

## TENNESSEE BOARD OF EXAMINERS IN PSYCHOLOGY

**DATE:** June 11, 2015  
**TIME:** 9:00 a.m., CDT  
**LOCATION:** Health Related Boards  
Iris Room  
665 Mainstream Drive  
Nashville, TN 37243

### **BOARD MEMBERS**

**PRESENT:** George Bercaw, Sr. Psychological Examiner, Chair  
J. Trevor Milliron, Ph.D., Vice Chair  
Pamela Auble, Ph.D.  
Mark Loftis, Ph.D., Sr. Psychological Examiner  
David C. Mathis, Ed.D.  
Timothy Urbin, Ph.D.  
Janice Pazar, Ph.D.  
Rebecca Joslin, Ed.D., Ph.D.  
M. Annette Little, Ph.D.

### **BOARD MEMBERS**

**ABSENT:**

### **STAFF**

**PRESENT:** Teddy Wilkins, Unit Director  
Tammy Turner, Board Administrator  
Jennifer Putnam, Office of General Counsel  
Paetria Hampton, Office of General Counsel  
Charles Custer, Interim Board Administrator

Mr. Bercaw, Board Chair, called the Board meeting to order at 9:03 a.m. A roll call vote was conducted and a quorum was present.

Ms. Wilkins welcomed two new board members, Rebecca Joslin, Ed.D., Ph.D. and M. Annette Little, Ph.D. the Chair representing the Applied Behavior Analyst Licensing Committee.

Mr. Bercaw, Board Chair, stated the first order of business today would be the Rulemaking Hearing.

## **Rulemaking Hearing**

Jennifer Putnam, Office of General Counsel, called the rulemaking hearing to order, June 11, 2015 at 9:05 a.m. and will serve as moderator for the meeting. Ms. Putnam asked that the Board Members and Agency Representatives who are present to introduce themselves for the record.

Board Members: Timothy Urbin, Mark Loftis, Pam Auble, George Bercaw, Trevor Milliron, Annette Little, David Mathis, Janice Pazar, and Rebecca Joslin.

Agency Reps: Teddy Wilkins, Tammy Turner, Charles Custer

The rulemaking hearing is taking place pursuant to Tennessee Code Annotated 45204 in the Iris Room located at 665 Mainstream Drive, Nashville, TN. The purpose of the rulemaking hearing is to solicit comments on rules proposed by the Commissioner of Health in order to implement Tennessee Code Annotated, Title 63, Chapter 1, Part 3.

The first rule is **Rule 1180-01-.03(1)(d) Fees**. This rule is amended to reduce the Ethics and Jurisprudence Exam fee from two hundred dollars (\$200.00) to one hundred dollars (\$100.00).

**Rule 1180-01-.03(1)(e) Fees**. This rule is amended to reduce the Ethics and Jurisprudence Re-examination fee from one hundred dollars (\$100.00) to fifty dollars (\$50.00).

**Rule 1180-01-.03(1)(h) Fees**. This rule is amended to reduce the license renewal fee from two hundred seventy-five dollars (\$275.00) to two hundred twenty-five dollars (\$225.00).

**Rule 1180-01-.03(1)(i) Fees**. This rule is amended to reduce the certificate renewal fee from one hundred fifty dollars (\$150.00) to seventy-five dollars (\$75.00).

**Rule 1180-01-.03(1)(k) Fees**. This rule is amended to delete the endorsement verification fee in its entirety.

**Rule 1180-01-.08(1)(e)(1), Rule 1180-01-.08(1)(e)(2) and Rule 1180-01-.08(1)(e)(3) Continuing Education**. These items are amended by deleting these rules in their entirety. The purpose for doing so is because they are already listed and are a duplicate from the June 20, 2012 rulemaking hearing.

There were no written or public comments on any of the rule amendments. The Board Members voted unanimously to accept each rule amendment as presented.

Ms. Putnam concluded the rulemaking hearing.

## **Minutes**

Upon review of the December 18, 2014 minutes, Dr. Auble made a motion, seconded by Dr. Loftis, to approve the minutes with correction. The motion carried.

Upon review of the March 12, 2015 minutes, Dr. Milliron made a motion, seconded by Dr. Loftis, to approve the minutes with correction. The motion carried.

