

**TENNESSEE BOARD OF EXAMINERS IN PSYCHOLOGY
MEETING MINUTES**

DATE: December 6, 2018

TIME: 9:00 a.m., CDT

LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS PRESENT: Hugh D. Moore, Ph.D., Chair
Todd Moore, Ph.D.
Mark Fleming, Ph.D.
Connie Mazza, SPE
Rebecca Joslin Staab, Ed.D., Ph.D.
J. Dale Alden, Ph.D.
Mickey Tonos, LBA
Susan Douglas, Ph.D.

BOARD MEMBERS ABSENT: H. R. Anderson, Jr., SPE
Jennifer Winfree, Consumer Member

STAFF PRESENT: Teddy Wilkins, Unit Director
Lisa Williams, Board Administrator
Paetria Morgan, Office of General Counsel
Andrew Coffman, Office of General Counsel

Dr. Moore, Chair, called the meeting to order at 9:13 a.m. A roll call was conducted and a quorum was present. Board staff introduced themselves. Teddy Wilkins welcomed the newest board member Susan Douglas.

Contested Case Hearing in the Matter of James S. Walker, PhD, license number 1748

A contested case was heard in the Matter of James S. Walker, PhD for violation of a board order. The State was represented by Andrew Coffman, Assistant General Counsel, Office of General Counsel. Dr. Walker was represented by C.J. Gideon, Esq. of the Nashville Bar. Before the case was heard, Mr. Coffman asked if any of the board members had a conflict of interest with Dr. Walker. Dr. Dale Alden replied he had a conflict of interest and recused himself from the hearing.

The case stems from Dr. Walker's violation of a board Order entered June 13, 2013 which placed Dr. Walker's license to practice psychology in the state of Tennessee on probation with certain conditions. The 2013 Order contained several terms, including the requirement that the

Respondent enter into a lifetime contract with the Tennessee Colleague Assistance Foundation (“TCAF”). Respondent used cocaine in April and September 2017 and used heroin in September 2017. Dr. Walker entered into treatment at the Positive Sobriety Institute. During the time Dr. Walker was in treatment, TCAF withdrew its advocacy for Dr. Walker by letter dated October 16, 2017, and notified this Board. Respondent violated the 2013 Order since TCAF has withdrawn its advocacy from the Respondent. On January 1, 2018, Dr. Walker entered into a monitoring agreement with Kentucky Professional Recovery Network (“KYPRN”).

Dr. Walker was questioned by Mr. Coffman and Mr. Gideon. The Board then questioned Dr. Walker about his drug usage and contract with TCAF. Testimony was heard by witnesses called by Mr. Gideon.

Both Mr. Coffman and Mr. Gideon presented Proposed Orders to the board. During the deliberations Dr. Fleming briefly summarized by stating that there was a consent order signed in June and Dr. Walker signed a contract with TCAF as well and violated that contract on at least two separate occasions per his own admission. Dr. Walker obtained supervision and went to Kentucky. Ultimately there was an admission that the contract was violated which means that the order was violated. Dr. Hugh Moore stated that it was problematic with the timing with TCAF. He stated that it was the potential for harm that needs to be considered. He stated that he didn’t find much relevance from the witnesses’ testimonies.

Dr. Fleming reminded the board that not only was there a violation in September and the issue with the TCAF contract, but there was another violation the previous April also. He stated that the board is here to determine if Dr. Walker violated the codes and the laws and procedures of Tennessee which he did. He stated as a board that whatever the board decides first and foremost, they must look at what is important to the citizens of the state. The governor appoints the board members to protect the citizens. Dr. Walker has admitted to not being honest, having broken the law on multiple occasions, having a mental illness and an addiction issue. Dr. Fleming stated that he felt it’s not the board’s job to punish that. That’s not why the board’s there. The impact that it has with regards to his ability to currently serve as a psychologist is what has to be determined with regards to him breaking those regulations.

