behavioral Analysts legislation to create an advisory board under the Board of Medicine and HB 1247 regarding the expedited review of applications of spouses of military service members.

She reported that the regulations to implement a one-time fee reduction, as a result of a projected surplus of revenue for the Board of Psychology, had been fast-tracked and was expected to be in place for the upcoming renewal period.

EXECUTIVE DIRECTOR'S REPORT

Ms. Chappell reported that Dr. Reynolds-Cane was unable to attend the meeting but had asked her to report that February 11, 2014 was "crossover" day in the General Assembly. She reported that Arne Owens, DHP's Deputy Director had not been reappointed and had left the Agency on January 10, 2014. She recognized Mr. Owens for his four-years of contribution and guidance.

Ms. Chappell thanked the Board members for their continued support and attendance at meetings. She stated that attendance was critical to ensure that a quorum be established so that decisions could be rendered. One member was unable to attend the meeting, so with eight members in attendance, a quorum was established. Each Board member held a key role on the Board and while each had one vote, the Board spoke as one with respect to decisions.

Ms. Chappell also distributed a report of the Board's finances for the past quarter in an effort to provide transparency and for Board member information. As of December 31, 2013, the ending cash balance was \$526,999 and sufficient cash flow existed.

Ms. Chappell said that she had recently been in contact with the Board's former counsel, Howard Casway. She reported that he retired from state services effective January 1, 2014. She reported that he intended to attend a Board meeting in the near future. She asked for suggestions from Board members as to how to honor Mr. Casway's past contributions and dedication to the Board.

Ms. Chappell commented that she anticipated that a new board counsel would be assigned to the Board, but in the meantime, she continued to work closely with Allyson Tysinger, Senior Assistant Attorney General. Ms. Tysinger was unable to attend the meeting but asked that she report that one disciplinary case had been appealed to Henrico County Circuit Court, in the matter of Dr. Hope Bagley. The Agency record had been submitted to the court but no briefing schedule had been determined.

She commented that the Board office had noticed an increase in complaints associated with court ordered forensic evaluations. Dr. Peck commented that he had previously circulated a guidance document from the American College of Neuropsychopharmacology (ACNP) as a reference to staff in evaluating complaints in this area.

Ms. Chappell announced that she was scheduled to speak at the Virginia Sex Offender Treatment Provider Association meeting in Williamsburg on March 20, 2014. She commented that many CSOTP certificate holders also held licensure under one or more of the behavioral sciences boards and she planned to provide an update from the boards at their annual meeting.

Lastly, she reminded the board members of the opportunity to participate in the Conversation Hour at the VPA meeting in April. While she would be unable to attend because of scheduling conflicts, she would provide board members with talking points in order to facilitate a productive and informative conversation with attendees.

DISCIPLINE DEPUTY EXECUTIVE DIRECTOR'S REPORT

Ms. Larimer reported that there were 49 open, active cases for the Board of Psychology. Out of those 49 cases, 25 cases were being investigated by the Enforcement Division; four (4) cases were at the informal conference stage; 15 cases were at Board level, with 12 needing probable cause review.

She said that five licensees were being monitored for compliance in accordance with their Board Orders.

She reported that a web based system was being developed to facilitate probable cause review. This change in process would allow each member of a special conference committee to review selected disciplinary cases at a secured online site. The process was expected to be implemented in the next couple of months and should streamline the probable cause review process.

Continuing education audit letters were sent to 23 licensees. She reported that approximately 14 licensees had responded to date. The audit requests were sent to 1% of licensees, as well as, to licensees previously audited who did not fully comply with CE requirements at the last renewal period, in accordance with the Board's guidance document. Ms. Larimer indicated that she would provide an update at the next Board meeting.

BOARD STAFF UPDATE

Ms. Harris reported that the Board had issued 73 licenses since the last meeting, which included 59 clinical psychologists, 1 school psychologist, 11 school psychologists limited, and 2 sex offender treatment providers. She added that 76 new applications had been received since the last meeting.

