

**Virginia Board of Psychology**  
**Minutes**  
**January 13, 2004**

**TIME AND PLACE:** The meeting was called to order at 9:47 a.m. on January 13, 2004 in conference room 1 of the Department of Health Professions, 6603 W. Broad Street, 5<sup>th</sup> floor, Richmond, Virginia.

**PRESIDING:** David L. Niemeier, Ph.D., Chair of the Board, presided.

**MEMBERS PRESENT:** Ann Tolbert Benson  
John D. Bruner, Ph.D.  
Krisha M. Chachra  
Jeanne E. Decker, Ph.D.  
William L. Hathaway, Ph.D.  
Clifford V. Hatt, Ed.D.  
Nadia B Kuley, Ph.D.

**MEMBERS ABSENT:** Ed Eddins

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

**ORDERING OF AGENDA:**

Dr. Niemeier opened the floor to any changes in the agenda order. The agenda was accepted as submitted.

**PUBLIC COMMENT:**

There was no public comment.

**APPROVAL OF MINUTES:**

A motion was made by Dr. Hathaway and seconded by Dr. Decker that the minutes of December 10, 2002 and July 28, 2003 be approved as corrected.

**CHAIR:**

Dr. Niemeier reported that the behavioral science boards' chairs met jointly on September 12, 2003 to begin to develop guidelines for consistent Confidential Consent Agreements (CCA's) among the behavioral science boards.

**EXECUTIVE DIRECTOR:**

In 2004 Professional Examination Service (PES), which administers the national examination, will begin costing back expenses associated with ADA accommodations. PES reports some state have allowed accommodations for English as a second language applicants. Misuse of the ADA has not been an issue with Virginia candidates who must provide medical documentation of a disability in order to be approved to have an accommodation. There have only been 2-3 accommodations forwarded to PES by the Virginia Board in the past five years.

**BOARD MEETING DATES:**

Board meeting dates were set as follows:

April 27, 2004  
July 13, 2004  
October 12, 2004  
January 11, 2005

**BOARD OF HEALTH PROFESSIONS:**

Dr. Kuley reported that the Board of Health Professions met on January 12 and discussed a bill that is being submitted by the Department of Health Professions that would afford all health regulatory boards the authority to delegate informal fact findings to agency subordinates in the same manner that is currently used by the Boards of Medicine and Board of Nursing.

**LEGISLATION:**

Mr. Casway explained the statute regarding practitioners treating other practitioners for certain disorders to report, as well as, their immunity from liability. Mr. Casway will draft a detailed document explaining this statute for the Board to present to the public.

**ONE TIME FEE ADJUSTMENT:**

Mr. Foster reported that a notice was sent by certified mail to 28 individuals who have not complied with the one time fee adjustment requirement. A total of nine licensees still have not replied.

**CONFIDENTIAL CONSENT AGREEMENTS:**

Mr. Casway reported that health regulatory boards have a new tool for resolving minor disciplinary matters called a confidential consent agreement (CCA). The CCA is to be used in lieu of disciplinary action and will be confidential. The Boards will establish guidelines for when and how to use a CCA to resolve less consequential cases. A copy of the statute mandating CCA's, as well as the requirements for a CCA and CCA procedures, are attached as part of the minutes.

The Board reviewed the guidelines for CCA's developed by the behavioral science boards. A motion was made by Dr. Kuley and seconded by Dr. Bruner to delete item number 4 regarding "misdemeanors involving moral turpitude" from these guidelines. The motion was unanimously passed. A motion was made by Dr. Hathaway and seconded by Dr. Decker to approve the amended guidelines. The motion was unanimously passed. The document is attached as part of the minutes.

**ONE TIME FEE ADJUSTMENT (CONTINUED):**

After discussion the Board determined that the nine individuals who were still not in compliance with the one time fee adjustment are to be noticed for an informal fact finding conference.

**OLD BUSINESS:**

There was no old business to come before the Board.

**NEW BUSINESS:**

There was no new business to come before the Board.

**ADJOURNMENT:**

The meeting adjourned at 10:55 a.m.

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David L. Niemeier, Ph.D., Chair

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Evelyn B. Brown, Executive Director