

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
April 20, 2018

FINAL APPROVED: May 18, 2018

The meeting of the Louisiana State Board of Examiners of Psychologists (Board) was noticed and agenda posted on, Tuesday, April 17, 2018. Dr. Phillip Griffin, Chair, called the meeting to order at 8:30 a.m. on Friday, April 20, 2018 at the East Baton Rouge Main Library, Conference Room 2-B, 7711 Goodwood Blvd., Baton Rouge, LA 70806. Present were Board Members, Drs. Phillip Griffin, Jesse Lambert, Koren Boggs, Amy Henke, Leah Crouch and, Executive Director, Jaime T. Monic.

Also present were: Dr. Steve DeMers, Executive Director for the Association of State and Provincial Psychology Boards (ASPPB), presenting information to the Board regarding the revision to the National Examination for Professional Practice in Psychology (EPPP); Dr. Greg Gormanous, Dr. W. Alan Coulter with LSUHSC, Ms. Emilie Coulter, LCSW, and Dr. Mark Zimmermann. Dr. Kim VanGeffen representing the Louisiana Psychological Association, arrived at 9:30 a.m.

Dr. Griffin opened the meeting by reading the Board's Declaration of Purpose.

Dr. Henke moved to approve the agenda for the day. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA, Henke – YEA.

The Board reviewed and discussed the meeting minutes from March 16, 2018. Dr. Boggs moved to approve the minutes of March 16, 2018. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA, Henke – YEA.

DISCUSSION/ACTION ITEMS:

1. **Examination for Professional Practice in Psychology (Part I and II):** The Board heard the presentation of Dr. DeMers and discussed the new EPPP including concerns with the new examination model. No sample questions or draft examination was provided to the Board. The members of the Board expressed concerns including the timing of the two parts of the examination, proposed procedures, validity, statutory issues, regulatory issues, costs to students, the need for Louisiana to impose an additional hurdle to licensure when the current legislative environment that is focused on competition and deregulation, and the measures and minimum competence level that the exam intends to assess. Drs. VanGeffen, Coulter and Zimmermann also participated in the discussion and expressed their concerns with regard to the additional hurdle, costs to students/interns and taking focus away from training to study for the examination, timing and validity.

The members of the Board communicated to Dr. DeMers their desire to make the EPPP 2 optional or consider other options for the design/revisions that would enable the EPPP to remain as one part, while keeping the costs and admittance procedures the same.

Drs. DeMers and Gormanous left the meeting. Ms. Monic urged the Board to continue to actively study this matter since ASPPB is moving forward with their plan regardless of the concerns of member jurisdictions. The Board will need to determine whether or not to accept ASPPB's new model and procedures since this will involve changes in legislation and rules. The Board discussed next-steps and agreed to create a study group to actively follow the issue. Dr. Griffin appointed Drs. Lambert, Henke and Boggs to the group to follow the progress of the development of part 2 of the EPPP; explore the need for the EPPP parts 1 and 2; explore other options for examining candidates and assessing competence and credentials for licensure in Louisiana and make timely recommendations to the Board to avoid administrative and licensing issues.

2. Discuss Comments received on 2018 Rulemaking Initiatives:

The Board reviewed the written comments received regarding the proposed rules on continuing professional development and inactive status. Regarding continuing professional development, the Board made two changes after reviewing the comments. The first was to clarify that a certificate of attendance would be the appropriate documentation that is required to count 1 day of registered attendance. The second amendment was to remove the requirement that consultation and collaboration be with a "licensed healthcare provider", to allow an academician to claim credit for collaborating on research with colleagues whose expertise lies in advanced forms of data analysis.

The Board also reviewed the written comments received from the Louisiana Psychological Association (LPA) with regard to the proposed continuing professional development, specifically section 805 and the procedure to review and preapprove/endorse continuing education activities for licensed psychologists. After reviewing the concerns put forth by LPA, the Board did not agree with LPA's perception of purpose and intent of the proposed rule, or the perception of Board's role in establishing continuing education requirements, including the review and approval of acceptable sponsors and activities. The Board agreed to respond to each element of LPA's concerns accordingly.

