

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

DATE: September 12, 2019

TIME: 9:00 a.m., CDT

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

BOARD MEMBERS PRESENT: Todd. Moore, Ph.D., Vice Chair
Mark Fleming, Ph.D.
Mr. H.R. Anderson, SPE
Connie Mazza, SPE
Rebecca Joslin Staab, Ed.D., Ph.D.
Mickey Tonos, LBA
J. Dale Alden, Ph.D.
Susan Douglas, Ph.D.
Deborah Carter, Ph.D.

BOARD MEMBERS ABSENT: Jennifer Winfree, Consumer Member

STAFF PRESENT: Teddy Wilkins, Unit Director
Lisa Williams, Board Administrator
Jennifer Putnam, Senior Associate General Counsel
John Tidwell, HRB Director
Felencia Fite, Licensing Technician

Dr. Todd Moore, Vice Chair and acting Chair, called the meeting to order at 9:02 a.m. A roll call was conducted and a quorum was present. Board staff introduced themselves.

Ms. Wilkins welcomed the newest board member, Dr. Deborah Carter, who replaced Dr. Hugh Moore whose term with the board had ended.

Rulemaking Hearing to amend 1180-01-.09 Professional Ethics

Jennifer Putnam, serving as the Senior Associate General Counsel for the Department of Health Office of General Counsel served as moderator of the rulemaking hearing. Rule 1180-01-.09(1) changes the version of the ethics code from June 1, 2003 to January 1, 2017. This rule amendment incorporates the 2010 and 2016 amendments to the APA (American Psychological Association) ethical code. This rule amendment adopts the APA ethical code amendments to the extent that they do not conflict with state law, rules or board position statements. Ms. Putnam called for any public comments. There were no public comments and no written comments

addressing this particular proposed change. The board voted on the proposed change by roll call vote. All board members voted to approve the proposed rule change. Ms. Putnam brought to the board's attention the Economic Impact Statement and the Regulatory Impact Analysis presented to the board for informational purposes. This is documentation provided to the government operations committee when they are reviewing the rules to see how it will affect any potential small businesses, jobs or any other manner in which it could affect the licensees in addition to them having to follow the new adoptive proposed changes of complying with the adoption of these new ethical standards that are set out in the most up to date APA ethics code.

Applicant File Review

Dr. Vanessa Cirulli appeared before the board to state her case for licensure with an application that did not have an APA (American Psychological Association) or APPIC (Association of Psychology Postdoctoral and Internship Centers) approved internship and to provide a side by side comparison of her CAPIC (California Psychology Internship Council) internship versus and APPIC approved internship. Dr. Fleming made a motion to approve the CAPIC internship for Dr. Cirulli. Dr. Douglas seconded the motion. The motion carried.

Dr. Kia Boyd appeared before the board to state her case for licensure with an application that did not have an APA accredited graduate program nor was it on the ASPPB/CRHSP (The Association of State and Provincial Psychology Boards/CRHSP designated program list. Dr. Fleming stated that the side by side comparison was helpful and everything else in her application met the requirements. Mr. Tonos questioned the lack of accreditation of the program and asked Dr. Boyd for an explanation. Dr. Boyd stated that the program chair, Dr. Patty Harrison, never sought accreditation initially. The program is now being re-structured to mirror an APA accredited program and accreditation is now being pursued. Dr. Fleming made a motion to accept Dr. Boyd's degree as meeting Tennessee's requirements for licensure. Dr. Alden seconded the motion. The motion carried.

Minutes

Upon review of the June 6, 2019 minutes, Dr. Douglas made a motion, seconded by Dr. Staab to approve the minutes as presented. The motion carried.

Investigative Reports

Ms. Lori Leonard, Disciplinary Coordinator, Office of Investigations, presented the investigative reports for psychologists. She presented the summary of currently monitored practitioners with one licensee with an unlicensed practice, two under reprimand, two under probation, three under suspension and one revocation. New complaints for psychologists for the year 2019 were seventeen. She stated of those seventeen complaints one was for falsification of records, one for sexual misconduct, one for criminal charges, three for unlicensed practice, eight for unprofessional conduct, one for a medical record request, one for practice beyond the scope of practice and one outside of the investigative scope of practice. Investigations closed a total of seventeen complaints in the year 2019. Three complaints were closed with insufficient evidence to formally discipline, ten were closed with no action, three were closed with a letter of concern

and one was closed with a letter of warning which is not reportable to the data bank as discipline. Currently there are thirteen open complaints being investigated and/or reviewed for psychologists. For the psychological assistants zero complaints have been received and no complaints open at this time. For the psychological examiners, no complaints have been received for the year 2019. Three complaints have been closed. One was closed and sent to the office of general counsel for discipline, one was closed with no action and one was closed with a letter of warning. There are currently no complaints open and being reviewed and/or investigated at this time.

