

**Virginia Board of Psychology
Quarterly Board Meeting
Minutes
August 25, 2015**

Call to Order

Virginia Van de Water Ed. D., Chair, called the meeting to order at 10:10 a.m. on August 25, 2015, Board Room 2, 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

The agenda was accepted as presented.

Attendance

Board Members Present

Virginia Van de Water, Ed.D. Chair
Thomas Ryan, Ph.D.
Herbert Stewart, Ph.D.
Russell Leonard, Ph.D.
James Werth, Ph.D. ABPP
Barbara Peery, Ph.D., Citizen Member

Board Members Absent:

Bill Hathaway, Ph.D.
Giordana de Altin Poplilek, Psy.D.

Staff Present:

Jaime Hoyle, Acting Executive Director, DHP Deputy Director
Jim Rutkowski, Asst. Atty. General, Board Counsel
Elaine Yeatts, DHP Senior Policy Analyst
Jennifer Lang, Deputy Executive Director
Deborah Harris, Licensing Manager
Dr. David Brown, DC, DHP Director

Approval of Minutes

The minutes of the May 19, 2015 minutes were approved as written. (See Reg. Update) During the regulatory update, Dr. Werth discovered a mistake in the May 19, 2015 minutes. At that time, a motion, seconded and a unanimous vote was taken to rescind

the vote to approve the minutes. A motion, seconded and a unanimous vote then was taken and approved to amend the minutes. A motion was seconded and voted unanimously to accept the amended minutes.

Public Comment

Jennifer Morgan, Psy.D, VPA/VACP liaison, updated the Board about Clinical Psychology (VACP) Conversation Hour which will be held next Spring.

Director's Report

Dr. Brown reported that the Prescription Drug Taskforce will be wrapping up in October as it has been in full force for almost a year. He reported that data shows that many prescription drug overdoses are not the result of taking the medication illicitly. Some are overdosing on what has been legally prescribed to them. The highest rate of overdoses on prescription drugs are the ages of 45-60. This tells us that there needs to be more aftercare from our practitioners possibly offering educational programs to keep abreast of techniques. Dr. Brown also discussed the HPMP Citizen Advocacy audit. The Citizen Advocacy Center audited the performance and efficiencies of the HPMP program and DHP's response will be forthcoming. Dr. Brown also mentioned two meetings at DHP in the upcoming months. Board Member Development Day, for new and current board members to discuss the disciplinary process, is scheduled for September 28th. Board member orientation, for new board appointees, is scheduled for October 16th.

Executive Director's Report

Jaime Hoyle, Acting Executive Director reported to the Board some changes with the Behavioral Sciences Boards. She stated that a new licensing manager for the Board of Counseling has been hired. Next, DHP will be advertising for two positions: one a licensing specialist (administrative assistant) for the Board of Counseling, and the other, a Discipline Specialist to help Jennifer Lang, the Deputy Director. Also, the Executive Director position was posted and closed just last week. The interview process will be beginning soon.

Also, she shared that the Boards are going green by scanning documents rather than microfilming. We also will be getting laptops for Board members to use during the Board meetings rather than printing the documentation to mail out or present at the board meeting. Some other changes include the agency's new database, MLO. Next board meeting will include the President of Visual Research, Inc., Neil Kauder, who conducted the audit for all of the Boards at DHP to determine if the Sanctioning Referencing Points need to be updated. He will discuss recommended changes to the sanctioning reference points system for the Board of Psychology. We will also discuss how the

HPMP process works at our next board meeting. There still has not been any update on new board members. We should hear soon about 2 new appointments.

Legislative & Regulatory Update

Elaine Yeatts, Sr. Policy Analyst reported on two bills that will change our regulations. The first is the Continuing Education Carryover bill which became effective July 1st and will need to be added into regulation. For Example, seven continuing education units can be carried over from 2016 and can be used towards the June, 2017 renewal. It will be the licensee's responsibility to maintain the carried over CE's for the year in which they will be used, in case of a random audit. After a motion and seconded, the board voted and adopted the CE carryover proposed regulation by a unanimous vote. The revised Sex Offender Treatment Provider regulations are in the governor's office awaiting his signature. These items will be added into the new regulations. There is also a change in upcoming regulations regarding a renewal fee decrease due to a surplus of the Board of Psychology budget. This is an exempt action that requires no voting Board member vote. During the regulatory update, Dr. Werth discovered a mistake in the May 19, 2015 minutes. At that time, a motion, seconded and a unanimous vote was taken to rescind the vote to approve the minutes. A motion, seconded and a unanimous vote then was taken and approved to amend the minutes. A motion was seconded and voted unanimously to accept the amended minutes.