By motion of Dr. Henke, the Board adjourned at Noon for lunch.

At 1:00 p.m., the Board reconvened at 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809 to continue the meeting agenda. Present were Board Members, Drs. Phillip Griffin, Jesse Lambert, Koren Boggs, Amy Henke, Leah Crouch, Executive Director, Jaime T. Monic, and Attorney Courtney P. Newton. Also present was Kim VanGeffen, Ph.D., representing LPA.

DISCUSSION/ACTION ITEMS con't:

2. Discuss Comments received on 2018 Rulemaking Initiatives (continued):

The Board received and reviewed written comments from Dr. Sarah Miller regarding the proposed inactive status. Dr. Miller requested that the Board not require a licensee to maintain licensure in another state while on inactive status. Dr. Miller suggested that in other states the requirement for inactive status involves a fee and attestation that the individual is not practicing.

To reinstate to full practice, Dr. Miller requests that the practitioner be required only to provide continuing professional development. Members of the Board were receptive to the concerns provided by Dr. Miller. However, Ms. Monic explained that there is a difference between an individual who maintains competence through practice and active oversight by another jurisdiction versus an individual who is not practicing at all due to medical or personal reasons. Ms. Monic explained that there are currently options for a psychologist in need of a leave of absence for personal or health issues, including exemption from continuing education requirements or the licensee may opt not to renew their license and reinstate at a later date. There is no negative connotation or adverse action taken on a licensee that chooses to lapse for these reasons.

Ms. Monic requested that the Board place the matter back on the agenda for reconsideration to assess the need to expend the funds for rulemaking and database development on a process that currently exists. Attorney Newton suggested that the Board study the issue further, to ensure that the new rule is written in accordance with statutory provisions, and that the Board consider their mission as a Board to protect the health, safety and welfare of the public first, while still considering the least restrictive requirements to maintain and reinstate a license. The Board discussed the matter and agreed to review the proposal at their next regularly scheduled meeting.

3. **Copy Machine Lease/Purchase:** The Board reviewed the lease proposals from Advanced Office Systems and Scott Bailey Enterprises. Ms. Monic recommended that the Board consider the Proposal submitted by Donna Lambert at AOS. After review and consideration, Dr. Boggs moved in favor of accepting the copy machine lease proposed by Ms. Lambert at AOS, and authorizing Ms. Monic to facilitate and enter into the lease agreement on behalf of Board. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Crouch– YEA, Henke – YEA.

4. **2018 Regular Legislative Session** – The Board reviewed the legislation that will potentially impact the administrative functioning and duties of the Board. Ms. Monic reported that Representative Emerson (HB 748) had revised the definition of “certification” to address concerns that the Board had related to the unlicensed practice by individuals who were not licensed, but who had certifications, that the definition of “specialty occupational license for medical reimbursement” had been removed, and that no amendment was put forth to address concerns related to the definition of “registration”. Ms. Monic reported that Representative Cox, put fourth amendments which addressed the Board’s concerns about HB 145 to ensure that appropriately trained health care professionals were not restricted from diagnosing Munchausen syndrome by proxy and/or practice within their defined scope. Ms. Monic reported that Senator Mills was open to the Board’s request to add a consumer member, without eliminating a professional member, however SB 40 had not gone before the committee as of this date. The Board also discussed the following: HB 189 WRIGHT; HB 372 CONNICK; SB 25 MILLS; HB 53 TALBOT; SB 99 MORRELL, SB 260 MILKOVICH; SB 494 THOMPSON

COMMITTEE REPORTS:

The Board received the following committee reports:

Executive Director Report – Ms. Monic reported on the following:

