

**VIRGINIA BOARD OF PSYCHOLOGY**  
**QUARTERLY BOARD MEETING**  
**Minutes**  
**August 15, 2017**

A meeting of the Virginia Board of Psychology (“Board”) convened on Tuesday, August 15, 2017 at the Department of Health Professions (“DHP”), 9960 Mayland Drive, 2<sup>nd</sup> Floor, Henrico, Virginia 23233 in Board Room 1.

**Board Members Present:**

JD Ball, Ph.D., ABPP  
Peter Sheras, Ph.D., ABPP  
Herbert Stewart, Ph.D., Chair  
Rebecca Vauter, Psy.D., ABPP  
Susan Brown Wallace, Ph.D.  
James Werth, Ph.D., ABPP, Vice-Chair

**Board Members Absent:**

Deja Lee, Citizen Member  
Jen Little, Citizen Member

**Staff Present:**

David Brown, DC, DHP Director  
Christy Evans, Discipline Case Specialist  
Lisa Hahn, DHP Chief Deputy Director  
Jaime Hoyle, JD, Executive Director  
Jennifer Lang, Deputy Executive Director  
James Rutkowski, Assistant Attorney General, Board Counsel  
Elaine Yeatts, DHP Senior Policy Analyst

**Call to Order**

Herbert Stewart, Ph.D., Chair, called the meeting to order at 10:15 a.m. and read the emergency evacuation instructions. Board members and staff introduced themselves. With six (6) members present, a quorum was established.

**Public Comment**

No comment was made.

**Approval of Minutes**

A motion was made by Dr. Sheras to approve the minutes from the May 16, 2017 board meeting. The motion was seconded by Dr. Ball and passed with a unanimous vote.

**Director’s Report**

Dr. David Brown, Director of the Department of Health Professions, reported an update on Secretary Hazel’s workgroup to review curricula in certain programs to discuss the inclusion of areas affecting opioid addiction. In addition to a meeting with the schools, two subcommittees were held to discuss addiction and

pain medication/management. Future discussions will include mental health programs, the role of non-prescribing health professionals in the patient education process for medication, and the creation of an online continuing education platform for licensees. As a result of this discussion, the board discussed the possibility of introducing a bill to the General Assembly that will allow the board to require up to two hours per annual renewal cycle in a specific continuing education area. Upon a motion by Dr. Sheras, and properly seconded by Dr. Wallace, the board voted unanimously to introduce a bill to the General Assembly similar to § 54.1-3314.1(J) of the *Code of Virginia*.

Dr. Brown reported changes to agency policies and procedures, effective July 1, 2017, that exclude Adjudication Specialists from participating in closed session discussions at informal conferences. The change was necessary to avoid their exclusion from participating in the formal hearing of the same matter. In certain cases, Special Conference Committee members, or staff, may request that the Adjudication Specialist attend the closed session of the informal conference. However, a new Adjudication Specialist will be assigned to the formal hearing.

### **Board Counsel's Report**

Mr. Rutkowski presented two expert witness admissibility standards (Traditional Virginia Standard and Virginia Medical Malpractice Standard) for the board's consideration. Upon a motion by Dr. Wallace, and properly seconded by Dr. Sheras, the board voted unanimously to adopt the Traditional Virginia Standard as its expert witness admissibility standard.

Mr. Rutkowski also answered questions from board members regarding PSYPACT. Based on discussion, Dr. Werth made a motion to authorize the Executive Director to discuss this issue with stakeholders on behalf of the Board. The motion was seconded by Dr. Ball and the board passed the motion with a unanimous vote.

### **Executive Director's Report**

Ms. Hoyle stated that discussions with the Association of State and Provincial Psychology Boards (ASPPB) staff regarding the Psychology Licensure Universal System (PLUS) would take place during the Fall. Ms. Hoyle also updated the board on the Qualified Mental Health Professional (QMHP) and Peer Recovery Specialist emergency regulations that the Board of Counseling would be adopting on August 18, 2017. These regulations would require QMHPs and Peer Recovery Specialists to register with the Board of Counseling to receive reimbursement from the Department of Medical Assistance Services (DMAS). Ms. Hoyle indicated that under these regulations, the definition of a QMHP would not include any mental health professional licensed by the Department of Health Professions. Ms. Hoyle also indicated that the Board's budget was included in the meeting materials and the board was in good financial shape.

### **Deputy Executive Director's Report**

#### Discipline

Ms. Lang reported that the discipline process continues to improve, and provided a detailed list of cases received, cases closed, and reasons for closure (listed below). In addition, she reported that the Continuing Education audit for the 2016-2017 renewal cycle will begin soon and that she hopes to have an update at the February 2018 meeting.

