

**VIRGINIA BOARD OF PSYCHOLOGY
QUARTERLY FULL BOARD
October 27, 2020**

TIME AND PLACE: Consistent with Amendment 28 to HB29 (the Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the Freedom of Information Act, the Committee convened the meeting virtually to consider such regulatory and business matters as are presented on the agenda necessary for the committee to discharge its lawful purposes, duties, and responsibilities.

PRESIDING OFFICER: James Werth, Jr. Ph.D., ABPP, Chair

MEMBERS PRESENT; J.D. Ball, Ph.D., ABPP, Vice-Chair
Christine Payne, BSN, MBA, Citizen Member
Peter Sheras, Ph.D., ABPP
Herbert Stewart, Ph.D.
Rebecca Vauter Ph.D., ABPP
Susan Brown Wallace, Ph.D.

ABSENT MEMBERS: Sally Brodsky, Ph.D.

STAFF PRESENT: Barbara Allison-Bryan, MD, DHP Chief Deputy
David Brown, DC, DHP Director
Christy Evans, Discipline Case Specialist
Jaime Hoyle, JD, Executive Director
Jennifer Lang, Deputy Executive Director
Charlotte Lenart, Deputy Executive Director -- Licensing
Jared McDonough, Administrative Assistant
Jim Rutkowski, JD, Assistant Attorney General
Rebecca Schultz, DHP Policy Specialist
Sharniece Vaughn, Licensing Specialist
Elaine Yeatts, DHP Senior Policy Analyst/Agency Regulatory Coordinator

CALL TO ORDER: Dr. Werth called the meeting to order at 10:08 a.m.

After completing a roll call of Board members and staff, Ms. Hoyle indicated that with seven Board members present a quorum was established.

APPROVAL OF MINUTES: Dr. Sheras made a motion, which was properly seconded, to approve the July 13, 2020 Quarterly meeting minutes as written. The motion carried unanimously.

ORDERING OF AGENDA: The Board adopted the agenda as written.

PUBLIC COMMENT: Jennifer Morgan, Clinical Psychologist and member of Virginia Academy of Clinical Psychologists (VACP) indicated that she was attending the meeting to hear updates from the Board regarding its interest in attending the spring conversation hour and information related to PSYPACT.

AGENCY DIRECTOR REPORT: Dr. Brown provided an update on the DHP functions during the COVID-19 pandemic and stated that DHP has closed the building to the public and invested in telework options. He stated that DHP continues to abide by the mandate to wear masks in the building and has continued to conduct meetings virtually. He stated that if in-person meetings are necessary, DHP is ensuring adequate social distancing in the meeting rooms.

Dr. Brown discussed DHP's roll when the Virginia Department of Health receives a complaint regarding practitioners not complying with the face mask mandate.

Dr. Brown provided information on the three workgroups studying marijuana/cannabis in Virginia. The Secretary of Health and Human Resources (HHS) is examining the expansion of medical marijuana program. The Virginia Department of Agriculture and Consumer Services (VDACS) is looking into the legalization and recreational use of cannabis for adults. The Joint Legislative Audit and Review Commission (JLARC) has been asked to make recommendations on the legalization of marijuana.

Dr. Allison-Bryan stated she has been working closely with VDH involving the COVID-19 vaccine. She stated that VDH holds a leadership role in Virginia and the nation in planning the launch of the vaccine. Dr. Allison-Bryan wanted everyone to know that while the development of the COVID vaccine is moving quickly, researchers are not cutting any scientific corners. The federal government was able to cut out the business aspect which allows companies to develop a vaccine at a quicker rate. She assured the Board members and the public that the launch would not compromise safety and efficacy for speed.

Ms. Payne stated that she is a member of a state workgroup for the vaccine and indicated that the FDA's published guidelines do a good job of taking the politics away from the advancement of the vaccines. Healthcare providers will be prioritized in the distribution of the vaccine.