- Appeal in the matter of Dr. Eric Cerwonka (Plaintiff/Appellee) and LA State Board of Examiners of Psychologists (Defendant/Appellant). First Circuit heard oral arguments on January 10, 2018. The First Circuit ruled in favor of the LSBEP on all counts.
- The Civil Action against LSBEP by Eric Cerwonka, is still pending in U.S. District Court.
- Ms. Monic reported on the ASPPB midyear meeting “ACCOUNTABILITY IN REGULATION” on April 12-15, 2018 in Savannah, Georgia. Topics included, “Should there be a universal code of conduct for regulators?”, “Fairness and Consistency in the Evaluation of Applicants” and presentation of disciplinary procedures in other jurisdictions. Ms. Monic reported her attendance at the break out session to discuss the EPPP part 2 and that there were concerns expressed similar to LSBEP’s related to timing, cost, legislative and regulatory issues, burden on the intern to study for an examination taking focus away from training, and ASPPB forcing an application on jurisdictions where they have not had an opportunity to vet or view the product.

Finance Committee Report

Dr. Griffin reported that he reviewed and approved Leave Reports for Ms. Monic. Dr. Griffin reported that he reviewed and approved Bank Reconciliations prepared by Ms. Monic from March 2018. The Board reviewed and by motion of Dr. Henke accepted the Financial Statements for March 2018 prepared by Valerie Dominique, CPA. Ms. Dominique’s report stated in part that: “We currently have budgeted to have a Net Income (Income - Expenses) of \$5,475. With 3 months remaining in this fiscal year, you currently have a Net Income (profit) of \$150,084.94. Total Income is under budget by \$6,605.07. Total expenses are under budget by \$151,215.01. We have completed 9/12 months for the year. The % of Budget column should be at or below 75%. ...your financial position looks good.”

Oral Examination Committee Report – Dr. Boggs reported that 3 candidates were scheduled to complete their oral examination this date.

Supervision/Credentials Review - No report.

Complaints Committee: - No report.

Liaison to Professional Organizations and Boards Report – No report.

Continuing Professional Development Committee – No report.

Long Range Planning/Awards Committee – No report.

Louisiana Behavior Analyst Board (LBAB) Liaison – No report.

Jurisprudence Examination Committee – No report.

Legislative Oversight Committee Report – No report.

Dr. Lambert moved to enter Executive Session pursuant to LSA R.S.42:17.A(4), to review matters under litigation, complaint reviews, conduct oral examinations and applicant/candidate file reviews. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Henke – YEA, Crouch– YEA.

By motion of Dr. Boggs, the Board unanimously agreed to close executive session to enter the following into the record:

EXECUTIVE SESSION [LSA R.S. 42.16]:

COMPLAINTS [LSA-R.S. 42.17.A.(1) and (4)]

1. [N]P16-17-05C – Ms. Newton presented this matter to the Board. The Board received and reviewed the affidavit signed by Ricardo Weinstein related to the Petition for Injunction 19th Judicial District Court, No. 664144, Section 27 filed on December 6, 2017. Upon receipt of the signed affidavit in which unlicensed practitioner acknowledged past acts and agrees to full compliance with the law, by Motion of Dr. Henke, the Board unanimously agreed to a voluntary dismissal of the pending injunction, without prejudice, roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Henke – YEA, Crouch– YEA. The matter is now closed.

2. **NP16-17-11B** – Ms. Newton reviewed and researched this matter, which is closed, for presentation to the Board. The Board reviewed a letter from the respondent in this matter who was requesting additional clarification in advertising. After discussing this matter, the Board authorized Ms. Newton to respond accordingly. Further with regard to advertising by individuals in related professions, the Board requested Ms. Newton draft an opinion for board consideration to be published as a formal opinion.

3. **NP17-18-08P** – No report on this matter.

