

**VIRGINIA BOARD OF PSYCHOLOGY
REGULATORY COMMITTEE
February 10, 2020**

TIME AND PLACE: The Regulatory Committee of the Virginia Board of Psychology ("Board") convened for a meeting on Monday, February 10, 2020, 1:00 p.m. at the Department of Health Professions (DHP), 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia 23233.

PRESIDING OFFICER: J.D. Ball, Ph.D., ABPP, Regulatory Committee Chair

MEMBERS PRESENT: Christine Payne, BSN, MBA
Herbert Stewart, Ph.D.
Susan Brown Wallace, Ph.D.
James Werth, Jr. Ph.D., ABPP

STAFF PRESENT: Deborah Harris, Licensing Manager
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Deputy Executive Director - Licensing
Elaine Ycatts, DHP Senior Policy Analyst

CALL TO ORDER: Dr. Ball called the meeting to order at 1:02 p.m. and read the emergency instructions.

Dr. Ball introduced and welcomed Christine Payne, the newly appointed citizen member. Board members, staff, and members of the public introduced themselves. A quorum was established.

APPROVAL OF MINUTES: Dr. Wallace moved to approve the October 28, 2019 Regulatory Committee Meeting minutes as written. The motion carried unanimously.

ORDERING OF AGENDA: Dr. Ball proceeded with the Agenda with no changes.

PUBLIC COMMENT PERIOD: There was no public comment.

CHAIR REPORT: Dr. Ball discussed his research related to master's level programs. Dr. Ball's research found that 29 states have some type of master's level license or certification. Of the 29 states, six allow master's level licensees to call themselves psychologists and engage in independent practice. Three do so with a modified title (Alaska, Kentucky, Maine) and three do so with added qualifying stipulations (Texas – if greater than 3,000 post-graduate hours, Vermont, if greater than 4,000 supervised hours plus passing the EPPP, and West Virginia if pass state oral examination plus 50 supervised hours plus passing the EPPP).

Dr. Ball provided an overview of his discussions with Virginia Academy Clinical Psychologist (VACP) regarding HB 303.

Werth seconded a motion that then passed with four members in favor and Dr. Stewart abstaining to recommend to the full Board the following:

(a) 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; (b) no change to a variable use of the words "client" and "patient" throughout the regulations because the intent was to sometimes refer to agencies and forensic clients who are not patients; (c) no change to wording requiring that there be a specific designation of CE that is meant to address ethics, standards of practice, laws, and regulations governing the profession; (d) no change to wording on record keeping; (e) a modification to wording asserting the board's authority to take a wide range of actions for prior "disciplinary" actions in Virginia or other states; and (e) a modification to wording on informing patients of alternative services so as to specify that it is the board's intent for psychologists to inform clients of alternative services "in the case of a novel or experimental treatment."

The Committee discussed the public comment from Capella and Walden Universities. After a lengthy discussion, Dr. Stewart moved to recommend to the full Board to keep the proposed regulations related to education as written. The motion was seconded and carried unanimously.

The Board considered the acceptance of the Psychological Clinical Science Accreditation System (PSCAS) as an accredited body approved by the Board. After discussion, Dr. Stewart moved to recommend to the full Board not to consider PCSAS as an accredited body. The motion was seconded and carried unanimously.

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

Ms. Yeatts advised that the regulations related to CSOTPs have not been reviewed for 4 years. Dr. Stewart moved to recommend to the full Board 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 was seconded and carried unanimously.

Bylaws – Jennifer Lang, Deputy Executive Director

The Committee discussed changes to the Bylaws. After a detailed discussion, Dr. Stewart moved to recommend to the full Board to add language to the Bylaws to exclude committee membership or holding an office with the Association of State and Provincial Psychology Boards (ASPPB) as a conflict of interest and abstaining from voting. The motion was seconded and carried unanimously.

Dr. Ball moved to recommend to the full Board to change the required membership of the Regulatory/Legislation Committee from four to three, as well as make the staff recommendations. The motion was seconded and carried unanimously.

NEXT MEETING:
2020.

The next Regulatory Committee meeting is scheduled for April 6,

ADJOURNMENT:

The meeting adjourned at 4:30 p.m.

UNFINISHED BUSINESS:

Consideration of Stakeholders' Meeting on EPPP – Part 2 and APA accreditation of Master's level programs
The Association of State and Provincial Psychology Boards (ASPPB) delayed the roll out of the EPPP-Part 2 for early adopters until November 1, 2020.

After discussion, the Committee agreed to postpone the stakeholders' meeting related to the EPPP-Part 2 and the American Psychological Association (APA) Master's level program accreditations until next year.

NEW BUSINESS:

Regulatory/Legislative Update

Ms. Yeatts discussed the 2020 General Assembly legislation chart that she included in the agenda packet. 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.

PSYPACT Commission Rules

After a lengthy discussion, the Committee discussed areas of concern related to the PSYPACT articles and the need for the Board to provide public comment to the Commission.

Chart of Regulatory Actions --- Elaine Yeatts, DHP Sr. Policy Analyst

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

Ms. Yeatts reviewed seven the public comments regarding the proposed Regulations from the Virginia Association of Clinical Psychologists (VACP). The committee tabled a comment pertaining to a new regulation on psychologist participation in torture, pending direct input from Board Counsel at the full Board meeting. Of the remaining six VACP comments, after extensive discussion, Dr. Wallace proposed and Dr.

J.D. Ball, Ph.D.
J.D. Ball, Ph.D., ABPP, Chair

7/14/2020
Date

Jaime B. Hoyle
Jaime Hoyle, J.D., Executive Director

7/22/2020
Date