

Louisiana State Board of Examiners of Psychologists
BOARD MEETING MINUTES
Friday September 20, 2019

FINAL APPROVED: October 10, 2019

The meeting of the Louisiana State Board of Examiners of Psychologists (Board or LSBEP) was noticed and agenda posted on, Wednesday, September 18, 2019. Board Chair, Dr. Koren Boggs, called the meeting to order at 8:45 a.m. on Friday September 20, 2019 at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. Present were Board Members, Drs. Koren Boggs, Amy Henke, Gregory Gormanous, Gina Gibson and Michelle Moore; and Executive Director, Jaime T. Monic. Drs. Kim VanGeffen and Richard Niolon were present for the open meeting.

Dr. Boggs opened the meeting by reading the Board's Declaration of Purpose and welcoming new members Drs. Gina Beverly and Michelle Moore.

Dr. Gormanous requested that his statement of service be recorded into the minutes as follows: *"My serving on LSBEP is to ensure that consumers of psychological services are protected against any unqualified, harmful and unauthorized practice, application or use of psychology. My service is as a consumer advocate and educator. My service is not as a market participant."*

REVIEW AND APPROVAL OF AGENDA: Dr. Gormanous moved to approve the agenda as posted. The motion passed by roll call vote as follows: BOGGS – YEA, HENKE-YEA, GORMANOUS – YEA, MOORE – YEA, GIBSON - YEA

REVIEW AND APPROVAL OF MINUTES: Dr. Gormanous moved to approve the minutes of August 23, 2019 as discussed. The motion passed by roll call vote as follows: BOGGS – YEA, HENKE-YEA, GORMANOUS – YEA, MOORE – YEA, GIBSON - YEA

Dr. Gormanous moved to enter Executive Session pursuant to LSA R.S.42:17.A(2) and (4) to conduct file reviews, discuss complaints, and conduct oral examinations. The motion passed by roll call vote as follows: BOGGS – YEA, HENKE-YEA, GORMANOUS – YEA, MOORE – YEA, GIBSON - YEA.

Dr. Henke moved to close Executive Session to enter the following. The motion passed by roll call vote as follows: BOGGS – YEA, HENKE-YEA, GORMANOUS – YEA, MOORE – YEA, GIBSON – YEA

ORAL EXAMINATIONS [LSA-R.S.42.16.1]:

Marcus Van Sickle, Ph.D. appeared before Board members Drs. Boggs, Henke, Gormanous, Gibson and Moore for licensure as a Diplomat of the American Board of Professional Psychology. Finding that **Dr. Van Sickle** has met the qualifications for licensure and received the required training for practice in the area of School Psychology, Dr. Henke moved that **Dr. Van Sickle** be granted a license to practice psychology with a declared specialty in Clinical Psychology. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

James W. Carpenter, Ph.D. appeared before Board Members, Drs. Gormanous, Gibson and Moore for an oral examination for licensure in Clinical Psychology. The board discussed **Dr. Carpenter's**

performance and qualifications in executive session. Finding that **Dr. Carpenter** had not met the qualifications for licensure. Dr. Gormanous moved that **Dr. Carpenter** submit updated references, revised Declaration of Competencies form and Candidate Information and Attestation prior to rescheduling an oral examination with this Board. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

Genevieve E. Lapré, Ph.D. appeared before Board Members, Drs. Boggs and Henke for an oral examination for licensure in Developmental Psychology. The board discussed **Dr. Lapré's** performance and qualifications in executive session. Finding that **Dr. Lapré** has met the qualifications for licensure and received the required training for practice in the area of Developmental Psychology, Dr. Boggs moved that **Dr. Lapré** be granted a license to practice psychology with a declared specialty in Developmental Psychology. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

Catherine R. Lark, Ph.D. appeared before Board Members, Drs. Boggs, Henke, Gormanous, Gibson and Moore for an oral examination for licensure in School Psychology. The board discussed **Dr. Lark's** performance and qualifications in executive session. Finding that **Dr. Lark** has met the qualifications for licensure and received the required training for practice in the area of School Psychology, Dr. Gormanous moved that **Dr. Lark** be granted a license to practice psychology with a declared specialty in School Psychology. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

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

Dr. Moore reviewed the Application for Provisional License of **Anita S. Flye Quinn, Ph.D.** Finding that **Dr. Quinn** had completed the requirements for a provisional license and obtained appropriate supervision, Dr. Moore moved that the Board approve candidacy status and grant provisional licensure to **Dr. Quinn** in order that she may be admitted to the EPPP while completing her supervision requirements for licensure. The Board discussed the motion. The motion passed unanimously.