Dr. Hugh Moore stated that Dr. Walker has admitted to using [illegal substances] in April. That in and of itself, had that been brought before the board or TCAF at that time, there would have been consequences at that time. Dr. Douglas stated her concern that there was not a consistent pattern of ethical decision making on the positive side based on his use of drugs and not seeking support when he clearly needed it. Dr. Todd Moore stated his concern that on at least two occasions no action was taken until Dr. Walker was reported by someone else and only then was some action taken by Dr. Walker to try and address things. Mr. Tonos maintains that the hearing wouldn’t have taken place if it weren’t for TCAF withdrawing advocacy with Dr. Walker. Dr. Fleming stated that there was a clear violation and misconduct in regards to not following through with the order.

After reviewing both orders presented; the Board Orders as follows: Respondent’s license to practice psychology in the State of Tennessee is suspended for a period of one year from the entry of this Order. Respondent’s license shall be on probation for a period of five (5) years

from the date of the entry of this Order. Within thirty (30) days Dr. Walker shall secure an agreement with an advocacy organization within the state of Tennessee subject to approval by the Board at its next meeting. Respondent shall maintain his contract with KPRRN until such an agreement with an advocacy organization in Tennessee is entered. For the lifetime of maintaining his license the advocacy group shall be maintained and all changes to the advocacy group shall be approved by the Board. Respondent shall undergo a fitness for duty evaluation within 60 days of a petition to lift the suspension. Respondent must pay, pursuant to TENN. CODE ANN. § 63-1-144, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. Said costs shall not exceed twenty thousand dollars (\$20,000.00). These costs shall be paid by submitting a certified check, cashier's check or money order payable to the State of Tennessee, which shall be mailed or delivered to Office of Investigations; Attn: Disciplinary Coordinator; Tennessee Department of Health; 665 Mainstream Drive; Nashville, Tennessee 37243. These costs are due within ninety (90) days of the issuance of the Assessment of Costs. Suspension is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency.

A motion to accept the discipline was made by Dr. Fleming, seconded by Dr. Todd Moore. The motion carried. This concluded the hearing. Dr. Alden rejoined the meeting.

Minutes

Upon review of the September 13, 2018 minutes, Dr. Staab made a motion, seconded by Dr. Alden to approve the minutes as presented. The motion carried.

Office of General Counsel

Ms. Paetria Morgan stated there is one consent order, no agreed orders and two open cases in OGC. One of the open cases was the contested case they heard today. There are no appeals in chancery court. She reviewed the conflict of interest policy. There is no legislation to report and the rules which included continuing education, telepsychology and ethical code rules are in the internal review process. She passed the rules along to the next reviewer in June 2018.

Ms. Morgan presented the consent order for **Dr. Jill I. Amos**, license number 1899. She worked on an expired license from November 1, 2017 to May 20, 2018. Her license will be reprimanded and she must pay five type B civil penalties in the amount of \$100 each. She must pay this within thirty days of the order. This information will be sent to the National Practitioner Data Bank. She will pay all actual and reasonable costs of prosecuting this case up to \$3000. Dr. Hugh Moore called for a motion to accept the Consent Order on Jill Amos. Dr. Fleming made a motion to accept the Consent Order seconded by Dr. Staab. The motion carried.

Investigative Reports

Lori Leonard, Disciplinary Coordinator, presented the summary of currently monitored practitioners with five on probation, one is revoked, three are suspended, three are under agreed orders and one has been reprimanded. The investigative report for psychologists was presented with twenty-two new complaints for the year 2018. She stated of those twenty-two complaints the allegations have been one for falsification, one for sexual misconduct, one for unlicensed practice, sixteen for unprofessional conduct, one for medical record requests and two for lapsed licenses. Investigations closed to date this year with a total of twenty-eight complaints. One complaint was a combination with another complaint, one was closed for insufficient evidence to discipline, two were sent to the Office of General Counsel for discipline, fifteen complaints were closed with no action at all, six were closed with a letter of concern and three were closed with a letter of warning. Currently there are eighteen open complaints that are being investigated and/or reviewed. There are two new complaints year to date for psychological examiners. One complaint was for fraud or false billing and one was unprofessional conduct. One complaint was closed with a letter of warning. There are no new complaints for the year, no closed complaints and no pending complaints for the certified psychological assistants.

