

**Virginia Board of Psychology
Minutes
October 7, 2008**

TIME AND PLACE: The meeting was called to order at 10:15 a.m., on October 7, 2008, in board room 1 of the Department of Health Professions, 9960 Mayland Drive, Suite, 300 Richmond, Virginia.

PRESIDING: Ann Tolbert Benson, Ed.S., Chair of the Board presided
MEMBERS PRESENT: Jeffrey L. Clark, Ph.D.
Robert Falk, Ph.D.
Desideria S. Hacker, Ph.D.
Krishna Leyva
Sonia Price, Esq.
Herbert L. Stewart, Ph.D.
Michael L. Stutts, Ph.D.

MEMBERS ABSENT: Nadia B. Kuley, Ph.D.

STAFF PRESENT: Evelyn B. Brown, Executive Director
Patricia Larimer, Deputy Executive Director
Howard Casway, Sr. Assistant Attorney General
Emily Wingfield, Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst
Beverly Hutson-Bryan, Administrative Assistant

OTHERS PRESENT: Jennifer M. Morgan, Ph.D., Virginia Psychological Association, Virginia Academy of Clinical Psychologists (VACP)
Neal Kauder and Kim Langston of Visual Research, Inc.

Ms Benson welcomed new board members Krisha Leyva, citizen member, and Herbert L Stewart, PhD, Clinical Psychologist .

PUBLIC COMMENT:

Dr. Jennifer Morgan informed the Board that the Virginia Psychological Association meeting is scheduled for October 17, 2008 in Virginia Beach, Virginia with the conversation hour with the Board scheduled for 3:30 pm.

APPROVAL OF MINUTES:

Dr. Stutts noted that the July 9, 2008 minutes contained a date error for the Regulatory Committee meeting. The correct meeting date was September 3, 2008 rather than September 6th as reflected in the July 8th minutes. A motion was made by Dr. Stutts and seconded by Dr. Falk that the minutes of July 9, 2008, be approved with the noted correction. The motion passed unanimously.

SANCTION REFERENCE POINTS STUDY:

Mr. Kauder and Ms. Langston presented an interim report of the Sanction Reference Point Study prepared for the Boards of Counseling, Psychology, and Social Work. The report provided the results of the analysis of a four year sample of disciplinary cases, examined in order to develop a "sanction reference points" worksheet for use in disciplinary proceedings. Mr. Kauder reported that the Sanction Reference Points Study will help reduce variables in sanctioning licensees, and that the worksheet was a useful tool when considering sanctions. A motion was made by Dr. Stutts and properly seconded to approve the sanction worksheet and to approve the development of a manual for Sanction Reference Points for the Board's review. The motion passed unanimously.

CHIEF DEPUTY DIRECTOR'S REPORT:

Virginia Performs. Ms. Wingfield provided an update on the Agency's key performance measures in accordance with the Virginia Performs initiative. She noted that significant progress has been made in the resolution of patient care cases within 250 days. Additionally, she stated that two licensure key performance measures, to achieve high customer satisfaction and complete application processing within 30 days, continue to show positive results.

Budget. Ms. Wingfield referenced current State budget concerns and noted that, while the Agency is a non-general funds agency, the Agency continues to monitor all expenses closely so as to avoid any unnecessary expenditures so that licensure fees are not increased. Technology cost was referenced as an example of significant expense for DHP.

Health Practitioner Intervention Program (HPIP). Ms. Wingfield explained that HPIP is often offered as an alternative to disciplinary action, when appropriate, wherein licensees may be granted stays of disciplinary action if they agree to enter into contract with HPIP. However, a review of the expenditures for HPIP revealed that DHP incurs significant expenses for the monitoring and assessment of such participants. Alternative arrangements to the current program are under consideration.

EXECUTIVE DIRECTOR:

Ms. Brown reported that the Board of Counseling adopted a guidance document related to "Distance Therapy and Supervision" following the meeting of representatives of the Boards of Counseling, Psychology and Social Work held in May 2008. Mr. Casway discussed his concerns, from a legal prospective, about the distance therapy (technology-assisted) guidelines adopted by the Board of Counseling.

A motion was made by Dr. Clark and seconded by Dr. Hacker to refer the topic of "technology-assisted therapy" to the Regulatory Committee which will research, collect data, and report the results and any recommendations to the full Board. The motion passed unanimously.

DEPUTY EXECUTIVE DIRECTOR:

Ms. Larimer advised that the Board of Psychology needs to schedule a date for a formal hearing; and that at least five board members would need to be present for each.

Tentative date set by the Board:
January 15, 2009; Formal Hearing (10:00 a.m.)

Ms. Larimer will check on the availability of the respondents, attorneys, room availability, etc., and will let board members know as soon as possible.

Ms. Larimer gave the following report on discipline for the Board:

- 2 Informal Conferences held
- 5 Complaints in Enforcement (Not at Board level yet)
- 5 cases at Board level (to be reviewed for probable cause)
- 0 cases in APD for drafting Informal Conference notice
- 1 Formal Hearing to be scheduled
- 0 Consent Orders entered by the Board today.

REGULATORY COMMITTEE: Dr. Stutts, Chair of the Committee and Elaine Yeatts, Sr. Policy Analyst

Dr. Stutts noted that a Regulatory Committee meeting will need to be scheduled prior to the next Board Meeting.

•**Proposed regulations on continuing education:** Ms Yeatts provided draft board responses to public comment for the board's consideration. The Board reviewed comments received during the 60-day comment period which ended on September 19, 2008. Dr. Stutts moved that the Board adopt the draft

responses to the written comments on proposed changes to continuing education requirements and adopt final regulations to implement the proposed CE changes.

●**Adoption of Exempt Regulation Public Participation Guidelines:** Elaine Yeatts

Ms. Yeatts provided an overview of the model Public Participation Guidelines (PPG) enacted by the 2008 General Assembly and noted that the PPGs are used by all agencies. Dr. Clark moved that the Board of Psychology repeal the current PPGs in Chapter 10 and adopt, as an exempt action, the Model Public Participation Guidelines as Chapter 11. The motion was seconded and passed unanimously.

●**Recommendation from the Regulatory Committee for amendments to supervision requirements:**

Dr. Stutts referenced the Committee's document summarizing the background for the Regulatory Committee's in-depth study which began in September 2007 as a result of a *petition for rule making* received in December 2006 from Dr. Jan Hembree on behalf of VACP proposing that applicants for licensure as clinical psychologists be given the option of fulfilling one year's worth of the required two years of supervised experience through pre-internship training. The Committee's recommendation was based on research, review of professional literature, review of discipline history relative to years of practice, review of the experience requirements of other state boards' supervision requirements, and review of the ASPPB Task Force on Guidelines for the Practicum Experience. Dr. Stutts moved that the Board adopt the Committee recommendation to initiate regulatory action, as part of the required periodic review, to allow applicants to count up to one year's worth pre-internship experience towards the two years of supervisory experience, with the one year internship remaining the same, and acquiring required experience post-doctorally would continue as an option. The motion was seconded by Ms. Leyva and passed unanimously. (The Committee's summary is incorporated as an attachment to the minutes).

NEW BUSINESS:

Ms Brown reported that Beverly Hutson-Bryan had accepted a position with the Board of Medicine. Members thanked Ms Hutson-Bryan for her assistance to the Board.

BOARD CALENDAR:

The next Board meeting is scheduled for January 6, 2009.

ADJOURN:

The meeting adjourned at 1:15 p.m.

Ann Tolbert Benson, Ed.S., Chair

Evelyn B. Brown, Executive Director