Elizabeth Freeman, S.S.P.- The LSBEP considered the recommendation of the LSSP Committee, to grant **Ms. Freeman** licensure as a Specialist in School Psychology upon receipt of passing the LSSP Jurisprudence Examination. Dr. Boggs moved in favor of accepting the recommendation and issue a license to **Ms. Freeman**. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

Alexandra S. Clark, M.S., S.S.P. - The LSBEP considered the recommendation of the LSSP Committee, to grant **Ms. Clark** licensure as a Specialist in School Psychology upon receipt of passing the LSSP Jurisprudence Examination. Dr. Boggs moved in favor of accepting the recommendation and issue a license to **Ms. Clark**. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

The Board reviewed the inquiry of Dr. Sandra Viggiani regarding whether supervision under a psychiatrist would be appropriate to meet clinical neuropsychology supervision requirements. The Board found that supervision requirements under the Louisiana Administrative Code, Title 46, Part LXIII.

Chapter 3, Section 307.C.1.d. require post-doctoral experience for practice as a clinical neuropsychologist to be supervised by a qualified clinical neuropsychologist. Further, that no exception to this requirement would be appropriate. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

Dr. Gormanous reviewed the Reinstatement Application Dr. Theresa A. Wozencraft. Dr. Gormanous moved in favor of reinstating the license of Dr. Wozencraft retroactive to August 1, 2019. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

Dr. Henke reported that she reviewed and approved the Supervised Practice Plan for **Madison Silverstein**.

COMPLAINTS [LSA R.S. 42.17.A(4)]:

NP18-19-07P – (AH) Henke presented this complaint, the notice and response. The Board also consulted with Attorney Courtney P. Newton regarding proceeding in this matter. Following discussion, Dr. Henke moved in favor of continuing the investigation and legal review of proceeding with this matter. The Board discussed the motion, The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

COMMITTEE REPORTS:

Executive Director Report – Ms. Monic presented the 2019 RENEWAL REPORT as follows:

- Opening Renewal July 1, 2019: LICENSED PSYCHOLOGISTS: **770** (**62** RENEWED AT THE REDUCED RATED IN 2018); LSSP: **22**; PROVISIONAL: **11**
- Closing Renewal July 31, 2019: LICENSED PSYCHOLOGISTS: **737** (**63** RENEWED AT THE REDUCED RATED IN 2019); LSSP: **22**; PROVISIONAL: **7**
- Lapsed: LICENSED PSYCHOLOGISTS: **33** (3 Deceased); LSSP: **0**; PROVISIONAL: **4**

Ms. Monic presented the following report on Complaints/Disciplinary actions:

- DISCIPLINARY ACTION REPORT 7/1/18 – 6/30/19
Total number of Request for Investigations received: 23
Total number of Open Investigations: 12
Total number of cases closed: 11
Total number of Non-Psychologist Cases: 7
Total number of psychologists participating in the Impaired Psychologist Procedure Agreement: 0
Disciplinary Actions: 2
- DISCIPLINARY ACTION REPORT 7/1/17 – 6/30/18
Total number of Request for Investigations received: 16
Total number of Open Investigations: 6
Total number of cases closed: 10
Total number of Non-Psychologist Cases: 4
Total number of psychologists participating in the Impaired Psychologist Procedure Agreement: 0
Disciplinary Actions: 2

The following Investigation Report data updated on 9/15/2019 was provided to board members

Year	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Total Investigations	16	22	11	22	18	22	16	23
Psychologists	9	17	9	18	9	12	12	16
Non-Psychologists	7	5	2	5	4	10	4	7
Disciplinary Actions	6	2	3	1	1	3	2	2
Actions Against Psychologists	2	3	3	1	1	3	2	2
Actions Against Non-Psychologists	0	0	0	0	0	0	1	0
Open	0	0	1	1	1	1	6	12

Dr. Henke moved in favor of the renewal and complaint reports being distributed through publication in the next newsletter. The board discussed the motion, the motion passed without objection.