Administrative Report

Ms. Lisa Williams stated as of December 3, 2018 there are currently 1,426 licensed Psychologists, 366 licensed Psychological Examiners/Senior Psychological Examiners and 62 licensed Certified Psychological Assistants. There are currently twenty (20) Psychologists applications in process, eleven (11) newly licensed and 176 renewals. There were four (4) retired, five (5) expired and two (2) reinstated licenses. There are currently no applications in process or newly licensed Psychological Examiners/Senior Psychological Examiners and there are forty-seven (47) renewals. There are four (4) retired, five (5) expired and two (2) reinstated licenses. There are currently three (3) Certified Psychological Assistant applications in process, five (5) newly licensed, six (6) renewed. There are zero (0) retired, zero (0) expired and zero (0) reinstated licenses. Ms. Williams asked the Board members to sign their travel and per diem claims. She also stated the next scheduled Board Meeting is March 14, 2019 and the following dates have been scheduled for 2019:

June 13, 2019
September 12, 2019
December 5, 2019

Ms. Wilkins mentioned the EPPP exam which is the national licensing exam for psychologists. The Association of State and Provincial Psychology boards (ASPPB) wants to implement a second part of the EPPP exam known as the Enhanced EPPP exam. This will be similar to the exam that licensed professional counselors take that is focused more on practice knowledge rather than on book learning. The original intention was to introduce this in January 2019. There was considerable backlash from the jurisdictions saying the ASPPB is there to represent the jurisdictions and not the other way around. The ASPPB has backed off on requiring everyone to use this. There are pros and cons for using this additional exam. There are many questions to be considered if this second part is implemented. One question is when would the first part be taken? Currently the exam is taken during the applicant's post-doc year. Not all jurisdictions require a post-doctoral experience. Tennessee does require the post-doc experience.

Something else to think about is if some jurisdictions use this and Tennessee does not, will that be a barrier for entry for becoming licensed in another state? Dr. Moore stated that the enhanced EPPP exam is being implemented and there are some early adopters. Some will adopt it a little later on and some states like Tennessee are trying to see how it will fit into their statutes and rules. He pointed out that most states do not have the ability to just switch this exam on. Ms. Wilkins stated that it is unsure if it will take a change in legislation and if it does, that will make it more complicated. Ms. Wilkins stated that Dr. Alex Segal is willing to come and speak to the board concerning the EPPP exam and telepsychology if the board desires to hear him. She will invite him come to the board meeting in March or June.

Discuss and Ratify/Deny Newly Licensed and Reinstated Psychologists

Newly Licensed

Dr. Todd Moore made a motion, seconded by Dr. Staab to ratify the following newly licensed Psychologists:

Psychologists

Bychkiv Yuriy	Pittenger Frank H.
Carmona Ana	Pliego Jessica A.
Gould Amanda Michelle	Schirr Kelly Moore
Hansen Steven James	Sweeney Elisabeth Quintrell
Lense Miriam Diane	Thompson Sarah M.
Oehring Elise	

The motion carried.

Dr. Todd Moore made a motion, seconded by Dr. Douglas to ratify the following newly licensed Certified Psychological Assistants:

Certified Psychological Assistant

Deangelo Olivia K.	Lott Kristen V.
Dozier Autumn R.	Short Mariesa A.
Holcomb Lillie M.	

The motion carried.

Reinstated

Dr. Todd Moore made a motion, seconded by Dr. Fleming to ratify the following reinstated Psychologists:

Gunne Allison Shelton	Reynolds Wallace A Jr.
-----------------------	------------------------

Sasse Susan D

Schlack Heide

The motion carried.

Discuss and Ratify/Deny Newly Licensed Behavior Analysts

Newly Licensed

Dr. Todd Moore made a motion, seconded by Dr. Fleming to ratify the following newly licensed Behavior Analysts:

Behavior Analysts

Ballard-Scott Laura A.
Carter Chelsea Elizabeth
Dahlgren Tammy K.
Davis Tammy
Hart Jennifer Darlene
Hice Emily
Jedrzynski Thomas M.
Lankford Alicia Joanne
Markland Shawnee Mae Kay
Martinez Jane M.
Mccoy Melissa Kate
Mckee Erika Haley
Naylor Jennifer S.

