Virginia Board of Psychology
Quarterly Board Meeting

November 4, 2014

Call to Order

Virginia Van de Water Ed. D., Chair, called the meeting to order at 10:10 a.m. on November 4, 2014, Board Room Two, at the Department of Health Professions (DHP) at 9960 Mayland Drive, Richmond, Virginia. She read aloud the DHP mission statement to emphasize the board's responsibility in rendering its decisions that day.

Ordering of Agenda

Ms. Chappell requested that the Board consider a recommended decision from the credentials informal conference committee under Closed Session. The agenda was accepted as amended.

Attendance

Board Members Present
Virginia Van de Water, Ed.D. Chair
Edward Peck, Ph.D.
William Hathaway, Ph.D.
Giordana de Altin Popiolek, Psy.D.
Barbara Peery, Ph.D., Citizen Member

Board Members Absent:
Ali Ahmad, Citizen Member
Thomas Ryan, Ph.D.
Russell Leonard, Ph.D.
Herbert Stewart, Ph.D.

Staff Present:
David Brown, D.C., DHP Director
Catherine Chappell, MHRM, Executive Director
Elaine Yeatts, DHP Senior Policy Analyst
Deborah Harris, Operations Manager

Approval of Minutes

The minutes of the February 11, 2014 minutes were approved as written.

Public Comment

Jennifer Morgan, Psy.D., VPA/VACP liaison, thanked the Board for its participation in the Conversation Hour at the 2014 meeting of the Virginia Academy for Clinical Psychology (VACP) and requested that board members consider participating in the Conversation Hour at the Spring meeting of the VACP in April 2015. She stated that the Conversation Hour was tentatively scheduled for April 16. She indicated that she would follow up with board staff in March 2015 with respect to anticipated attendance of board members that day.

Director's Report

Dr. Brown welcomed the board members and thanked them for their participation and dedication to the Board of Psychology. He stated he would like to meet with each board member individually over the next few months in order to discuss board membership and to ascertain how DHP could better serve its licensees. Dr. Brown also commented that he would be participating in the Governor's task force committee relating to prescription drug abuse.

Regulatory and Legislative Update

Ms. Yeatts provided an update from the 2014 General Assembly session, noting that there were approximately 80 bills followed by DHP. She specifically highlighted HB 926, relating to Behavioral Analysts regulated under the Board of Medicine, which had been of interest to the Board of Psychology in the previous session.

She also commented that proposed language relating to continuing education hours to be carried over from one renewal cycle to another was pending acceptance in the Governor's package for the 2015 session.

Executive Director's Report

Ms. Chappell thanked the board members for their attendance at the meeting and commented that since five board members were present, a majority of board members was represented, and therefore a quorum existed in order to conduct business.

Update from last board meeting. She remarked that since the last board meeting in February 2014, that there had been several changes in leadership at DHP: specifically a new Director, new Chief Deputy, and new Administrative Deputy. The Board also obtained new Board Counsel.

Additionally, she advised that the Discipline Deputy, Patricia Larimer, had left DHP in August 2014 and that recruitment efforts were underway for a new Deputy and a new Discipline Case Manager. In the meantime, disciplinary tasks had been temporarily shifted amongst various staff members. She recognized Deborah Harris who had taken

the lead on the compliance component of the disciplinary work for all three boards, in addition to her licensing duties with the Board of Psychology.

Ms. Chappell reported that the annual Conversation Hour with the Board occurred in April 2014 at the Virginia Association of Clinical Psychologists' meeting. She commented that the discussion between the panel of board members and stakeholders was well received. She encouraged board members to participate in the upcoming Conversation Hour.

She also reported that she presented an update from the three behavioral sciences boards to the Virginia Sex Offender Treatment Provider Association meeting in Williamsburg in March 2014. This outreach activity was an opportunity to reach Certified Sex Offender Treatment Providers, regulated under the Board of Psychology, who often hold licensure under at least one of the other behavioral sciences boards.

Since the last meeting, the Board had been through a renewal cycle which included a one-time fee reduction. She referenced the Board's financial report for the past quarter which indicated that sufficient cash flow existed in order for the Board to conduct day-to-day operations until the next renewal period.

Ms. Chappell thanked the board members who were able to attend the dinner in July 2014, to honor former board counsel, Howard Casway, who retired in early 2014.

Board Appointments. She provided an update on board appointments, noting that Dr. Peck's seat had expired on June 30, 2014, but that he continued to serve the Board. However, she had just recently learned that a new board member had been identified to fill his expired seat and would be announced in the next few days. Therefore, the November meeting would be Dr. Peck's last board meeting. She thanked him for his wisdom, dedication, and good humor during his tenure on the Board of Psychology. Dr. Peck had served as Vice-Chair and had been staff's point of contact for disciplinary matters.

Opportunity for Participation in ASPPB. Ms. Chappell announced that opportunity to attend an Association of State and Provincial Psychology Boards (ASPPB) function was available. She commented that she had previously attended a meeting as a new administrator, which was fully funded by ASPPB. Dr. Hathaway has also attended the meetings, using funding from his university. Dr. Stewart had expressed interest in attending a meeting this spring and she would be working with him to secure the necessary funding. ASPPB is the vendor for the licensing examination and supports the 50 state boards and Canadian provinces in regulatory matters.

Disciplinary Report. Ms. Chappell reported that the Board was carrying 56 pending disciplinary cases in which 21 were in the investigation stage and 25 were at board level awaiting probable cause review.