Dr. Brown discussed the possibility of continuing to allow virtual meetings and said that the Agency will need to think carefully on this issue. Dr. Brown stated that the policy would be the same for each Board. Dr. Ball indicated that the Board of Psychology would prefer that all meetings, including discipline meetings, would be virtual.

CHAIR REPORT:

Dr. Werth acknowledged and thanked staff and board members for their dedication and hard work.

Dr. Werth also wanted to thank the Regulatory Advisory Panel (RAP) members for their participation and guidance in drafting proposed regulations.

Dr. Werth indicated that there was a Public Hearing earlier today related to conversion therapy during which there was no public comment.

Dr. Werth indicated that the Board presented at the VACP Board Conversation Hour on September 12, 2020 and said it was well received and attended. The

Board agreed that participating in the spring 2021 VACP Board Conversation Hour on either April 15th or April 16th would be beneficial and useful.

The Board discussed the possibility of holding future stakeholder meetings related to the EPPP Part 2 examination and Psychological Clinical Science Accreditation System (PCSAS). Dr. Ball stated that the Regulatory Committee will add these items to the February 2021 agenda.

**LEGISLATION AND
REGULATORY ACTIONS:**

Legislation Actions Report:

Ms. Yeatts stated the 2020 General Assembly passed the PSYPACT legislation; however, the legislation lacked statutory authority to require criminal background checks, which has been proposed for the 2021 General Assembly.

Virginia's participation in the PSYPACT is to begin January 1, 2021; however, the Board will not be able to implement PSYPACT without the approval of the emergency regulations. She continues to be hopeful that the regulations will be approved by the end of the year.

Ms. Yeatts stated that the Board held a Public Hearing earlier today on its proposed regulations related to conversion therapy with no public comment. These regulations are in the final stages and will be ready for the Board to adopt at its next meeting.

Ms. Yeatts indicated that the periodic review of the regulations are currently in the final stage awaiting the Governor's approval.

Ms. Yeatts commended Dr. Werth and Dr. Ball on all of their hard work and stated that their work on the Regulations Governing the Certified Sex Offender Treatment Providers (CSOTP) was invaluable. Ms. Yeatts also stated that there were three other excellent panel members who provided much needed knowledge and expertise.

Ms. Yeatts discussed the RAP's recommended changes to the CSOTP regulations and recommendation to the Board to adopt as a fast track action rather than Notice of Intended Regulatory Action (NOIRA). She stated that if the fast track action was not approved then a NOIRA would be initiated but it would take longer to move through the process.

Dr. Sheras made a motion, which was properly seconded, to adopt the proposed changes to the Regulations Governing the Certification of Sex Offender Treatment Providers as amended and presented in the agenda as a fast track action. The motion carried unanimously.

The Board took a break at 12:00p.m. and reconvened at 12:30 p.m. Ms. Hoyle conducted a roll call and announced that with seven Board members present, the Board has a quorum.

PRESENTATION:

Dr. Shobo presented a PowerPoint Presentation to the Board on the 2020 survey finding for Virginia licensed clinical psychologist workforce.

STAFF REPORTS:

Executive Director Report:

Ms. Hoyle stated her appreciation of the Board members and staff for their continued dedication to the Board.

Ms. Hoyle discussed the financials and indicated that the Board had a reduction in the 2020 renewal fees.

Ms. Hoyle addressed Ms. Morgan's question related to whether Virginia licensees could apply for an E. Passport and take advantage of the temporary application fee waiver. Ms. Hoyle indicated the Human Resources and Services Administration (HRSA) awarded ASPPB federal funding to help provide support in hopes of increasing access to mental health care services via telepsychology, ASPPB announced that the E. Passport application (\$400.00) will be waived starting July 20, 2020 through December 31, 2020 and Virginia licensees can take advantage of such waiver but would not be allowed to practice under PSYPACT until the Virginia Regulations became effective. After she attends the PSYPACT commission meeting, she will send out information to licensees and add information to the website.