Office of General Counsel

Jennifer Putnam stated that there was one consent order, no agreed orders to be presented at this meeting, currently there are no open case files for this board in the office of general counsel and currently no appeals in chancery court. She reviewed the conflict of interest policy. She reviewed the rulemaking hearing already conducted and the steps to follow.

William E. Stanley, Senior Psychological Examiner, had a consent order that was presented by Ms. Putnam. She stated the stipulations of fact. Mr. Stanley was an approved provider for the Tennessee sex offender treatment board. While being a provider for that board, he allowed an offender he was treating to drive him to and from group meetings. He also hired offenders that he was treating to provide services such as mowing his lawn. He accepted payment from indigent offenders instead of billing the Tennessee Sex Offender for reimbursement through their waiver program which would have paid for those services. He failed to maintain treatment notes on offenders and allowed an infant to sit in on a group therapy session. The grounds for discipline were unprofessional, dishonorable or unethical conduct, which is a violation of your statute and is a violation of your rule to create and maintain patient records which he failed to do. It is a violation of the ethical standards as part of the APA codes. Specifically, it is code 3.08 in regarding to exploitive relationships in which they should not exploit persons over whom they have supervisory, evaluative or authority such as clients, patients, students, supervisees, etc. The proposed discipline for your review and ratification today would be that his Senior Psychological Examiner license be reprimanded. That he be assessed three type B civil penalties in the amount of three hundred dollars each representing a penalty for each statutory and rule violation presented. He will also be assessed the cost of the investigation and the presentation of this matter. Those costs are set not to accede four thousand dollars. He will also be reported to the national practitioner's data bank and this is permanently attached to your record. The respondent has agreed to these terms and the facts as written in the order and has signed this order. Counsel has also agreed to this as well. Clarification of types of discipline and discussion ensued. Mr. Anderson made a motion to accept the recommendation and approve the consent order. Dr. Fleming seconded the motion. The motion carried.

Administrative Report

Ms. Lisa Williams stated as of September 9, 2019 there are currently 1,418 licensed Psychologists, 354 licensed Psychological Examiners/Senior Psychological Examiners and 64 licensed Certified Psychological Assistants. There are currently 42 Psychologists applications in process, 27 newly licensed, 179 renewals. There were 8 retired, 12 expired and 1 reinstated

retired and 0 reinstated expired licenses. There are currently 2 Psychological Examiners/Senior Psychological Examiners applications in process, 0 upgraded to Senior Psychological Examiners and 55 renewals. There are 3 retired, 4 expired and 0 reinstated licenses. There are currently 2 Certified Psychological Assistant applications in process, 2 newly licensed, 7 renewed, 4 expired license and 0 reinstated expired license. Ms. Williams asked the Board members to sign their travel and per diem claims and submit their lodging receipts. She also stated the next scheduled Board Meeting is December 5, 2019 and the following dates have been scheduled for 2020: March 19, 2020, June 11, 2020, September 10, 2020 and December 3, 2020. She informed the board the Peer Assistance Grant Contract beginning July 1, 2019 and ending June 30, 2024 has been awarded to the Tennessee Colleague Assistance Foundation (TCAF). Ms. Teddy Wilkins mentioned that Dr. Fleming will be attending the ASPPB Annual Meeting being held in Minneapolis, MN in October. Mr. Tidwell will also be attending the conference in Minnesota.

Discuss and Ratify/Deny Newly Licensed and Reinstated Psychologists

Newly Licensed

Mr. Tonos made a motion, seconded by Mr. Anderson to ratify the following newly licensed Psychologists:

Psychologists

Beish Jones Shannon M.
Corona Laura L.
Cummings Courtney E.
Daubs Carlyn
Dodd Julia
Godlove Jennifer
Heidelberg Kenney Rebecca
Huber Linda F
Kayser Kimberly
Larosa Kayla
Mckeeon Adrienne Anderson
Morrissette Tara Ann
Murrell Amy Rebekah
Osborn Katie Elizabeth
The motion carried.

Petgrave Dannel
Ramsey Sarah Renee
Reyes Shelby M.
Seigler Kathy
Sheffield Julia M.
Shepherd Savanna N.
Skibba Ahou S
Stapleton Charles Matthew
Thomas Elizabeth Ann
Torres Carlos
Verbos John
Wagner Liliana
Williams Bridget S.

