



## **Tennessee Board of Psychological Examiners Meeting**

**Thursday, September 14, 2023**

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### **MINUTES**

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The Board meeting of the Tennessee Board of Psychological Examiners was called to order at 9:00 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Mark Fleming, Board President on Thursday, September 14, 2023.

Board members present: Mark Fleming, PhD, Board President  
Alicia Victory, Vice Chair  
Timothy Arentsen  
John Tyler Overstreet  
Deborah Carter  
Brittany Lett, Consumer Member

Board member(s) absent: Amanda Spiess, Ex-officio Member  
Neelam Jain  
Amy Nicholson  
Susan Douglas

Staff present: Candyce Wilson, Board Director  
Elta Breen, JD, General Counsel  
Dale Hill, Board Administrator

### **PRESENTATION FROM DR. BRIAN WIND, PhD, SPE – EXECUTIVE DIRECTOR OF TCAF**

- 1) TCAF has four active contracts, two contracts pending, and two administrative inquiries.
- 2) TCAF has all of its RAMP-contracted clients in our digital monitoring platform and continues to see excellent compliance with RAMP contracts - current compliance rate = 100%.
- 3) Virtual connectivity with TCAF's clients continues to demonstrate multiple benefits.
- 4) TCAF has teamed up with Vanderbilt to present at the upcoming TPA annual conference on the trend of increasing cases cognitive impairment in the profession of psychology.
- 5) The new TCAF website has been developed and launched ([tcafonline.com](http://tcafonline.com)) and includes an 'in memorium' page through which our foundation collaborates with TPA to share information about the passing of our colleagues.
- 6) TCAF's Board members have remained actively involved in TCAF's operations and have provided extra help for complex cases.

- 7) Our Board was prompted by one particular complex case to work through some policy issues, and as a result multiple changes have been made to our RAMP contract template – there has been seamless collaboration amongst Board members, Executive Director, and Associate Directors.
- 8) All of TCAF’s activities continue to be carried out well within the TCAF budget.

Dr. Murphy Thomas, Chairman of the TCAF Board presented before the Board. Discussion on desire to restructure TCAF Board of Directors with ex officio members that are also supervisors to impaired professionals.

### **APPROVAL OF MINUTES**

Tabled until next meeting.

### **OFFICE OF INVESTIGATIONS REPORT**

Mr. Roger Knowelton appeared before the Board to present the current investigative report. Thirteen (13) new complaints have been opened for psychologists in 2023 so far. Twenty (20) complaints were closed. Three (3) new complaints were opened for psychological examiners. There were no complaints received for certified psychological assistant.

### **FINANCIAL REPORT**

There is no report for this meeting.

### **ADMINISTRATIVE OFFICE REPORT**

As of September 13, 2023 there were 1,477 active licensed psychologists, 245 psychological examiners, and 66 certified psychological assistants. The Board is scheduled to meet next on December 12, 2023.

### **OFFICE OF GENERAL COUNSEL REPORT**

There is one (1) open case in the office of general counsel. There are three (3) rule projects in process. There are emergency rules pending for a law (PC No. 442) that goes in effect on January 1, 2024. At this time, there is nothing more for the Board to consider for those rules and the rules are proceeding through the internal review. Once the emergency rules are in effect it is only good for 180 days so the rules will need to go through the rulemaking process still.

### **RATIFICATION OF NEW LICENSEES**

The Board reviewed the newly licensed and reinstated psychologist and psychological assistant licensees since the last Board meeting. Mr. Overstreet motioned to ratify all names on the list. Dr. Victory seconded the motion and it passed.

### **UPDATE FROM DR. PAMELA AUBLE FROM TPA**

Dr. Auble provided the Board with copies of letters to review. The letters were from TPA to the Board dated May 30, 2023 and another letter from Dr. Jenny Matthai dated June 5, 2023 to the Board. In summary, as of January 2023, Licensed Behavior analysts have begun training as forensic evaluators by the TN Department of Mental Health and Retardation, Mental Health Services Division (TDMHMR). The

TPA takes the position that competency training is beyond the scope of practice of licensed applied behavior analysts. The Board requested staff reach out to the other applicable Departments for more information and if possible, request for an appearance before the Board to provide the Board with more information.

### **DISCUSS AND CONSIDER CONTINUING EDUCATION RULE CHANGES FOR CPA'S**

Ms. Elta Breen presented research from other state licensing Boards and their qualifications for licensure and CE requirements for CPA's.

The Board discussed possibly requiring twenty (20) CE hours within a two (2) year period. The Board requested assistance from TPA to poll licensees about their current CE process as a means to gather more information.

### **DISCUSS AND CONSIDER CE BROKER**

Ms. Wilson and the Board discussed CE Broker, the benefits this service provides for licensees and Board staff and the option to move towards mandating CE Broker.

Ms. Breen confirmed making it a requirement could be enforced by policy since this would be explaining the continuing education process.

Dr. Victory made a motion for staff to send an email blast to all licensees that the states official continuing education audit platform (at this time is CE Broker) will be the official mechanism used for licensees to submit continuing education, for the Boards website to reflect this requirement and for audit notices to be changed to reflect the location of submission of CEs to that platform. Mr. Overstreet seconded the motion and it passed.

### **DISCUSS AND CONSIDER TELEPSYCHOLOGY RULES**

Ms. Breen read aloud a section of the current telepsychology rules. Additionally, one of the FAQ's

The Veterans Administration reached out because some people were not getting hired for 100% remote jobs if they only had a Tennessee license because it was assumed that they would not be allowed to use their TN license in the manner needed. However, the Board recognizes that Federal regulations, PSYPACT regulations and students in training supersede the Tennessee requirements. To ensure this information is available the Board modified one of their FAQs on the website to now show the following:

5. If I am from another state, can I provide Telehealth services to a client in Tennessee.  
Unless separately authorized to practice interjurisdictional telepsychology, such as under federal law (military training exception, Veteran's Administration), state statute (trainees practicing under supervision, PSYPACT), or Board rules (free health clinic), the provider must be licensed in Tennessee, and the client must be in Tennessee.

Dr. Arensten motioned to approve adding language in the telepsychology rules to offer a clearer understanding to this issue. Dr. Victory seconded the motion and it passed.

### **DISCUSS AND CONSIDER THE TN ETHICS & JURISPRUDENCE EXAMINATION**

Update from Dr. Pamela Auble on the groups modifications to the jurisprudence exam.

The Board reviewed the provided jurisprudence examination and score reporting sheet which now includes demographic information. Dr. Arensten motioned to start using the new jurisprudence exam and the new score sheet with demographic information. Dr. Victory seconded the motion and it passed.

The Board discussed a desire to move towards an electronic jurisprudence examination. The Board already has pending rule changes to allow for an electronic process once those rules go through.

The Board and staff led a discussion on how long an applicant should have to complete their jurisprudence examination. The Board feels as though applicants should pass the jurisprudence exam within six (6) months of being eligible to register for the jurisprudence exam. There are no current rules to limit this.

#### **PUBLIC COMMENT**

There were no public comments.

The meeting adjourned.