Disciplinary Report

Jennifer Lang, Deputy Executive Director, reported that the Board currently has 52 cases in probable cause review. An additional 16 cases are being investigated and the Board has 8 cases in active compliance tracking. Ms. Lang also noted that the 2014 CE audit was completed on 26 licensees and there was a compliance rate of 100%. She noted that the 2015 audit will be completed within the next few months.

Ms. Lang discussed board staff's efforts to "go green", particularly with disciplinary reviews. She explained the new probable cause review process, which is now done completely by electronic means. In addition, the Behavioral Science Boards have received approval to purchase laptops for board member use at hearings and meetings. She expects this process to save the board members and staff time and money, compared to the old process of copying and mailing the documents necessary for review.

Board Office Update

Deborah Harris reported information on licensing activity, noting that the Board regulated the following licensees and certificate holders since our May 19, 2015 meeting:

- Applied Psychologist 0
- Clinical Psychologist 51
- School Psychologist 1
- School Psychologist Ltd. 14
- CSOTP 3

Board Counsel Report

Mr. Rutkowski gave an update on the Attorney General Taskforce recommendations and indicated they will be forthcoming.

Committee Reports

Board of Health Professions. Dr. Van de Water spoke about Board of Health Professions. She stated how the workforce survey shows the lack of availability of the various workforces in rural areas in our state, particularly dentists. The Board held an open forum for both sides showing how important dentistry is to your overall health.

Regulatory Report. Dr. Herb Stewart reported on the Regulatory Committee meeting held on June 16. He talked about how Kevin Doyle, the chair of the Board of Counseling, attended to speak on behalf of Counseling for their insight towards the use of a name other than psychological assessments. He stated there is going to be a Counseling Regulatory Committee meeting in October and he will report back after that meeting with their findings. Dr. Stewart also mentioned the Interstate COMPACT Model developed by ASPPB. The Compact will need to go through the General Assembly before approval. This involves reciprocity between all the COMPACT states for licensees who enter into the COMPACT. Dr. Stewart said Telehealth was discussed in the Regulatory Committee meeting and staff will be researching the other boards and their Telehealth rules and regulations. He mentioned the podcast on Ethics in Social Media that was presented at the meeting. He mentioned guidance documents and revamping the standards of practice. He stated how The Spanish EPPP exam taken after April 2014 could be used as a valid exam. Dr. Brown indicated that the Board of Health Professions is going to be working with Wilder School interns who will research compacts and telehealth rules and regulations impacting all the Boards. This information will inform the work of this Board.

New Business

The Board reviewed and discussed documentation from psychologists working with Telemental Health through the VA Health Administration, regarding the Federal Supremacy Clause. Specifically, they asked the Board to make a statement indicating that for full-time employees of the Veterans Health Administration (e.g., Veterans Affairs Medical Centers), who are not contract workers and who are serving in their role as a provider for the VHA, the Virginia Board of Psychology recognizes and defers the Federal Supremacy Clause regardless of the physical location of the provider and/or the patient (e.g., whether in a Veterans Affairs facility or in their homes). Board Counsel advised that the Board cannot make such a statement. There is an exemption of licensure statute that shows they are exempt to hold a license if they are providing services in a government setting. Board directed staff to reiterate this information to the group that brought this issue to the Board's attention.

The Board reviewed and discussed documentation regarding DMAS rules for a QMHP (unlicensed person) that can be reimbursed for clinical services while they are under supervision. This topic is deferred to the next board meeting due to an upcoming meeting with DMAS that could have impact on the discussion. Dr. Werth asked that the upcoming meeting with DMAS include a discussion on reimbursement for psychology interns, as it is a workforce as well as public safety issue.

There was a Board election for the Chair and Vice Chair position. There was a motion that seconded and carried by unanimous vote for Dr. Herb Stewart as Chairperson. There was a motion that was seconded and carried by unanimous vote for Dr. James Werth as Vice-Chair. There will be more appointments for the Board committees before the next meeting.

Adjournment

The Board meeting was adjourned at 12:15 p.m.

Herbert Stewart, Chair

Jaime Hoyle, Acting Executive Director