BOARD OF HEALTH PROFESSIONS REPORT

Dr. Van de Water commented that the Board of Health Professions had not met since the last Board meeting. She anticipated providing an update from the BHP at the next board meeting.

REGULATORY COMMITTEE REPORT

Dr. Stewart reported that the Regulatory Committee had met on January 15, 2014, and would be presenting several documents for board consideration. He thanked Ms. Yeatts for her guidance in the process and offered the following information:

CSOTP Regulations. The Regulatory Committee proposed changes to the CSOTP as part of the regulatory reform initiative. Because the Board did not currently have a board member holding the CSOTP credential, the Committee had consulted with board members from the Boards of Social Work and Counseling who held the credential for assistance with the regulatory review. Ms. Yeatts commented that the changes contemplated appeared to be less restrictive, and she anticipated that, once adopted by the Board, that they would be fast-tracked. The Board considered the amendments to the CSOTP Regulations and voted to accept the proposed changes as submitted.

Guidance Document 125-5.1. As requested at the last board meeting, the Regulatory Committee considered existing Guidance Document 125-5.1 – Non-Compliance with Continuing Education Requirements, in light of the growing rate of noncompliance with CE requirements, which had been discerned from the last audit. The proposed changes removed the potential monetary penalty for noncompliance for the first occurrence of deficient continuing education hours. The guidance document was accepted as amended.

Continuing Education in Ethics. The Board considered revisions to Regulation 18VAC125-20-121 to clarify that minimum coursework was need that emphasize ethics, laws, and regulations governing the profession of psychology, including the standards of conduct set out in 18VAC125-20-150. The Board also considered amending the regulations to allow for two hours of continuing education for membership on a state licensing board in psychology. The recommended changes were accepted.

CPQ Credential for Endorsement. The Board also considered revisions to 18VAC125-20-42, to contemplate the acceptance of the CPQ credentials as a path to licensure by endorsement and accepted the changes to that section of the regulations. Ms. Yeatts indicated that this amendment as well as the continuing education amendments were less restrictive and anticipated that the changes would be fast-tracked. In the meantime, she presented Guidance Document 125-4 which clarified that the Board would accept the CPQ credential towards endorsement applications. The Board accepted the regulatory changes as well as the guidance document to be used in the interim.

Psychological Evaluations. Because of the ongoing board discussion as to which practitioners are able to provide psychological evaluations, Ms. Chappell suggested that the Board work with the Board of Counseling in forming a workgroup to contemplate the matter. She would present this concern at the next Board of Counseling quarterly meeting. Drs. Hathaway, Popiolek, Van de Water, and Peck agreed to serve on the workgroup on behalf of the Board of Psychology.

Distance Therapy. Dr. Stewart commented that the Committee had deferred their discussion on distance therapy and issuance of a possible guidance document to a future meeting. He requested that the Committee meet before the May board meeting, if possible, in order to discuss this significant matter.

NEW BUSINESS

EXECUTIVE SESSION

Dr. Leonard moved that the Board of Psychology convene in closed meeting pursuant to §2.2-3711(A) (27) of the Code of Virginia in order to consider a modified consent order. He further moved that Catherine Chappell, Deborah Harris and Patricia Larimer attend the closed meeting because their presence in the closed meeting was deemed necessary and they would aid the Board in its consideration of the matters. The motion was seconded and carried.

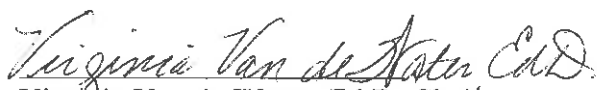
Reconvene:

Dr. Leonard moved that pursuant to §2.2-3712 of the Code of Virginia, that 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. The Committee agreed unanimously.

James Polk, Psy.D.: The Board considered a modification of the existing consent order. Dr. Hathaway moved to offer the amended consent order to Dr. Polk. The motion was seconded by Dr. Stewart and carried unanimously.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:30 p.m.


Virginia Van de Water, Ed.D, Chair


Catherine Chappell, Executive Director