

**VIRGINIA BOARD OF PSYCHOLOGY
QUARTERLY FULL BOARD
February 11, 2020**

TIME AND PLACE: The Quarterly Meeting of the Virginia Board of Psychology (“Board”) convened for a meeting on Monday, February 11, 2020, 10:00 a.m. at the Department of Health Professions (DHP), 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia 23233.

PRESIDING OFFICER: James Werth, Jr. Ph.D., ABPP, Chair

MEMBERS PRESENT; J.D. Ball, Ph.D., ABPP, Vice-Chair
Sally Brodsky, Ph.D.
Christine Payne, BSN, MBA, Citizen Member
Peter Sheras, Ph.D., ABPP
Herbert Stewart, Ph.D.
Rebecca Vauter Ph.D., ABPP
Susan Brown Wallace, Ph.D.

ABSENT MEMBERS: Andrea Bailey, Citizen Member

STAFF PRESENT: Barbara Allison-Bryan, MD, DHP Chief Deputy
David Brown, DC, DHP Director
Deborah Harris, Licensing Manager
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Deputy Executive Director - Licensing
Jim Rutkowski, JD, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst

CALL TO ORDER: Dr. Werth, called the meeting to order at 10:02 a.m. and read the emergency egress instructions.

Dr. Werth congratulated Dr. Wallace on her reappointment and introduced and welcomed both Christine Payne, the newly appointed Citizen Member, and Sally Brodsky, Ph.D., newly appointed Clinical Psychologist, as well as Board members, staff, and members of the public. A quorum was established.

APPROVAL OF MINUTES: Dr. Sheras moved to approve the October 29, 2019 Quarterly Meeting minutes as written. The motion carried unanimously.

ORDERING OF AGENDA: The Board adopted the agenda after agreeing to move the Committee Chair reports after the Chair Report.

PUBLIC COMMENT PERIOD: Jennifer Morgan, Clinical Psychologist and member of Virginia Academy of Clinical Psychologists (VACP) reminded the Board about the VACP Spring conference in April in Charlottesville and invited all Board

members to be on the panel for the Conversation with the Board segment.

AGENCY DIRECTOR REPORT: Dr. Brown welcomed the new Board members gave an update on the 2020 General Assembly.

CHAIR REPORT: Dr. Werth provided additional information on agenda items and discussed the Committees and their roles.

COMMITTEE REPORTS:
Regulatory Committee Report:
Dr. Ball thanked the Committee members and staff for their assistance. Dr. Ball provided an overview of the Ideas and recommendations from the Regulatory Committee on Psychology Interjurisdictional Compact (PSYPACT), Bylaws, and public comment on the periodic review.

Board of Health Professions Report:
Dr. Stewart spoke about Conversion Therapy and asked Mr. Rutkowski to comment on the Psychologists and Torture law handout. Dr. Stewart provided a brief summary of the Board of Health Professions meeting. The latest Board of Health Professions meeting minutes were included in the agenda package.

LEGISLATION AND REGULATORY ACTIONS:
Legislation Actions Report:
Ms. Yeatts discussed the bills in the General Assembly Session that were pertinent to DHP and Board of Psychology, including HB836 on conversion therapy and HB967 on expediting the issuance of credentials to spouses of military service members.

Ms. Yeatts discussed SB760 related to the Psychology Interjurisdictional Compact (PSYPACT). This legislation, if approved, will take effect on January 1, 2021. Ms. Yeatts suggested that the Board look to the Physical Therapy Compact to gain more understanding of the regulatory impact, and steps needed for implementation. If the Governor signs the bill into law, the Board will need to promulgate regulations.

After a lengthy discussion on the proposed regulations for PSYPACT, the Board agreed with the Regulatory Committee on the need for the Board to provide public comment to the Commission on questions and areas of concern. Board staff, with the approval of the Chair, will submit a list of concerns and clarifications to the Commission on behalf of the Board. The Board voted unanimously to accept the Regulatory Committee recommendations.

Regulatory Action Report:
Ms. Yeatts provided information on the chart of current regulatory actions as listed in the agenda packet.

- **18VAC 125-20 Regulations Governing the Practice of Psychology: Results of Periodic Review (action 4897); Proposed-Register date: 11/25/19
Board to Adopt Final regulations 2/11/20**
- **18VAC 125-20 Regulations Governing the Practice of Psychology: Unprofessional Conduct/conversion (action 5218); Proposed – At Secretary’s Office for 42 days**
- **18VAC 125-20 Regulations Governing the Practice of Psychology and 18VAC 125-30 Regulations Governing Certification of Sex Offender Treatment Providers: Handling fee (action 5417); Fast Track—Register Date: 1/20/20
Effective 3/5/20**
- **18VAC 125-20 Regulations Governing the Practice of Psychology: Reduction in renewal fee (action 5416); Final—Register Date: 12/9/19
Effective: 1/8/2020**

Consideration of Public Comment on Proposed Regulations and Adoption of Final Regulations

The Board discussed in detail the public comment from Virginia Academy of Clinical Psychologists (VACP) and from Walden and Capella Universities.