Dr. Alden made a motion, seconded by Mr. Tonos to ratify the following newly licensed Certified Psychological Assistants:

Certified Psychological Assistants

Pebley Kinsey N
Shrull Natalie A

The motion carried.

Mr. Tonos made a motion, seconded by Dr. Douglas to ratify the following reinstated Psychologist:

Reinstated

Harvey Sally Cain

The motion carried.

Discuss and Ratify/Deny Newly Licensed Behavior Analysts

Newly Licensed

Mr. Tonos made a motion, seconded by Mr. Anderson to ratify the following newly licensed Behavior Analysts:

Behavior Analysts

Adkins Jennifer M.	McDaniel Justin C
Albert Nadia O	McKee Ryan A
Cornfield Elizabeth M	Melia Frank A
Elliott Brandi K	Morris Amy W
Fann Katie R	Neumann Kaitlyn J
Farmer Brittany N	Painter Ashley N
Flannery-Reilly Adrienne	Porter Blair A
Garrett Mika B	Pullum Megan Ruth
Garry Megan R	Ross Martha Dorian
Gregory Mary Bailey	Segovia-Bratton April D
Hennessey Holly A	Shepple Hannah E
Hunter Candice R	Shriner Carrie A
Jeter Lillie H	Stefankiewicz Jennifer A
Jones Samantha K	Ventimiglia Jessica L
Kelly Tiffany K	

The motion carried.

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

Assistant Behavior Analysts

Kahrl Cresanna
Morgan-Brown Darnethia
Taylor Stephen A

The motion carried

Mr. Tonos made a motion, seconded by Dr. Alden to ratify the following reinstated licenses:

Reinstated Behavior Analysts

Hazelwood Audrey Carter
Palm Tracy
Szala Chad M.

The motion carried

Tennessee Psychological Association

Dr. Pam Auble, TPA representative, stated that there was nothing new to report to the board.

Tennessee Colleague Assistance Foundation (TCAF)

Dr. Brian Wind, Executive Director of the Tennessee Colleague Assistance Foundation (TCAF), thanked the board for the renewal of their Peer Assistance Grant contract. They currently have four active contracts and have used this time to do a lot of administrative re-organization. The operations continue to run well day to day. Our clients continue to do quite well. TCAF continues to collaborate closely with TPA and have sustained the support of TPA. They have moved to a new place of business which is just adjacent to where they previously were and is more cost efficient. All of the individuals are now in the new software application which is a recovery coaching application and have been in it for about three months. The idea behind this is the hypothesis of connectivity plus accountability equals long term success in terms of rehabilitation in recovery. They are able to stay connected with the individuals quite well through this. TCAF is about eighty percent of the way through completing a custom report for this board whereby starting at the next meeting they will be able to attach to the back of their update letter to the board an appendix which will show some charts and graphs and those types of things related to outcome and how everyone is doing who is under contract with them. They continue to carry out their activities well within their budget.

Dr. Murphy Thomas, Chairman of the Board of TCAF, presented a working document and spoke on client information and what client information is actually presented to the board. He stated that TCAF policies were re-written in such a way that it is an informed consent process. TCAF would be saying to the client that if they are going to work with them, the client must consent to TCAF providing certain key but very limited information to the board if there is an appeal. He

read through his mission statement and their duties. He spoke on the question that was raised concerning what is TCAF's process in dealing with a client relapse. TCAF plans to implement a revised rehabilitation contract. An appeals process will also be in place. He also stated that at some point the person would be turned back over to the Office of General Counsel if the individual could not be rehabilitated. He stated that TCAF does not have the authority to punish anyone.