Ms. Hoyle indicated that the Board is still waiting on reappointment information and the appointment of one citizen member.

Board members asked if students could use some of the Board's excess funds to assist with exam or licensing fees. Ms. Hoyle stated she would need to look into the matter further before she could answer that question. Ms. Yeatts wanted to remind the Board that Department is tied to a budget and the Agency is not designed to have a surplus. She explained that typically the surplus goes back to the licensees as they are the ones that created the surplus.

Dr. Wallace asked if there a way that the mental health organizations could get together and find a way to address the long term effects of COVID and for those who do not have access to services. Ms. Hoyle stated that she could discuss this question with the counseling and social work chairs to see if there is a need to meet to talk about the efforts being made in regard to access to care.

Ms. Hoyle asked the Board if they were interested having a question developed related to different languages used to provide services. The Board was interested in adding a question related to different languages to the workforce questionnaire.

Discipline Report:

Ms. Lang referenced the discipline report in the agenda packet. She stated the Board had 60 new cases with probable cause.

Licensing Report:

Ms. Lenart discussed the licensing report as listed in the agenda packet. She stated that the Board has received an increasing number of applications, which

are primarily endorsement applications. As of September 8, 2020 the Board issued 648 temporary licenses for clinical psychologists which have now expired.

BOARD COUNSEL REPORT:

Mr. Rutkowski had nothing to report.

COMMITTEE REPORTS:

Regulatory Committee Report:

Dr. Ball discussed the concerns of Dr. Susan Wallace, Board member, related to increase in endorsement applications for Clinical Psychologists who have an educational background in school psychology. Dr. Ball reiterated that Virginia is unique in the way it separates doctoral level licenses into three different licensure categories (applied, clinical, and school) as mandated by the Code. The Committee agreed that two different Board members should review these types of applications. Ms. Hoyle and Dr. Stewart agreed to provide ASPPB with information on the different license structure in Virginia. Ms. Hoyle indicated that in the next few months staff will come up with new applications and will work on revamping the Board's website to provide clarity. The Board members acknowledged Dr. Wallace for her efforts and dedication to the Board.

Dr. Ball presented an updated draft on the proposed preparation of closure of a practice guidance document. The Committee's recommendation is for the Board to consider and vote on the closure of practice guidance document. The Board voted unanimously to accept the guidance document as presented.

Dr. Ball indicated that the Committee will continue to work on creating a separate guidance document on technology and social media. In addition, staff has updated the FAQs related to Continuing Education to state that "real-time interactive" includes Zoom, WebEx, or any video conferencing platform that provides a real-time interactive educational experience. Staff also began updating residents' expiration dates in the system.

Board of Health Professions Report:

Dr. Stewart provided a summary of the last Board of Health Profession Meeting. A copy of the minutes from that meeting was included in the agenda packet. Dr. Stewart gave a brief summary of the ASPPB annual meeting and thanked Board members and staff for their attendance.

UNFINISHED BUSINESS:

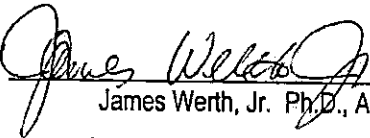
Study of Mental Health of Minors

Ms. Hoyle provided an update on Senate Bill 431, which requested a Study of Mental Health needs for minors. This project was summarized in the information provided in the agenda packet. Dr. Wallace and Christine Payne participated in this workgroup.

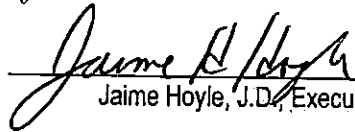
NEXT MEETING:

The next quarterly meeting is scheduled for February 9, 2021.

ADJOURNMENT: The meeting adjourned at 2:21 p.m.


James Werth, Jr. Ph.D., ABPP, Chair

2/9/2021
Date


Jaime Hoyle, J.D., Executive Director

2/17/21
Date