

## THE KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES

February 7, 2022

A regular meeting of the Board of Examiners of Psychology was held on February 7, 2022 via Zoom teleconferencing.

### MEMBERS PRESENT

Brenda Nash, Ph.D. – Chair  
Eva Markham, Ed.D.  
Jamie Hopkins, Ph.D.  
Joseph Dickhaus, M.S.  
Elizabeth McKune, Ed.D.  
Stacy Seale, M.S.  
Emily Skaggs, Psy.D.  
Justin Gilfert – Citizen at Large

### DEPARTMENT OF PROFESSIONAL LICENSING

Kevin Winstead, Commissioner  
Chessica Nation, Administrative Section Supervisor  
Robin Vick, Administrative Section Supervisor  
Clay Patrick, General Counsel

### OTHER

Catherine Como, CE Broker  
Eric Russ, KPA

### MEMBERS ABSENT

Jean Deters, Psy.D. – Vice Chair

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### CALL TO ORDER

Dr. Nash called the meeting to order at 10:05 a.m.

### MINUTES

The minutes of the January 10, 2022 meeting were presented to the Board. Dr. McKune made a motion to approve the minutes as presented. Dr. Markham seconded the motion and it carried.

### MONTHLY FINANCIAL REPORT & LEGAL FEES

The January 2022 financial report was presented to the Board.

### DPL REPORT

Mr. Winstead reported that HB 25 was passed shortly after the last board meeting, which extends the COVID state of emergency to April 14, 2022. With the 90-day extension the Board voted on, renewal dates have been pushed to July 13, 2022 in the database. HB 25 also extended board actions that were taken under SB 150.

Mr. Winstead also reported that DPL is in the process of hiring additional board administrators to provide services to this board.

### LEGAL REPORT

Mr. Winstead reported on the following bills that, if passed, may have an impact on the Board. HB 12 relating to youth mental health protection has not had any movement. HB 237 relating to education has passed the House and has been assigned to a Senate committee. HB 188 relating to telehealth has passed the House and has been assigned to a Senate committee.

Mr. Winstead reported on the regulation amendments currently in process. One public comment and several staff suggested amendments from the Legislative Resource Committee (LRC) were received. Mr. Winstead reviewed the comments with the Board.

**201 KAR 26:310** – The public comment questioned the Board’s definition of telehealth in the regulation being more stringent than the definition in KRS 319.140(3) and KRS 211.332(5). The regulatory definition requires video technology when the statutory definitions allow audio technology only. Dr. Hopkins made a motion to add “or audio only technology if video technology is not possible” to the current definition in 201 KAR 26:310. The motion was seconded by Dr. Markham and it carried. Dr. Skaggs made a motion

to defer the regulation if additional questions are raised by LRC to allow the other regulation amendments to continue through the process. The motion was seconded by Dr. Hopkins and it carried. The Board also had an in-depth discussion about the growing popularity of asynchronous telehealth and possible concerns relating to asynchronous telepsychology. The Board will continue to monitor this issue.

**201 KAR 26:190** – One staff suggested amendment proposed renumbering Section 2(2)(d) to Section 2(3). Mr. Gilfert made a motion to modify the staff suggested amendment slightly to add further clarification. Dr. Markham seconded the motion and it carried.

### **RECESS**

Mr. Gilfert made a motion to recess for 10 minutes at 11:57 a.m. The motion was seconded by Dr. Hopkins and it carried. The meeting reconvened at 12:07 p.m.

### **COMPLAINTS SCREENING COMMITTEE**

- 2019PSY00019 – Dismiss.
- 2019PSY00023 – Ongoing.
- 2019PSY00031 – Ongoing.
- 2020PSY00003 – Ongoing.
- 2020PSY00006 – Ongoing.
- 2020PSY00015 – Ongoing. Note – Dr. Nash recused.
- 2021PSY00002 – Ongoing.
- 2021PSY00003 – Ongoing.
- 2021PSY00004 – Ongoing. Note – Dr. McKune recused.
- 2021PSY00016 – Revoke license.
- 2021PSY00018 – Ongoing.
- 2021PSY00019 – Ongoing.
- 2021PSY00020 – Ongoing.
- 2021PSY00021 – Ongoing.
- 2021PSY00023 – Ongoing. Note – Mr. Dickhaus recused.
- 2021PSY00027 – Ongoing.
- 2021PSY00029 – Private admonishment.
- 2021PSY00030 – Dismiss.
- 2021PSY00031 – Ongoing. Note – Dr. Nash recused.
- 2021PSY00032 – Ongoing.
- 2021PSY00033 – Dismiss.
- 2021PSY00034 – Dismiss.
- 2021PSY00035 – Ongoing.
- 2021PSY00036 – Ongoing.
- 2021PSY00037 – Ongoing.
- 2021PSY00038 – Ongoing.
- 2021PSY00039 – Ongoing.
- 2021PSY00040 – Ongoing.
- 2021PSY00041 – Ongoing.
- 2021PSY00042 – Ongoing.
- 2021PSY00043 – Private admonishment.
- 2022PSY00001 – Ongoing.
- 2022PSY00002 – Ongoing.
- 2022PSY00003 – Ongoing.
- 2022PSY00004 – Ongoing.