### **Office of General Counsel**

Ms. Putnam stated there are no Consent Orders to present at this time.

Ms. Putnam presented two (2) Orders of Compliance to the board and refreshed the Board Members as to the procedures pertaining to the Order of Compliance.

The first Order of Compliance presented, **Laura Catherine Hernbeck, Psychological Examiner**. Ms. Putnam expressed that the licensee is compliant with the order and requesting that the suspension that was placed on her license be lifted and per the terms of the order Ms. Hernbeck's license will be placed on probation for five (5) years. Dr. Urbin made a motion to accept the petition to lift the suspension and place the licensee on probation for the period of five (5) year per the terms of the order. Dr. Auble seconded the motion. The motion carried.

The next Order of Compliance presented, **Glenn C. Johnson, Psychological Examiner**. Ms. Putnam advised the Board that the Petitioner presented evidence proving that he has complied with all provisions of the July 25, 1995 Agreed Order and has requested that his probation be lifted. Dr. Auble made a motion to accept the petition to lift the probation from Mr. Johnson's P.E. license. Dr. Loftis seconded the motion. The motion carried.

### **Office of Investigations**

Nichelle Dorroh, Disciplinary Coordinator, stated there are currently seven (7) complaint cases against Psychologists and two (2) complaint cases against Psychological Examiners. All nine (9) complaints are currently in the field.

Ms. Dorroh, Disciplinary Coordinator, reviewed the currently monitored practitioners and stated her office is currently auditing those practitioners for compliance with the orders.

### **Financial Report**

Vanessa Crutcher presented the board with the projected financials for FY 2015.

### **Administrative Report**

Mr. Custer said as of May 29, 2015 there are 1363 Psychologists, 452 Psychological Examiners/Senior Psychological Examiners and 39 Certified Psychological Assistants. Since the last meeting eight (8) psychologists were licensed, fourteen (14) retired and eleven (11) expired licenses. There were seven (7) Psychological Examiner Examiners, two (2) retired and six (6) expired licenses. One (1) Certified Psychological Assistant was licensed.

**New Licensees**

**Psychologists**

Dr. Auble made a motion, seconded by Dr. Urbin, to approve the following newly licensed psychologists:

- Ryan Boddy**
- Paul Case**
- Marie Crawford**
- Katherine Gotham**
- Jeffrey Rutter**

The motion carried.

**Reinstated Psychologists**

Dr. Loftis made a motion, seconded by Dr. Pazar, to approve the following reinstated psychologists:

- Deborah Carter**
- Catherine Collins**
- Parish Paul**

The motion carried.

**Reinstated Psychological Examiners**

Dr. Loftis made a motion, seconded by Dr. Pazar, to approve the following reinstated psychological examiners.

- Douglas Mays**
- Shanna Paul**
- Amy Powell**
- Susan Sasse**

The motion carried.

**Applicant Interview**

Ms. Turner advised the Board of Examiners in Psychology that Mr. Douglas Ribeiro has been working at the Lipscomb University Counseling Center conducting Psychological Testing without proper licensure since his Provisional License expired on October 3, 2014.

Mr. Ribeiro's application was presented to the board for review at its September 5, 2013 board meeting at which time the applicant was approved for a provisional license through October 3,

2014 in order to complete his 1900 hours post-doctoral supervised training, to sit for the EPPP exam and the TN Ethics & Jurisprudence exam. Dr. Ribeiro failed to notify the board of his status at the end of his provisional license period and also failed to request an extension once his provisional license expired. To date, Mr. Ribeiro had not sat for the EPPP exam or provided documentation that he has completed the required 1900 hours of post-doctoral supervised training.

On April 27, 2015, the Health Related Boards received a provisional license application with a letter from Dr. Ribeiro and his supervisor.

Dr. Auble made a motion that Mr. Robeiro would need to complete six (6) hours of continuing education in the area of TN Ethics and Jurisprudence and provide documentation that his supervisor on record has notified the six (6) clients that Mr. Robeiro evaluated during the time he was not provisionally licensed. It was also recommended by Dr. Mathis that the supervisor on record for Mr. Robeiro also obtain six (6) hours of continuing education in the area of Tennessee Ethics & Jurisprudence. Mr. Robeiro will be eligible to extend his provisional license upon compliance of the board's recommendation.