Needham Carolina F.
Newman Bobby
Porter Madeline E.
Ridley Hannah Ree
Sandefur Bethany Grace
Schulenburg Alexis N.
Shibley Lauren Boone
Shreve Nichole M.
Shuster Sarah B.
Spiess Amanda
Thompson Jean Marie
Wieckiewicz Ashley M.

The motion carried.

Dr. Alden made a motion, seconded by Dr. Douglas to ratify the following newly licensed Assistant Behavior Analysts:

Assistant Behavior Analysts

Fairand Lauren Nicole

Terry Kathryn E.

The motion carried.

Tennessee Colleague Assistance Foundation

The Grant contract was discussed and Ms. Wilkins briefly explained that the contract expires June 30, 2019. She has been working with the state's contract personnel. The contract will be a request for purchase. The contract will not be an automatic renewal, but will go out for bids and then the selection process will take place. TCAF has asked for a supplemental increase and this is after receiving an increase the last time the contract came up. Ms. Wilkins suggested the board members review both contracts before the next board meeting in the event discussion

concerning the contracts was needed. The board has no say in approving the contract. Approval is done by the Department of Health personnel after it is sent out for bids.

Correspondence

A letter from the Memphis Area Psychological Association was received and Dr. Hugh Moore suggested the letter be sent out to the board members for review. Dr. Moore and Ms. Wilkins have looked at it and stated that it is questioning some of the Continuing Education rules. The letter suggested that a licensee must be a member of the Tennessee Psychological Association to be on the Psychology Board among other things. Ms. Wilkins stated that one of the comments was that the cultural competence was very much disliked. Also addressed in the letter was the desire for more online classes to be allowed.

ASPPB Meeting in Salt Lake City, Utah

Dr. Hugh Moore stated that he and Ms. Wilkins attended the ASPPB meeting in Salt Lake City. The biggest theme to the meeting was the multi-state and multi-national privilege to practice especially the European coalition. There was discussion about Psy-Pact and the Enhanced EPPP exam. Some states are going to be implementing the Enhanced EPPP early on as a pilot. There were a couple of states suggesting that they may not accept the Enhanced EPPP and may discontinue utilizing the EPPP exam entirely. Dr. Moore stated his concern that he does not want to see Tennessee to be in a position where Tennessee is always trailing everyone and not able to offer any inter offerability to any other states. We need to be able to interact with the rest of the country. That's ongoing and ASPPB heard the message loud and clear because they put the brakes on implementation.

ASPPB Meeting in Santa Fe, New Mexico

Ms. Wilkins stated that the next meeting will be in Santa Fe, New Mexico in April of 2019. The board can send three board members and two staff which will be Ms. Morgan and Ms. Wilkins. Ms. Wilkins requested volunteers to attend the meeting. Dr. Hugh Moore, Dr. Fleming and Dr. Douglas volunteered to attend. Dr. Moore called for a motion to have Ms. Morgan and Ms. Wilkins and three board members to attend the meeting in Santa Fe in April. A motion was made by Dr. Todd Moore and seconded by Dr. Fleming. The motion carried.

Order of Compliance

Patricia Lees appeared before the board to petition the board for an order of compliance to lift the probationary suspension that has been placed on the license so that her license will be unencumbered. She has paid the cost and the civil penalties, she contacted TCAF as instructed by the board and she signed a one-year monitoring agreement with TCAF. Dr. Hugh Moore called for a motion to approve order of compliance for Dr. Lees. A motion was made by Dr. Alden and seconded by Dr. Fleming. The motion carried.

Applicant File Review

Mary Baker appeared before the board to get a ruling on her application that does not meet the requirements for a Certified Psychological Assistant as per rules 11180-04-.02(7)(g). She did not have weekly supervision meetings with a state licensed psychologist with HSP. Dr. Moore called for a motion to allow Ms. Baker the opportunity to withdraw her application. A motion was made by Dr. Fleming and seconded by Mr. Tonos. The motion carried.

Tennessee Psychological Association

Mr. Tyler Overstreet represented TPA and stated that he had no additional information to share with the board, but was available to answer any questions the board might have or that could be taken back to TPA. The board had no questions and thanked Mr. Overstreet for attending and waiting.

Adjourn

With no other Board business to discuss Dr. Fleming made a motion, seconded by Dr. Todd Moore to adjourn at 7:42 p.m. The motion carried.