A motion was made by Dr. Hopkins for the Board to take the above-listed actions recommended by the Complaints Screening. Dr. Skaggs seconded the motion and it carried.

## **OLD BUSINESS**

Robin Vick joined the meeting to discuss the investigator RFP contracts. Ms. Vick gave an update on the process, which includes sending a justification memorandum to the Office of Procurement Services in the Department of Finance requesting a committee made up of board members be approved to serve on the panel to evaluate the responses to the investigator RFPs. Dr. Skaggs made a motion to include Dr. McKune and Dr. Markham, with Dr. Nash as a backup, on the committee. Mr. Gilfert seconded the motion and it carried. Mr. Dickhaus made a motion to authorize Dr. Nash to draft the justification memorandum, send to Dr. Markham and Dr. McKune for review, send to Commissioner Winstead for review, then to the Office of Procurement Services. Dr. McKune seconded the motion and it carried.

The Board had a discussion on current investigators. Mr. Dickhaus made a motion to not renew investigator contract 20\*2576. The motion was seconded by Dr. Hopkins and it carried.

## **NEW BUSINESS**

### **CE Broker**

Catherine Como gave a presentation on CE Broker's services. Ms. Como is going to send information for test accounts so that the board members can walk through the platform. The Board would also like to reach out to the nursing and dental boards for information on their experience with CE Broker.

### **ASPPB Midyear Meeting**

The ASPPB Midyear Meeting will be in New Orleans on April 21 - 24, 2022. Dr. McKune made a motion to approve the following individuals to attend the conference: Jean Deters, Joe Dickhaus, Jamie Hopkins, Eva Markham, Justin Gilfert, and board attorney. The motion was seconded by Dr. Skaggs and it carried.

### **Email Questions**

The Board reviewed the email questions and Ms. Nation will respond as directed.

## **LICENSURE STATUS REPORT**

The Board reviewed the licensure status report.

## **COMMITTEE REPORTS**

### **Supervision Committee**

Dr. Markham reported that a temporarily licensed psychologist stated that they are a 1099 contractor and paying for their supervision. A motion was made by the Supervision Committee to initiate a complaint, 2022PSY00005. The motion was seconded by Dr. Hopkins and it carried.

Dr. Markham also reported that a licensed psychologist submitted a plan to be under supervision to earn post-doc hours, but both the supervisee and supervisor would be volunteering in an unpaid position. The Board agreed that this is not prohibited by its laws.

### **Continuing Education Committee**

No report.

### **Credentials Review Committee**

No report.

## **COMMITTEE REPORTS**

### **Examination Committee**

The Board discussed the issue of frequent examinee cancellations. Ms. Nation is going to add phrasing about cancellations to the exam acknowledgment form. Examinees that cancel within three weeks prior to the exam will be placed at the bottom of the list for scheduling.

### **Disciplined Psychologists Committee**

No report.

### **Newsletter Committee**

The Board reviewed and approved the final version of the newsletter. Ms. Nation will distribute the newsletter to all licensees.

A motion was made by Mr. Dickhaus for the Board to take the above-listed actions recommended by the corresponding committees. Dr. Hopkins seconded the motion and it carried.

### **AD HOC**

Dr. Nash tabled discussion of the Ad Hoc committees to the next meeting.

### **PER DIEM**

Dr. Hopkins made a motion to approve per diem compensation for eligible members attending today's meeting and other board business between meetings. Mr. Dickhaus seconded the motion and it carried. Additional board business included:

- **Brenda Nash:** February 6, 2022 Complaints Review
- **Joe Dickhaus:** February 6, 2022 Complaints Review

Dr. Hopkins made a motion to pay honoraria for the following volunteer examiners. Mr. Gilfert seconded the motion and it carried.

- **Sally Brenzel:** January 14, 2022
- **Patrick Hardesty:** January 14, 2022
- **Bill Elder:** January 14, 2022

### **SCHEDULE NEXT MEETING**

Monday, March 7<sup>th</sup> at 10:00 a.m.

### **PUBLIC COMMENTS**

No comments.

### **ADJOURNMENT**

A motion was made by Mr. Dickhaus to adjourn the meeting at 1:21 p.m. The motion, seconded by Mr. Gilfert, carried.



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Brenda Nash, Ph.D. - Chair