LITIGATION [LSA-R.S. 42.17.A.(2)]

Dr. Leah Crouch recused herself from discussion regarding this pending litigation. The Board discussed the status of the pending litigation in executive session: U.S. DISTRICT COURT WESTERN DISTRICT OF LOUISIANA – LAFAYETTE DIVISION, Eric Cerwonka v. LSBEP Civil Action No. 6:17-cv-01095-UDJ-CBW; and 1ST LOUISIANA CIRCUIT COURT OF APPEALS, No 2017-CA-1199, Appeal from the 19th JDC. Ms. Monic briefed the Board regarding next-steps and advice from attorneys Amy Groves Lowe and Jeremiah Sams. No action was required at this time.

ORAL EXAMINATIONS [LSA-R.S.42.17.A.(1)]:

Laura L. Harris, Ph.D. appeared before Board Members, Drs. Henke and Crouch for an oral examination for licensure in Counseling Psychology. Dr. Henke moved that **Dr. Harris** be granted a license to practice psychology with a declared specialty in Counseling Psychology. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Henke – YEA, Crouch– YEA.

Anneliese Boettcher, Ph.D. appeared before Board Members, Drs. Griffin, Boggs, and Lambert for an oral examination for licensure in Clinical Neuropsychology. Dr. Lambert moved that **Dr. Boettcher** be granted a license to practice psychology with a declared specialty in Clinical Neuropsychology. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Henke – YEA, Crouch– YEA.

Heather A. Pedersen, Ph.D. appeared before Board Members, Drs. Griffin, Lambert, Boggs, Henke and Crouch for an oral examination for licensure in Clinical Neuropsychology. Dr. Lambert moved that **Dr. Pedersen** be granted a license to practice psychology with a declared specialty in Clinical Neuropsychology. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Henke – YEA, Crouch– YEA.

SUPERVISION/CREDENTIALS COMMITTEE: APPLICANT/LICENSE FILE
REVIEWS [LSA-R.S. 42.17.A(1)]

At 5:15 p.m. members of the Board indicated their inability to stay late. Therefore, due to time constraints and the pending loss of a majority to continue the meeting; and due to the need to complete supervision and credentials reviews in order to continue with board business at the next regularly scheduled meeting and avoid licensing delays, Dr. Henke moved that Dr. Lambert be authorized to review and approve those applications and candidates for licensure whose files were scheduled for review this date. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Griffin - YEA, Lambert – YEA, Boggs- YEA, Henke – YEA, Crouch– YEA.

Dr. Henke moved to adjourn the meeting at 4:15 p.m. The motion passed unanimously.

Dr. Lambert conducted file reviews and reported the following favorably:

Dr. Lambert reviewed the Application for Provisional License of **Erin M. Sadler, Ph.D.** Finding that Dr. Sadler has completed the requirements for provisional licensure, Dr. Lambert approved her candidacy status and authorized the granting of her provisional licensure.

Dr. Lambert reviewed the Application for License of **Drs. Allisn L. Swift, Ph.D., Michael P. Hoerger, Ph.D. and Candis M. Cornell, Psy.D., Laura L. Harris, Ph.D.** Dr. Lambert affirmed their Candidacy status and authorized their invitation to take the Oral and Jurisprudence Examinations for Licensure.

Dr. Lambert reviewed the Application for Licensure of **Dr. Nina M. Ellis-Hervey, Ph.D.,** along with her request to be approved to sit for two oral examinations to specialize in Clinical and School Psychology on the same date since she will be traveling from Texas. Dr. Lambert affirmed her qualifications to sit for both examinations and authorized her invitation to take the Oral Examination in Clinical and School Psychology at the next regularly scheduled meeting.

Dr. Lambert reviewed the Temporary Registrations for **Katherine Anne Porterfiels, Ph.D (Washington State)** and **Leslie Lebowitz, Ph.D. (Massachusetts)**. Dr. Lambert affirmed that the requirements for temporary practice had been met and approved their Temporary Registration.

Dr. Lambert reviewed and approved the Supervised Practice Plans for **Danielle N. Newman, Ph.D., Kristen E. Pearson, Ph.D., and Heather Larrazolo, Ph.D.**