Continuing education audits for the 2014 renewal were recently mailed to 25 licensees, with a return date of December 12. For 2013, 23 audits went out, and three (3) were found not to be in compliance, which represented 13% of the group audited. Of the three (3) licensees, one needed to be scheduled for an informal conference and two (2) had previously signed a confidential consent order. An update on the 2014 audit would be provided at the next board meeting.

Board Office Update

Ms. Harris reported information on licensing activity, noting that the Board regulated the following licensees and certificate holders:

- Applied Psychologist 31
- Clinical Psychologist 3011
- School Psychologist 99
- School Psychologist Ltd. 399
- CSOTP 397

Ms Harris further reported that she was monitoring ten (10) psychology compliance cases as a result of recent disciplinary activity.

Ms. Harris offered dates for the quarterly board meetings for 2015:

- February 3, 2015
- May 19, 2015
- August 4, 2015
- November 10, 2015

Board Counsel Report

Mr. Rutkowski gave a brief description of his work prior to joining the Attorney General's office. He also stated that he attended the appeal hearing for Hope Bagley in Henrico County Circuit Court and was awaiting results of that appeal.

Committee Reports

Board of Health Professions. Dr. Van de Water stated that she had recently attended a BHP meeting where Dr. Neal Kauder provided an update on the Sanction Reference Points tools as well as Key Performance Measures for DHP, and she had asked him to present information specific to the Board of Psychology at this meeting.

Regulatory Report. Ms. Chappell reported that Dr. Stewart had planned to provide information to the Board on the Regulatory Committee's activity but had been unable to attend the meeting. He planned to schedule a Regulatory Committee meeting in the next couple of months in order to be able to report to the Board at the next meeting.

New Business

Presentation – Neal Kauder, Visual Research. Dr. Kauder presented information on the Sanction Reference Points (SRP) tool as well as Key Performance Measurements, noting a study was underway for the three behavioral sciences boards to update the SRP document, which was originally adopted in 2008.

Old Business

Psychological Evaluations. Ms. Chappell reported on behalf of Dr. Stewart that this topic was an ongoing concern of the Regulatory Committee. She commented that inquiries as to the level of practitioner able to provide psychological evaluations continue to be made with respect to all three behavioral sciences boards and that regulations require that practitioners practice only within the competency areas for which they are qualified by education and experience. An update on this matter would be provided by the Regulatory Committee at the next board meeting.

Distance Therapy. Ms. Chappell further reported on behalf of Dr. Stewart that requests from stakeholders remain with respect to guidance relating to the provision of psychological services by electronic means by Virginia licensees to clients in other countries and other jurisdictions, to soldiers returning home after leaving a Veterans Hospital in Virginia, etc. She added that the ASPPB had proposed a compact agreement with various jurisdictions in this regard as well.

She advised that Dr. Stewart planned to address this matter at the next Regulatory Committee meeting, particularly since functioning in the "electronic world" posed challenges with respect to the provision of psychological services.

Closed Session

Dr. Peck moved that the Board of Psychology convene in closed session pursuant to §2.2-3711(A)(27) and 2.2-3711(A)(7) of the Code of Virginia in order to consider a recommended decision, consider requests to waive supervision requirements for certain applicants, and consider a modified consent order. He further moved that Catherine Chappell, James Rutkowski, and Deborah Harris attend the closed meeting because their presence in the meeting was deemed necessary and would aid the Board in its consideration of the matters. The motion was seconded and carried.

Reconvene

Dr. Peck moved that pursuant to §2.2-3712 of the Code of Virginia that the Board of Psychology heard, discussed, or considered only those public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as identified in the original motion. The motion was seconded and carried with a unanimous vote.

Decisions

Maureen Winseck, Ed.D., School Psychologists-Limited Applicant
The Informal Conference Committee concluded that Dr. Winseck did not meet the requirements of 18VAC125-20-43 of the Regulations Governing the Practice of Psychology and further found that Dr. Winseck did not meet the qualifications of §54.1-3601 of the Code of Virginia (1950), as revised, and recommended denial of the application. Dr. de Altin Popiolek made a motion to accept the recommendation as presented. The motion was seconded by Dr. Peck and carried unanimously.

Melissa Hunt, CSOTP Applicant
Upon a motion by Dr. de Altin Popiolek and duly seconded by Dr. Peck, the Board deferred its decision on Ms. Hunt's request for waiver of the supervision requirements of 18VAC125-30-50 of the Regulations Governing the Certification of Sex Offender Treatment Providers, pending submission of further information on appropriate electronic communications between the supervisor and the applicant in order to meet HIPAA standards and confidentiality concerns. The motion carried unanimously.

Wesley Shelley, School Psychologist Applicant
Upon a motion by Dr. de Altin Popiolek and duly seconded by Dr. Peery, the Board deferred its decision on Dr. Shelley's request for waiver of the supervision requirements of 18VAC125-20-65 of the Regulations Governing the Practice of Psychology, pending submission of further information on other supervisors, as referenced in his request, who may be available in his area to provide the necessary supervision. The motion carried unanimously.

Margaret Wong, Licensed School Psychologist
Upon a motion by Dr. Hathaway and duly seconded by Dr. Peery, the Board denied Dr. Wong's request for modification of her consent order to waive the requirement that supervision be provided by a Board pre-approved supervisor who holds licensure as a school psychologist.

Adjournment

The Board meeting was adjourned at 1:10 p.m.

Virginia Van de Water, Ed.D.
Virginia Van de Water, Chair

Catherine Chappell
Catherine Chappell, Executive Director