Mr. Robeiro will have until the next scheduled board meeting on September 10, 2015 to provide the Administrative Office written notification that all clients have been notified, the course of action taken to inform the clients that Mr. Robeiro was not licensed at the time of their evaluation, and CEU certificates for the recommended TN Ethics & Jurisprudence. Dr. Milliron seconded the motion. The motioned carried.

### **Review Licensure Files**

Dr. Auble made a motion, seconded by Dr. Loftis, to approve **Lisa Battle-Gwathney, Ph.D.** to be issued a Provisional License and sit for the EPPP and E&J exams. The motion carried.

Dr. Auble made a motion, seconded by Dr. Loftis, to approve **John Hummer, Ph.D.** to sit for the E&J exam. The motion carried.

Dr. Auble made a motion, seconded by Dr. Loftis, to approve **Erica Hurley, Ph.D.** to sit for the EPPP and E&J exams. The motion carried.

Dr. Loftis made a motion, seconded by Dr. Milliron, to approve **Jamie Friedl** to be issued a Certified Psychological Assistant certificate. The motion carried.

Dr. Loftis made a motion, seconded by Dr. Milliron, to approve **Allison Lindsey** to be issued a Certified Psychological Assistant certificate pending receipt of an Affidavit of Supervision. The motion carried.

Dr. Urbin made a motion, seconded by Dr. Milliron, to approve **Elton Burton, Ph.D.** to sit for the E&J exam. The motion carried.

Dr. Urbin made a motion, seconded by Dr. Milliron, to approve **Candias Wakefield** to be issued a Certified Psychological Assistant certificate pending receipt of an Affidavit of Supervision. The motion carried.

Dr. Urbin made a motion, seconded by Dr. Milliron, to approve **A. Baroquillo, Psy.D.** to sit for the EPPP and E&J exams. The motion carried.

Dr. Mathis made a motion, seconded by Dr. Pazar, to approve **Lucille Carriere, Ph.D.** to sit for the EPPP and E&J exams. The motion carried.

Dr. Mathis made a motion, seconded by Dr. Pazar, to approve **Phillip Keck, Ph.D.** to be issued a Provisional License pending receipt of Doctorate Transcripts and sit for the EPPP and E&J exams. The motion carried.

Dr. Mathis made a motion, seconded by Dr. Urbin, to approve **Elizabeth Corsentino, Ph.D.** to sit for the EPPP and E&J exams pending proof of Post-Doctorate Training Completion. The motion carried.

Dr. Milliron made a motion, seconded by Dr. Loftis, to approve **Arianna Boddy, Psy.D.** to be issued a Provisional License pending receipt of Doctorate Transcripts and sit for the EPPP and E&J exams. The motion carried.

Dr. Milliron made a motion, seconded by Dr. Mathis, to approve the extension request for **S. Glass, Psy.D** Temporary License. The motion carried.

Dr. Milliron made a motion, seconded by Dr. Loftis, to approve **Betty Rich, Ph.D.** to sit for the E&J exam. The motion carried.

Dr. Pazar made a motion, seconded by Dr. Josslin, to approve **Cynthia King, Psy.D.** to sit for the EPPP and E&J exams. The motion carried.

Dr. Pazar made a motion, seconded by Dr. Milliron, to approve **Mario Lehenbauer-Baum, Ph.D.** to sit for the EPPP and E&J exams. The motion carried.

Dr. Urbin made a motion, seconded by Dr. Loftis, to approve **Panjeree Banerjee, Ph.D.** to sit for the E&J exam. The motion carried.

Dr. Urbin made a motion, seconded by Dr. Milliron, to approve **Umeica Hankton, Ph.D.** for a Provisional License and to sit for the EPPP and E&J exams. The motion carried.

### **Correspondence**

The Board reviewed a letter from **Dr. Bianca E. Rivera** from the Puerto Rico Psychology Board requesting that the Tennessee Board of Examiners in Psychology accept the scores from applicants that have taken the exam using the Spanish version of the EPPP known as the S-EPPP. Mr. Bercaw made a motion, seconded by Dr. Loftis to accept the scores providing the test

scores are submitted to the Tennessee Board of Examiners in Psychology in an English version. The motion carried.

