

**Virginia Board of Psychology
Minutes
October 11, 2005**

TIME AND PLACE: The meeting was called to order at 9:42 a.m. on October 11, 2005 in conference room 3 of the Department of Health Professions, 6603 W. Broad Street, 5th floor, Richmond, Virginia.

PRESIDING: Nadia Kuley, Ph.D., Chair of the Board presided.

MEMBERS PRESENT: Ann Tolbert Benson, Ed.S.
Jeffrey L. Clark, Ph.D.
Desideria S. Hacker, Ph.D.
Robert S. Falk, Ph.D.
Mary B. Gregerson, Ph.D.
Sonia H. Price, Esq.

MEMBERS NOT PRESENT: Lorene Martin
Michael L. Stutts, Ph.D.

STAFF PRESENT: Evelyn B. Brown, Executive Director
Benjamin Foster, Deputy Executive Director
Joyce D. Williams, Administrative Assistant
Howard Casway, Esq. Senior Assistant Attorney General

OTHERS PRESENT: Roy Parsons, Department of Juvenile Justice
Charles Simonini, Department of Juvenile Justice
Andrea Weisman, Department of Juvenile Justice
Livia Jansen, Department of Juvenile Justice
Hollis Stewart, Department of Juvenile Justice

PUBLIC COMMENT:

The above individuals who are employees of the Department of Juvenile Justice and are also Licensed Clinical Psychologists or Board approved Residents in Psychology with the Board of Psychology shared concerns that the Department of Juvenile Justice may be in violation of HIPPA and federal laws by not protecting the confidentiality of their clients, because the clients' therapy records are now combined with the general records, and may be seen by various

individuals. These individuals regulated by the Board spoke of concerns that they may be in violation of the Board's standards of practice. They asked the Board for assistance and advocacy.

Mr. Casway said that he will consult with the Assistant Attorney General who is Council to the Department of Juvenile Justice about this matter.

APPROVAL OF MINUTES:

A motion was made by Dr. Gregerson and seconded by Dr. Falk that the minutes of May 10, 2005 be approved. The motion passed unanimously.

CHAIR:

Dr. Kuley welcomed new Board member, Sonia Price, Esq.

EXECUTIVE DIRECTOR:

Ms. Brown discussed Executive Order 97 enacted by Governor Warner to establish procedures to allow for temporary licenses for individuals displaced by Hurricane Katrina and Hurricane Rita. The Department of Health Professions will issue temporary licenses to these qualified individuals for a maximum of one year.

Ms. Brown discussed the use of "technical assistance" and presented correspondence from the Virginia Academy of Clinical Psychologists regarding this topic of "technical assistants. After discussion, the Board of Psychology's Ad Hoc Committee on Technical Assistance recommended that Mr. Casway review applicable laws to be posted on the Board's web site and referenced in the Board of Psychology's next newsletter. A motion was made by Dr. Falk and seconded by Dr. Clark to accept this recommendation. The motion passed unanimously.

A consent order for Kenneth Rosner, Ph.D. was presented to the Board for approval.

A motion was made by Ms. Benson and seconded by Dr. Clark that the Board convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Dr. Rosner.

The Board reconvened in open session.

Ms. Benson asked the Board to certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom on Information Act and only such public business matters as

were identified in the motion by which the Closed Meeting was convened. The motion was properly seconded and carried.

A motion was made by Dr. Falk and seconded by Dr. Gregerson that the Board ratify a consent order which requires that Dr. Rosner pay a penalty of \$1000 and make up deficiencies in continuing education resulting from the Board's 2004 CE audit. The motion passed unanimously.

DEPUTY EXECUTIVE DIRECTOR:

Mr. Foster reported on the 2005 continuing education audit. A total of 71 individuals regulated by the Board of Psychology were audited. Of the 71 individuals, 69 have responded and two did not respond.

Ten individuals who received consent orders for CE non-compliance in 2004 were also audited. Nine individuals responded, and one individual did not respond.

SENIOR ASSISTANT ATTORNEY GENERAL:

Mr. Casway presented a power point training on conducting administrative informal fact finding proceedings, emphasizing the role of the Committee and staff.

DEPUTY EXECUTIVE DIRECTOR (CONTINUED):

Mr. Foster presented guidelines for resolution of cases for non-compliance with continuing education requirements.

A motion was made by Dr. Clark and seconded by Dr. Gregerson that the Board accept the following guidelines:

Deficient documentation due to unacceptable hours – Confidential Consent Agreement; 30 day make up
 Deficient 1-7 hours – Confidential Agreement; 30 day make up
 Deficient 8-14 hours – Consent Order; \$300 fine; 30 day make up
 Did not respond to audit request – Informal Conference.

Mr. Foster advised that the jurisprudence exam needs to be revised. The examination will be sent to the Examination Committee to review and make recommendation on content.

Mr. Foster informed the Board that a request for rulemaking has been received to allow CE credit for writing a book. Mr. Foster has also been questioned on whether teleconferences for CE could count towards the face-to-face requirements. These two issues will be discussed at the next Board meeting.

DISCIPLINE:

Dr. Kuley reported that the Board has nine complaints in Enforcement . She further reported that one case is in Administrative Proceedings for that office to prepare a consent order and one case in Compliance for compliance tracking. One case will be scheduled for an informal conference.

CREDENTIALS:

Ms. Benson reported on the credentials reviewed by the Credentials Reviewers since the May 2005 Board meeting. The report is attached as part of the minutes.

BOARD OF HEALTH PROFESSIONS (BHP):

Dr. Gregerson informed the Board that she has assumed the unexpired term vacated by Dr. Kuly on the Board of Health Professions.

Dr. Gregerson reported on BHP's September 8, 2005 Board Meeting. The report is attached as part of the minutes.

OLD BUSINESS:

There was no old business to come before the Board.

NEW BUSINESS:

Board meeting dates for 2006 are as follows:

January 10
April 11
July 11
October 10.

Ms. Brown discussed correspondence from Gillian Karp. Dr. Karp will be informed that the Board is not in a position to give pre-approval of credentials or programs.

Dr. Kuly made committee assignments. A copy of the assignments is attached as part of the minutes.

ADJOURNMENT:

The meeting adjourned at 2:10 p.m.

Nadia Kuley, Ph.D., Chair

Evelyn B. Brown, Executive Director