Finance Committee –The Board reviewed the July and August 2019 Financial Reports and also the Annual Financial Report for FYE June 30, 2019 prepared by Valerie Dominique, CPA. Dr. Moore moved in favor of accepting the financial statements as presented. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

Dr. Henke requested that the board review credit card processing fees and investigate requiring a fee for online processing in lieu of charging a paper renewal fee. Dr. Gormanous moved in favor of Dr. Henke’s request and that the board solicit input through an online survey. Dr. Henke agreed to assist in facilitating the survey to obtain data.

Dr. Boggs reported she would be reviewing Ms. Monic’s annual and sick leave and monthly bank reconciliations.

Oral Examination Committee – Dr. Gormanous reported the board conducted 4 Oral Examinations and One CPQ interview in Executive Session this date. Dr. Henke requested this be added to the LRP Meeting Agenda.

Legislative Oversight Committee – No report.

Liaison to Professional Organizations and Boards – Dr. Gormanous reported that he attended the 2019 APA Convention and brought back their 2019 Agenda book that he encouraged members to take a look at in order to understand the breadth of what is trending in psychology today, including telepsychology. He also reported that the APA President Elect and Divisional Campaign had started.

Supervision and Credentials Review Committee – Dr. Henke reported file reviews were conducted in Executive Session this date.

Complaints Committee - Dr. Boggs reported that complaints were discussed in Executive Session. Ms. Monic reported that no resolution had been achieved in the following matters, which policy requires the matters be docketed for hearing. The board discussed available dates and provided Ms. Monic with conflict of interest statements as follows:

- a. **P17-18-11C - Request the Hearing Officer assigned from the Attorney General's office set a date for hearing on October 24, 2019. Conflict of interest statements to be provided to the Governor's Office with a request to appoint an ad-hoc hearing panel to replace recused board members.**
- b. **P16-17-14C - Request the Hearing Officer assigned from the Attorney General's office set a date for hearing on October 25, 2019. Conflict of interest statements to be provided to the Governor's Office with a request to appoint an ad-hoc hearing panel to replace recused board members.**

Long Range Planning – Dr. Gibson reported the LRP Meeting was scheduled for October 10-11, 2019 at the LSBEP Office. The following discussion topics were confirmed: revisions to the oral examination process, EPPP2, and rule changes including: discussing specialty designation vs. HSP/General Applied Psychology, continuing education requirements, jurisprudence examination, telepsychology/telesupervision opinion, adjudication process

Continuing Professional Development – Dr. Henke reported that she would be submitting an article for the next newsletter on the potential changes to the CPD requirements. A summary of changes was presented and discussed with public members Drs. Kim VanGeffen and Richard Niolon. Dr. Henke also confirmed that this would be on the LRP Meeting Agenda for further discussion.

Jurisprudence Examination – Dr. Henke reported that she continues to work on revisions and it is her goal to see that this gets developed as an online examination. She requested this also be on the LRP Meeting Agenda for further discussion.

DISCUSSION/ACTION ITEMS

1. RULEMAKING:

- a. **Supervision via Telepsychology** - Dr. Moore clarified her intent in requesting this discussion item was to draft an opinion for consideration by the board with regard to Supervision via Telepsychology, not propose rulemaking. Dr. Niolon commented that should this be allowed by the LSBEP, he would like to see clear restrictions in place to eliminate confusion in training programs. Dr. Gormanous shared APPIC's clarification for tele-supervision as a starting point for these guidelines.
- b. **Complaint Adjudication** – The Board requested the draft rules be resent to them.
- c. **Definitions** - The Board requested the draft rules be resent to them.
- d. **Continuing Education** - The Board requested the draft rules be resent to them.

2. BUDGET 2019-20:

- a. **Staff Development** – Ms. Monic discussed the continuing and vital need for staff development. Ms. Monic reported that the La. Behavior Analyst Board had agreed to split employee costs for a shared Complaint/Compliance Investigator. Ms. Monic reported that the current fund balance of the board would support a salary for this FY, but that the board would have to engage in revenue development in order to support an additional salary for subsequent fiscal years. Ms. Monic

provided a job description of what the regular full-time role of the complaint/compliance investigator would entail and how that position would be managed between the two boards. The Board discussed the request and considered the budget and information provided. Dr. Gormanous moved in favor of approving the position of Complaint/Compliance Investigator including funds and benefits for a salaried employee not to exceed \$46,200 depending on experience, for a full-time employee to fill the position. The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

b. Office Equipment – Ms. Monic reported that she would be having a budget meeting with Valerie Dominique, CPA to discuss all of the budgetary needs of the LSBEP including a new computer and office furniture to accommodate a new employee.

c. Travel – Ms. Monic reported that she would be having a budget meeting with Valerie Dominique, CPA to discuss all of the budgetary needs of the LSBEP including budgeting for additional travel to conferences for training this FY.