**CASE TOTALS (5/12/17 – 8/10/17)**

	<b>COUNSELING</b>	<b>PSYCHOLOGY</b>	<b>SOCIAL WORK</b>	<b>BSU TOTAL</b>
<b>Cases Received</b>	34	15	20	69
<b>Cases Closed</b>	29	15	24	68
<b>Open Cases</b>	34	20	23	77
<b>Open Investigations</b> in Enforcement	30	21	18	69

**OPEN CASES AT BOARD LEVEL (as of 8/10/17)**

	<b>COUNSELING</b>	<b>PSYCHOLOGY</b>	<b>SOCIAL WORK</b>	<b>BSU TOTAL</b>
Probable Cause Review	15	14	11	40
Scheduled for Informal Conferences	13	0	3	16
Scheduled for Formal Hearings	1	0	1	2
Consent Orders offered	2	1	4	7
Cases with APD for processing (IFC, FH, Consent Order)	3	5	4	12
<b>TOTAL OPEN CASES</b>	<b>34</b>	<b>20</b>	<b>23</b>	<b>77</b>

**CASE CLOSURES (5/12/17 – 8/10/17)**

	<b>COUNSELING</b>	<b>PSYCHOLOGY</b>	<b>SOCIAL WORK</b>	<b>BSU TOTAL</b>
Closed – <b>no violation</b>	12	9	23	44
Closed – <b>undetermined</b>	8	2	0	10
Closed – <b>violation</b>	3	3	1	7
Credentials/Reinstatement – <b>Denied</b>	4	1	0	5
Credentials/Reinstatement – <b>Approved</b>	2	0	0	2
<b>TOTAL cases closed</b>	<b>29</b> * 7 closed by staff as non-jurisdictional	<b>15</b> * 4 closed by staff as non-jurisdictional	<b>24</b> * 6 closed by staff as non-jurisdictional	<b>68</b>

**DISCIPLINARY ACTIONS (5/12/17 – 8/10/17)**

	<b>COUNSELING</b>	<b>PSYCHOLOGY</b>	<b>SOCIAL WORK</b>	<b>BSU TOTAL</b>
Consent Orders Entered	0	3	0	3
Informal Conferences Held Agency Subordinate	0	0	0	0
Informal Conferences Held Special Conference Committee	2	1	1	4
Formal Hearings Held	0	0	0	0
Summary Suspension Hearings Held	0	0	1	1

### Licensing

Ms. Lang reported that the board currently regulates 5,335 licensees and certificate holders. She further reported that since the last meeting, 206 licenses and certificates have been issued, which includes:

Licensed Applied Psychologist	1
Licensed Clinical Psychologist	84
Resident in Training	106
Licensed School Psychologist	1
Licensed School Psychologist-Limited	7
Certified Sex Offender Treatment Provider	7

### **Board of Health Professions Report**

Dr. Stewart reported that the Board of Health Professions full business meeting will take place on August 31, 2017.

### **Regulatory Committee Report**

Dr. Werth reported that the Regulatory Committee discussed areas of the Regulations Governing the Practice of Psychology as part of the periodic review. Ms. Yeatts provided an overview of the periodic review process and advised that the next step is for the board to consider the issuance of a Notice of Intended Regulatory Action ("NOIRA"). She reminded board members that the NOIRA must contain the sections of the regulations that the Board anticipates changing but that a full draft of the proposed changes is not needed until a later stage.

Ms. Yeatts and Dr. Werth reviewed and discussed, with the board, the applicable sections of the regulations as noted by the Regulatory Committee. Upon a motion by Dr. Ball, and properly seconded by Dr. Wallace, the board voted unanimously to publish a NOIRA to cover the issues and changes resulting from a periodic review of the Regulatory Committee.

### **Bylaws Review**

The board reviewed and discussed the proposed changes to the Bylaws contained in the board's Guidance Document 125-6. Upon a motion by Dr. Vauter, and properly seconded by Dr. Sheras, the board voted unanimously to adopt the Bylaws, as amended.

### **Guidance Document**

The board reviewed and considered the Regulatory Committee's proposed joint guidance document on assessment titles and signatures. The board voted unanimously to refer the document to the Boards of Counseling and Social Work for their consideration.

### **Election of Officers**

#### Chair

Dr. Sheras made a motion, which was properly seconded by Dr. Ball, to nominate Dr. Stewart for Chair. Dr. Wallace made a motion to nominate Dr. Werth. However, Dr. Werth stated that he would prefer not to be considered for the position of Chair, to allow him to remain as the Chair of the Regulatory Committee,

and Dr. Wallace withdrew the motion. No additional nominations were received. The board voted unanimously to elect Dr. Stewart, for a second term, as Chair of the board.

Vice-Chair

Dr. Ball made a motion, which was properly seconded by Dr. Vauter, to nominate Dr. Werth for Vice-Chair. No additional nominations were received. The board voted unanimously to elect Dr. Werth, for a second term, as Vice-Chair of the board.

**2018 Meeting Dates**

The board approved the following meetings dates for 2018:

Meeting	Date
Regulatory	02/05/2018
Board	02/06/2018
Regulatory	05/07/2018
Board	05/08/2018
Regulatory	08/13/2018
Board	08/14/2018
Regulatory	10/29/2018
Board	10/30/2018

**Adjournment**

With all business concluded, the meeting was adjourned at 3:34 p.m.

The minutes were approved during the October 31, 2017  
Board of Psychology meeting, as written.

Herbert Stewart, Ph.D., Chair

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*Jaime Hoyle*  
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Date

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*Jaime Hoyle*  
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Jaime Hoyle, JD, Executive Director

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Date