The Board reviewed a letter from **Dr. Michael J. Brady** requesting that the Board accept Dr. Brady's Psy.D. Degree obtained from California Coast University - Santa Ana, CA. The Board voted to deny the request because California Coast University - Santa Ana, Ca is not an accredited institution by the American Psychological Association. According to Dr. Brady's correspondence, the California Coast University, Santa Ana, Ca has a national accreditation from the Distance Education Accreditation Commission and in order to qualify for licensure in Tennessee the Doctorate Degree must be on the list of APA accredited educational program. Dr. Auble made a motion to deny the request, seconded by Dr. Loftis. The motion carried.

### **Agreed Citations**

The Board reviewed an Agreed Citation for **Amy M. Powell, Psychological Examiner.**, who worked on an expired license. Ms. Powell has agreed to the terms of the citation and paid all civil penalties. Dr. Mathis made a motion, seconded by Dr. Josslin, to approve Ms. Powell's citation. The motion carried.

The Board reviewed an Agreed Citation for **Catherine Collins, Ph.D.**, who worked on an expired license. Dr. Collins has agreed to the terms of the citation and paid all civil penalties. Dr. Mathis made a motion, seconded by Dr. Josslin, to approve Dr. Collins' citation. The motion carried.

The Board reviewed an Agreed Citation for **Ronald Lynn Allen, Ph.D.**, who failed to obtain the required continuing education units required. Dr. Allen has agreed to the terms of the citation and paid all civil penalties. Dr. Mathis made a motion, seconded by Dr. Pazar, to approve Dr. Allen's citation. The motion carried.

The Board reviewed an Agreed Citation for **Stephen Paul Bruehl, Ph.D.**, who failed to obtain the required continuing education units required. Dr. Bruehl has agreed to the terms of the citation and paid all civil penalties. Dr. Mathis made a motion, seconded by Dr. Pazar, to approve Dr. Allen's citation. The motion carried.

### **Closed/Denied/Abandoned Files**

Dr. Urbin made a motion, seconded by Dr. Auble, to approve the following Closed/Denied Abandoned Files:

**Rachel Aiello**  
**Thomas Alm**  
**Jerry Armour**  
**Lisa Beavers**  
**Katherine Blackney**

**Karen Bretz  
Bryan Bushman  
Rex Cannon  
Ana Carmona  
Joan Cook  
Joseph Currier  
Katherine Daly  
Mick DeFlippis  
Robert DeFrancisco  
William Farmer  
Andrea Floyd  
Paul Frederiksen  
Jennifer Tate Gale  
Jacob Galles  
George Garcia-Grace  
Denise Glanville  
Ileana Greeman-Gutierrez  
Ted Hagen  
Herbert Henry  
Jameson Hirsch  
Robyn Howarth  
Christina Hyon-Wynn  
James Johnson  
Andrew Jones  
Kimberly Kempner  
Danielle King  
Sadonya Meadows-Allen  
Maki Mehta  
Jeffery Menzise  
Joseph Miles  
Mickaella Moreta  
David Morris  
Guy Motanky  
Cynthia Page  
Nichol Pritchard  
Michelle Santiago  
Anitra Shelton  
Christopher Spaulding  
Mary Beth Summerville  
Cora Taylor  
Rebecca Temple  
Rebekah Travis  
Lucy Undersood  
Melvin Varghese  
Louanne Varholick  
Regina Ybarra**

## **Taher Zandi**

The motion carried.

### **Investigative Process**

Paetria Hampton, Office of General Counsel, reviewed the investigative process with the Board regarding complaints.

### **Update from the Tennessee Psychological Association**

Norman Stephenson, Ph.D. introduced Dr. Frank Edwards, who will be the back-up representing the Tennessee Psychological Association. Dr. Stephenson presented a letter from December 2014 addressing the Board of Examiners in Psychology from Erin L. Patel, Psy.D., President of the Tennessee Psychological Association requesting that the board consider reducing their fees for first time applicants.

### **Update from the Tennessee Colleague Assistance Foundation**

Murphy Thomas addressed the board regarding the quarterly reports. Mr. Thomas thanked the board for the support. He stated that in general the foundation is continuing to function well.

### **Behavior Analyst Committee**

Copies of the proposed rules for the Applied Behavior Analyst Licensing Committee were given to the Board of Examiners in Psychology for their review.