After extensive discussion, the Board provided the following comments regarding VACP’s comments:

1. No change to capitalizing the word “Board” as state guidelines require that “board” is not to be capitalized in administrative guidelines even though it is to be capitalized in legislation.
2. No change to include a definition stating that client and patient are interchangeable words. The Board purposefully used the words “client” and “patient” throughout the regulations because the intent was to sometimes refer to agencies and forensic clients who are not patients. The Board stated that they are aware that the two words are used in various places and commented that many hours were spent on this issue and the use of both client and patient was intentional.
3. No change to wording requiring that there be a specific designation of Continuing Education (CE) to address ethics, standards of practice, laws and regulations governing the profession. The Board stated that the certificates from CE

providers need to be specific and no changes were need to this section of the regulations.

4. No change in the wording regarding not allowing torture after consulting with Board Counsel, Mr. Rutkowski, Assistant Attorney General.
5. The Board concurred that the proposed language may place an undue burden in the process of providing informed consent. Section 18VAC125-20-150(B)(16) will be amended to strike the "and alternatives to" language and will add a sentence on informed consent for alternatives that are not the accepted standard of care as used in the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct.
6. The Board concurred that the proposed language regarding record-keeping could be problematic for psychologists working in an institutional setting, but was necessary for psychologists working in non-institutional settings. The Board agreed to add the wording: "For a psychologist practicing in an institutional setting, the record-keeping shall follow the policies of the institution or public facility."
7. The Board concurred that the language in 18VAC125-20-160(11) regarding history of actions in other jurisdictions should be amended and agreed to add the word "disciplinary" to the wording and to add the following: "or surrendering such a license, certification, or registration in lieu of disciplinary action."

The Board voted on the Regulatory Committee's recommendations to address the public comment issued by VACP and approved with minor amendments. The motion passed unanimously.

There also were public comments from Walden and Capella Universities. The Board discussed the requests for reconsideration of its proposed requirement for educational programs to be APA accredited and determined that requiring accreditation is the best way to maximize quality and competency. The Board has neither the resources nor the expertise to judge equivalency of programs, so it must rely on accreditation bodies to make that determination. The proposed regulation allows acceptance of other accrediting bodies if evidence is presented demonstrating substantial equivalency with APA or CPA. Proposed regulations also have a delayed effective date to allow current students to complete their program.

The Board voted unanimously to accept the Regulatory Committee recommendations and to leave the wording regarding education requirements as written.

The Board considered the acceptance of the Psychological Clinical Science Accreditation System (PCSAS) as an accrediting body approved by the Board. After a detailed discussion, the Board voted on the Regulatory Committee's recommendation to not approve PCSAC as an accredited body approved by the Board at this time. The motion was seconded and carried with seven votes in favor and one opposed.

Adoption of Notice of Intended Periodic Review of the Regulations Governing the Certification of Sex Offender Treatment Providers

The Board discussed the Regulatory Committee's recommendations. The Board agreed to distribute a Notice of Intended Regulatory Action (NOIRA) with the creation of a Regulatory Advisory Panel (RAP) to provide guidance for the period review. The motion passed unanimously.

Bylaws

The Board discussed the recommendations from the Regulatory Committee and agreed with the changes as presented and amended. The motion passed unanimously.

STAFF REPORTS:

Executive Director Report:

Ms. Hoyle discussed the statistical information that was provided in the agenda packet along with updates on the Association of State and Provincial Psychology Boards (ASPPB), Virginia Academy of Clinical Psychologists' (VACP) Spring Conference, and Virginia Sex Offender Treatment Association (VSOTA) Conference.

Discipline Report:

Ms. Lang referenced the discipline report in the agenda packet.

Board Office Report:

Ms. Harris provided information on the number of licenses issued by the Board.

Licensing Report:

Ms. Lenart provided an update on projects and changes for the upcoming year as outlined in the Licensing Report in the agenda packet.

BOARD COUNSEL REPORT: Mr. Rutkowski had nothing to report.

UNFINISHED BUSINESS: The Association of State and Provincial Psychology Boards (ASPPB) delayed the rollout of the EPPP-Part 2 for early adopters until November 1, 2020.

After discussion, the Board agreed to postpone the stakeholders'

meeting related to the EPPP-Part 2 and the developments associated with American Psychological Association (APA) Master's level program accreditations until next year.

NEW BUSINESS:

Consideration of Board column in VACP Newsletter

The Board discussed the possibility of providing a column for the VACP newsletter.

ASPPB Mid-Year Meeting Dates

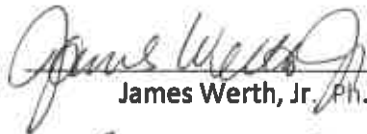
The Board discussed the ASPPB Mid-Year Meeting in Montreal, Quebec April 23-26, 2020.

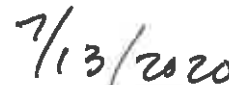
NEXT MEETING:


The next quarterly meeting is scheduled for April 7, 2020.

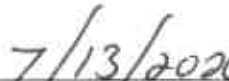
ADJOURNMENT:

The meeting adjourned at 2:55 p.m.


James Werth, Jr. Ph.D., ABPP, Chair


Date


Jaime Hoyle, J.D., Executive Director


Date