3. **ASPPB 59TH Annual Meeting, Minneapolis, Minnesota October 16-20, 2019 and Voting Delegate.**

Ms. Monic reported that she had completed her registration as the voting delegate for the LSBEP, as well as the registration of Dr. Gormanous for attendance at the ASPPB 59TH Annual Meeting, Minneapolis, Minnesota October 16-20, 2019. Dr. Gormanous requested an agenda item for the October meeting to review and discuss nominees that LSBEP could support. The board agreed without opposition.

4. **Division of Administrative Law – Interagency Agreement**

The Board reviewed the second proposal from the DAL to provide services to the LSBEP to hear a case, compile the record and make a recommendation to the board for decision (excluding the board from the hearing process). The board discussed the option. Ms. Monic provided information to the Board related to Attorney Amy Lowe’s review of the proposal. Noting that while it would satisfy the requirements of the La. Administrative Procedures Act, the board would not have the benefit of hearing the presentation of the case by either side, instead it would act as a court of appeal, reviewing only the record before accepting a recommendation made by an Administrative Law Judge (ALJ). Further, this procedure having not been tested in a court of law, would not prohibit an individual from filing for judicial review in district court. LSBEP would still be responsible for costs associated with defending this procedure should an individual appeal the decision of an ALJ to a district court. Finding that creating a new procedure would have no substantial benefit to the licensee or the board, and in fact could create an additional layer of bureaucracy and more costs to the board and the licensees, Dr. Gormanous moved in favor of declining the proposal and continuing with the current established procedure. The board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

5. **Scope of Practice, LSSP –**

The Board having previously discussed this issue, reviewed and discussed a final proposed draft of an opinion related to the scope of practice of a Licensed Specialist in School Psychology to “order” psychological services. The board discussed the opinion. Dr. Gibson moved in favor of adopting

the following opinion as a formal opinion of the Board (Codified as Opinion No. 024: LSSP Scope of Practice, Ordering Services):

“Ordering services is within the scope of practice of a licensed specialist in school psychology (hereinafter, “LSSP”) depending on the practice setting of the LSSP as follows:

a. The scope of practice for LSSPs either contracted or employed by the school system, including charter, public, and private schools, engaged in work germane with educational bulletins, including but not limited to Louisiana Bulletins 1508 and 1706, **does** include “ordering” services.

b. The scope of practice for LSSPs working outside the school system, and by law under the supervision of a psychologist or medical psychologist, **does not** encompass “ordering” services.

***NOTE:** For the purposes of this opinion, an “order” for services within the school setting by an LSSP includes recommendations for psychological evaluation, educational tests, and other assessment procedures, including interpreting results, and/or the planning implementation and management of psychological services and interventions.*

La. R.S. 37:2352(6) defines the scope of practice of an LSSP. The essential elements of a LSSP’s scope of practice as defined in statute are as follows:

1)Application of psychological principles, methods, and procedures to help children and youth success academically, socially, behaviorally, and emotionally;

2)Collaboration with educators, parents, and other professionals to create safe, healthy, and supportive learning environments that strengthen the connection between home, school and the community for all students;

3)Application of knowledge of both psychology and education during consultation and collaboration with others;

4)Conduct effective decision making using a foundation of assessment and data collection;

5)Provide services to schools and families that enhance the competence and well-being of children;

6)Performing evaluations that are germane to the current state of educational bulletins, including but not limited to Louisiana Bulletins 1508 and 1706.

La. R.S. 37:2352 prohibits LSSP from diagnosing mental disorders as defined by the Diagnostic and Statistical Manual of Mental Disorders or diseases as defined by the International Classification of Diseases. La. R.S. 37:2356.3 further defines the scope of practice for LSSP drawing a distinction between the scope of practice and supervision requirements for those LSSPs working within the school system and those working outside the school system.