### **Board Member Report – Dr. Mathis and Dr. Pazar**

The ASPPB Mid-Year meeting in Atlanta, Ga, offered an opportunity to build knowledge regarding our role as regulators on a health related Board. One of the advantages of the mid-year meeting is that it is a smaller gathering than the annual meeting and provides for more in-depth questions and interactions. Dr. Mathis presented a report on “Incapacity versus Competence”

### **Board Member Report – Dr. Pazar**

Dr. Pazar also attended the ASPPB meeting and gave a report on “Competency is not Forever”. Many members and Board administrators from all over the US and Canada attended the mid-year conference for continuing education, covering roles and responsibilities of regulatory Board Members and the current and evolving issues that come before Boards of Examiners in Psychology. The presentations and interactive sessions provided an exceptional opportunity for both initial training (opinion: essential for new Board members) as well as preparation for ongoing and upcoming challenges faced by all members and staff of Regulatory Boards.

Veronica Zambuto and Taja Slaughter explained the Disciplinary Database System (DDS). This is a repository of publically reported actions provided by participating jurisdictions since it was established in 1983. ASPPB relies on this database for the services it provides for public protection. They also use the database to identify trends. Amy Hilson and Matt Turner described the transition to a new vendor for the EPPP licensure exam which includes new security features such as palm scanning.

The Powerpoint slides for presentations on these and many other topics of value to Board members and administrators are outlined in the Conference Manual recently emailed to members of the Tennessee Board by Ms. Turner.

### **Legislative Updates**

Legislative updates were presented by Valerie Nagoshiner, Assistant Commission for Legislative Affairs.

#### **Public Chapter 154**

This act allows the Commissioner of Health or his designee to have electronic access to medical records in order to facilitate investigations when responding to an immediate threat to public health. Today the Commissioner of Health or his designee already has this authority but must go to the facility to review the medical records.

#### **Public Chapter 94**

This act defines “abuse” and “neglect” for purposes of placing a person on the registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals specifically within the statutes that govern the Dept. of Health. It does not impact the definitions within the statutes that govern the Dept. of Intellectual and Developmental Disabilities nor the Dept. of Human Services. It also increases the time within which placement on the registry may be appealed from 30 to 60 days.

#### **Public Chapter 502**

This act allows the Joint Government Operations Committee (the legislative committee that reviews all rules) to stay a rule up to 75 days instead of 60 days. Present law authorizes the Joint Government Operations Committee to consider the following factors when reviewing rules: authority, clarity, consistency, justification, necessity and reference. This act adds arbitrariness and capriciousness as two new considerations.

#### **Public Chapter 268**

This act makes disclosures of protected healthcare information permissible in medical malpractice lawsuits.

## **Public Chapter 261**

The act provides for the practice of telehealth. It outlines the following:

Defines a healthcare provider; establishes a provider-patient relationship by mutual consent and mutual communication; specifies that telehealth does not create a new standard care; prohibits any board from creating a more restrictive standard of professional practice for telehealth service; allows a physician to prescribe by means of telemedicine and follow all prescribing applicable statutes such as checking the Controlled Substance Monitoring Database; however, pain management clinics are not permitted; there is no separate telehealth license required by the Board of Medical Examiners

- See more at: <http://tn.gov/health/article/psych-legislative#sthash.ctAEGPc0.dpuf>

## **Other Board Business**

Dr. Mathis briefed the Board and Administration of the upcoming ASPPB Conference scheduled for October 2015. Dr. Auble made a motion to approve Dr. Little, Dr. Joslin, Dr. Urbin, Teddy Wilkins, and Paetria Hampton to attend the conference, seconded by Dr. Pazar. The motion carried.

The board also discussed the upcoming FARB seminar being held on October 1 – 4, 2015. Ms. Putnam briefed the Board on the benefits of attending the FARB seminar. Dr. Auble made a motion to send Dr. Mathis, Teddy Wilkins, and Paetria Hampton to the FARB seminar, seconded by Dr. Pazar. The motion carried.

Ms. Putnam reminded Board members to leave the Board meeting area to discuss business that is not Board related so it will not be heard by those listening to the live streaming.

## **Adjourn**

With no other Board business to conduct, Dr. Bercaw made a motion to adjourn, seconded by Dr. Pazar, the board meeting adjourned at 2:45 p.m.