Discuss EPPP 2

Ms. Putnam reminded the board that the board cannot create legislation. You can express your concerns of any potential need for legislation to your professional associations and should the professional association take it upon themselves to agree and want to move forward with proposing a bill for the upcoming session they may do so. Ms. Wilkins reminded the board that for the past couple of years the ASPPB (The Association of State and Provincial Psychology Boards) is instituting a second part to the EPPP exam which is the national licensing exam. The ASPPB felt it would be a good idea to add a second exam to the EPPP which would test the practical skills whereas the first part would test book learning. This has been an ongoing conversation for a couple of years. It is not in place yet, but the first states will start delivering this exam to their applicants January of 2020 which is when it will be available. It is not mandatory at this time. At first the ASPPB wanted to make it mandatory for every state to have to do this. They received major opposition to that for various reasons. We are not sure whether or not it will take legislation to have the Tennessee board put this into place or not. At this time, the board hasn't even discussed whether this board wants to use the part 2 of the EPPP. There are reasons for and against the EPPP 2. One reason is that Tennessee requires a post-doctoral experience. Many other jurisdictions do not require this post-doctoral experience. It could be said that the post-doctoral experience is where you get your training in how to be a psychologist. There are the financial concerns. At this point the candidate takes the EPPP during their post-doctoral year. There would be questions as to the timing of when each part the EPPP exam would be taken. There is a movement to have the EPPP as it stands now given while the pre-applicant is still getting their doctoral degree or during the pre-doctoral internship. It raises a whole lot of questions. Dr. Fleming stated that at the meeting in Santa Fe they showed them several questions and as a group they went through eight or ten questions. He said it was fascinating because there was no consensus even though there was a right answer. He expressed concern because he is still not satisfied with data regarding minorities. The data shows minorities fail at a higher rate. Those programs that have a higher number of minorities in the program show that those students fail at a higher rate as well. There did not seem to be anyone in Santa Fe that could speak to how that was taken into account in regards to the development of the EPPP 2. He felt that was still very important unanswered question with regards to the development of that test. He stated that ASPPB is very excited about this second exam. The other concern that a lot of people in the room in Santa Fe had as it was discussed was if a state does not utilize the EPPP 2, is that state putting their citizens behind the eight ball especially if they want to move and if they are moving to a state that requires it. Ms. Wilkins shared what the Professional Counseling Board does where two exams are in place. Tennessee requires both exams. Other states only require the mental health exam. If someone comes to us wanting a license in Tennessee and they have not taken the NCE exam, we require that they take it and pass it. Like Dr. Fleming said portability of license is a consideration if our people want to go

someone place else and that state is a two-exam state, then they would have to take that exam in the other state. There is a lot to consider. Dr. Moore clarified that in order to make any changes it would take an act of legislation to be processed for that to occur. This is not something a board can make a decision about. Ms. Putnam stated that the board would make the decision whether or not you wanted that to be the change. If you wanted that to be the change in order to necessitate that change there would have to then be a legislative change in the statute. Dr. Fleming will bring back information from the Minnesota meeting he attends in October and present it at the December board meeting and TPA will also present information at the December board meeting.

Discuss PsyPact

Ms. Wilkins stated there was a bill introduced last year in the legislature. PsyPact is the ASPPB's compact. It allows licensed psychologists to practice telehealth in other states that are members of the compact. It has just recently come into effect because it took seven states to vote it in. A few months ago, Illinois was the seventh state. It does not allow for any practice other than telepsychology across state lines and only with the states involved with the compact. The applicant has to pay a membership fee to be a part and to have this privilege to practice telehealth to the other members of the compact. Dr. Auble with TPA will get with someone from The ASPPB to talk to the board at the next board meeting concerning PsyPact.

Discuss PCSAS

Ms. Wilkins stated that all schools should be APA (American Psychological Association) accredited. The PCSAS is a different type of accreditation. Since the statute requires APA accreditation, then the PCSAS is kind of a moot point. The board already has the authority to do a comparison between an APA accredited school program and a non-APA school program. Ms. Putnam stated that since you already have the ability to do the comparison and accept the education that is comparable, this would not necessarily be a need or necessity. When you are making justification for a change in a rule whether that be to amend a current rule or to create a new rule, the first thing you have to show is a justification of need. You already have an avenue that gives you the same results. Ms. Williams stated that the PCSAS is a very limiting source of schools. There are not a lot of schools that are accredited by the PCSAS compared to the APA accredited schools. She stated that the qualifications appeared to be possibly higher with the PCSAS, but the number of schools make it very limiting. Dr. Moore agreed stating that he is at UT Knoxville and the clinical doctoral program which is APA accredited discussed PCSAS and wondered whether they would meet that accreditation. UT Knoxville feels that they have done very well with APA accreditation and have been accredited since 1949. He stated the goals of PCSAS are somewhat different in that they incorporate more of the research and scientific aspects. If someone came to this board and said I was in a program that wasn't APA accredited but was PCSAS accredited, I think that would likely meet the bar.

Election of Officers

Dr. Staab made a motion to nominate Dr. Todd Moore for Chair. The motion was seconded by Mr. Tonos. Dr. Moore accepted the nomination. The motion carried.

Mr. Tonos made a motion to nominate Dr. Mark Fleming for Vice-Chair. The motion was seconded by Dr. Alden. Dr. Fleming accepted the nomination. The motion carried.

With no other Board business to discuss Mr. Tonos made a motion, seconded by Mr. Anderson to adjourn at 11:47 a.m. The motion carried.

Ratified by the Board of Examiners in Psychology on this the 5th day of December, 2019.