

# Tennessee Board of Examiners in Psychology



## Newsletter



Winter 2009

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227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243 • <http://tennessee.gov/health> (615) 532-5138 or 1-800-778-4123, extension 2-5138 Office Hours: Monday – Friday 8 a.m. to 4:30 p.m. Central Time (except state and federal holidays) Fax: (615) 532-5369



### About the Board of Examiners of Psychology

The Board of Examiners in Psychology was created in 1953 by an act of the state legislature. Its mission is to safeguard the health, safety and welfare of Tennesseans by requiring those who practice as psychologists or psychological examiners within this state be qualified. The board interprets the laws, rules and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The board is authorized to issue licenses to qualified candidates who have graduated from approved schools, completed appropriate post graduate work and passed the examination administered by the board. The board is responsible for the investigation of alleged violations of the Tennessee Practice Act and rules and is responsible for the

discipline of licensees who are found guilty of such violations.

All members of the board are appointed by the Governor to serve a five year term. The nine member board consists of two members of college psychology faculties (academic psychologists), four licensed psychologists (practicing psychologists), two licensed psychological examiners, and one health care consumer.

The board currently meets four times each year. A quorum of five members is required to conduct business. The meetings are open to the public.

### 2010 Board Meeting Dates

March 11-12, 2010  
9 a.m., Poplar Room

June 17-18, 2010  
9 a.m., Poplar Room

September 13-14, 2010  
9 a.m., Poplar Room

December 6-7, 2010  
9 a.m., Poplar Room



**All board meetings will be held at 227 French Landing, Suite 150, Heritage Place, MetroCenter, Nashville, TN, unless otherwise noted.**

## Examiners in Psychology Web Site

You may download a copy of the rules, applications and forms, board member list, board meeting schedule, policy statements, and other pertinent information at the board's website:

<http://tennessee.gov/health>

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## Legislative Updates

### Public Chapter 487 Non-Compete Covenants Between Health Care Providers and Employees

This new law sets forth parameters for reasonable non-compete covenants between health care providers and employees upon termination or conclusion of the employment or contractual relationship. It applies to health care providers licensed by the Board of Registration in Podiatry, Board of Chiropractic Examiners, Board of Dentistry, Board of Medical Examiners, Board of Optometry and Board of Examiners in Psychology. It does not apply to physicians who specialize in the practice of emergency medicine or radiology.

The restriction must be set forth in employment agreement or other written document signed by the health care provider and the employing or contracting entity and must be for two years or less. The maximum allowable geographic restriction is the greater of a ten mile radius from the primary practice site of the health care provider while employed or contracted or the county in which the primary practice of the health care provider while employed or contracted is located or there is no geographic restriction but the health care provider is restricted from practicing his or her profession at any facility at which the employing or contracting entity provided services while the health care provider was employed or contracted with the employing or contracting entity. Any restriction under this subsection shall not be binding on a health care provider who has been employed by, or under contract with, the employing or contracting entity for at least six years.

It also allows that an agreement entered into in conjunction with the purchase or sale of a health care provider's practice, or all or substantially all of the assets of the health care provider's practice, may restrict such health care provider's right to practice his or her profession, provided that the duration of the restriction and the allowable area of the restriction are reasonable under the circumstances. There shall be a rebuttable presumption that the duration and area of restriction agreed upon by the parties in such an agreement are reasonable. This became effective January 1, 2008.

### Public Chapter 581 Voluntary Provision of Health Care Services

Chapter 581 of the 2009 Public Acts provides that a person licensed by any of the health related boards who provides voluntary health care services to a patient of a sponsoring organization shall not be civilly liable for any act or omission in rendering these services, unless the act or omission constitutes gross negligence or willful misconduct.

This Public Chapter became effective on July 1, 2009.

### Public Chapter 425 Health Care Liability

This public chapter revises provisions governing notice that must be given by any person asserting a potential claim for medical malpractice to each health care provider against whom the claim is being made; revises provisions governing certificate of good faith that must be filed.

This Public Chapter became effective on July 1, 2009.

### Public Chapter 1190 Long Term Care

The long term care system shall recognize that aging is not a disease, but rather a natural process that often includes increasing needs for assistance with daily living activities. To the maximum extent possible and appropriate, the system shall be based on a model of care delivery which acknowledges that services delivered in the home and community-based settings are not primarily medical in nature, but rather, support services that will provide needed assistance with activities of daily living and that will allow persons to "age in place" in their homes and communities.

### Public Chapter 864 Restroom Access Act

Public Chapter 864 requires any place of business that is open to the general public for the sale of goods or services ("retail establishment") that has an employee toilet facility to allow a customer to use such facility during normal business hours, if:

1. The customer requesting the use of the employee toilet facility suffers from a medical condition that requires immediate access to a toilet facility or utilizes an ostomy device; the customer must present the employee with proof of an eligible medical condition, such as a document issued by a licensed medical provider;

2. Three or more employees of the retail establishment are working at the time of the request;
3. There is not a restroom available for public use in the retail establishment or otherwise immediately accessible to the customer; and
4. The employee toilet facility is not located in an area that poses an obvious safety or security risk.

This bill provides immunity from civil damages to any retail establishment or an employee of a retail establishment for any act or omission in allowing a customer to use an employee toilet facility that is not a public restroom if the act or omission:

1. Is not willful or grossly negligent;
2. Occurs in an area that is not accessible to the public; and
3. Results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

This bill does not require any retail establishment to make any physical changes to an employee toilet facility. Any retail establishment or employee of a retail establishment that does not comply with the toilet facility access requirements of this bill commits a Class C misdemeanor punishable only by a fine of up to \$50.

**The complete text of Public Acts is available at:**  
<http://www.tennessee.gov/sos/acts/index.htm>

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**Practitioners Currently Licensed by the  
Board as of December 2009**

Psychologists	1327
Psychological Examiners & Senior Psychological Examiners	540
Certified Psychological Assistants	12

**Disciplinary Actions**

**William Lokey, LPE – License No. 11544**  
 License placed on probation. Disciplined May 21, 2009.

**Kathryn Taylor, Sr. PE – License No. 1601**  
 Board ordered. Disciplined May 21, 2009.

Tennessee Board of Examiners in Psychology  
227 French Landing, Suite 300  
Heritage Place – MetroCenter  
Nashville, TN 37243



**TENNESSEE BOARD OF PSYCHOLOGY  
BOARD MEMBERS**

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Barbara Maxwell  
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