Specifically, La. R.S. 37:2356.3.B.(1)(b) provides that a licensed specialist in school psychology who is engaged [as an independent contractor] and working outside of the school system shall be required to do so **under the clinical supervision of a licensed psychologist or a medical psychologist... The licensed psychologist or medical psychologist shall be administratively, clinically, and legally responsible for all professional activities of the licensed specialist in school psychology, and the licensed psychologist or medical psychologist shall be required to sign any final reports prepared by the licensed specialist in school psychology.** (emphasis added).

These laws are further interpreted by L.A.C. Tit. 46, Part. LXIII, §§ 3501 – 4301 (hereinafter, “Rule”). Rule § 3501, entitled “Limits in Practice” provides, in part, as follows:

A. Licensed specialists in school psychology shall apply their knowledge of both psychology and education to render services that are germane to the current state educational bulletins, including but not limited to **Louisiana Bulletins 1508 and 1706.**

B. A licensed specialist in school psychology cannot diagnose mental disorders as defined by the Diagnostic and Statistical Manual of Mental Disorders or disease as defined by the International Classification of Diseases (emphasis added).

Based on the language of Rule §3501.A., Louisiana Bulletins 1508 and 1706 are incorporated by reference into the Rules governing LSSPs. Accordingly, they also provide guidance when interpreting the scope of practice set forth in La. R.S. 37:2352(6). Louisiana Bulletin 1508, §1511 as follows:

A. Definition. School Psychological Services include but are not limited to:

1. administering psychological and educational tests, and other assessment procedures;
2. interpreting assessment results;
3. obtaining, integrating, and interpreting information about student behavior and conditions relating to learning (which may also include assisting in the development of academic intervention strategies, progress monitoring, evaluating intervention and service delivery outcomes, conducting functional behavior assessments, and conducting program evaluations);
4. consulting with other staff members in planning school programs to meet the special educational needs of students as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;
5. **planning and managing a program of psychological services**, including psychological counseling for students and parents (which may also include implementing and/or monitoring interventions, conducting social skills training, anger management/conflict resolution training, study skills training, substance abuse prevention, crisis prevention and intervention, parent skills training, and coordinating services with other community agencies.); and
6. assisting in developing positive behavioral intervention strategies. (emphasis added).

All other references to psychological services, evaluating, planning, managing, etc. in Louisiana Bulletin 1508 reference specifically “Certified School Psychologists” providing that Certified School Psychologists are legally authorized to engage in all such practices. Louisiana Bulletin 1706 references Louisiana Bulletin 1508.

The law bifurcates the scope of practice for LSSPs working or contracting outside of the school system from those working or contracting within the school system. La. R.S. 37:2356.3.B.(1)(b) mandates that those LSSPs working outside the school district must be supervised by a licensed psychologist or medical psychologist who is administratively, clinically, and legally responsible for all professional activities of the LSSP. The scope of practice for LSSPs working outside of the school system is further limited by the requirement that the supervising psychologist or medical psychologist sign any final reports prepared by the LSSP. In so requiring, the LSSP is making recommendations to be reviewed and approved by the supervising psychologist or medical psychologist. It is the supervising psychologist or medical psychologist that is legally placing an “order” for services.

Such supervision and limitation does not exist for LSSPs either contracting or employed by the school system. LSSPs working in a charter school, public school, or private school work in conjunction with other educational and healthcare professionals to evaluate and prepare a plan or “order” for services. Such authority is specifically provided or in Louisiana Bulletin 1508, §151 states that an LSSP is lawfully able to “plan and manage” a program for psychological services. In so “planning”, an LSSP is the professional with the authority to “order” or specify that a service be provided. Accordingly, it is squarely within the scope of practice for LSSPs working within the school system to “order” services.

The Board discussed the motion. The motion passed by unanimous roll call vote as follows: Boggs- YEA, Henke – YEA, Gormanous – YEA, Gibson – YEA, Moore - YEA.

6. LSSP Committee Presentation to LSPA, Wednesday November 6, 2019

The board reviewed the presentation and by motion of Dr. Henke, approved the draft presentation with amendments.

Henke moved to adjourn the meeting early at 4:47PM The motion passed unanimously.