

## THE KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES

April 4, 2022

A regular meeting of the Board of Examiners of Psychology was held on April 4, 2022 via Zoom teleconferencing.

### MEMBERS PRESENT

Brenda Nash, Ph.D. – Chair  
Jean Deters, Psy.D. – Vice 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

Chessica Nation, Administrative Section Supervisor

### OTHER

August Pozgay, Board Counsel  
Karen Graves, KPA

### MEMBERS ABSENT

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### CALL TO ORDER

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

### MINUTES

The minutes of the March 7, 2022 meeting were presented to the Board. Dr. Hopkins made a motion to approve the minutes as presented. Dr. Markham seconded the motion and it carried.

### MONTHLY FINANCIAL REPORT & LEGAL FEES

The March 2022 financial report will be presented to the Board at the May meeting.

### DPL REPORT

Ms. Nation gave an update on the investigators RFP process. The justification memo drafted by Dr. Nash was sent to the Office of Procurement Services by Mr. Winstead and it was approved for three board members to be added to the RFP evaluation committee. DPL will move forward with the RFP posting process.

Ms. Nation reported that the legislature adopted SJR 150, which ended the COVID state of emergency as of March 21, 2022. DPL has adjusted the renewal and expiration dates again in the licensing system, based on the new state of emergency end date of March 21<sup>st</sup> (instead of the prior April 14<sup>th</sup> end date). DPL recently sent a communication to all licensees to let them know. For licensees who have not yet renewed, their renewal dates have been changed to June 19, 2022 (90 days after the state of emergency ended, per Board vote) with no late fee. If these licensees do not renew, their expiration dates will be September 17, 2022 (90 days after the renewal date, per the Board's normal grace period). The temporary telehealth registry will expire on May 15, 2022.

Ms. Nation brought back up the Memorandum of Agreement with the Department of Professional Licensing for review. The Board requested more information, including the Board's budget, the analysis done in order to come up with the fee increase amount, and whether or not the fee increase can be contingent upon being fully staffed. Ms. Nation will relay the questions to Commissioner Winstead and the available information will be presented at the May meeting.

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

Ms. Nation reminded the Board that IT is developing a new function to allow licensees to submit continuing education as it is earned throughout the renewal cycle. More details will be presented as they are available.

Ms. Nation reminded the Board that state government email addresses will be assigned to board members in the near future. More details will be presented as they are available.

Ms. Nation reported that DPL will continue setting up hybrid meetings where members and the public can attend in person or via video. As of March 1<sup>st</sup>, face coverings are optional in the Mayo-Underwood Building.

### COMPLAINTS SCREENING COMMITTEE

Dr. Hopkins made a motion to accept the following recommendations of the Complaints Screening Committee, with the exception of 2021PSY00004. The motion was seconded by Dr. Markham and it carried.

- **2019PSY00023** – Ongoing. Send correspondence, to be drafted by board counsel, to the respondent urging her to complete the fitness for duty evaluation by the next meeting. If she will not, the Board wants to go forward with a Notice of Administrative Hearing.
- **2019PSY00031** – Ongoing.
- **2020PSY00003** – Ongoing.
- **2020PSY00006** – Proceed with KRS Chapter 13B administrative hearing process with intent to revoke.
- **2020PSY00015** – Ongoing. Note – Dr. Nash recused.
- **2021PSY00002** – Ongoing. Assigned fitness for duty evaluator.
- **2021PSY00003** – Ongoing.
- **2021PSY00004** – Ongoing. Dr. Deters made a motion to authorize board counsel to reach out to the investigator with a deadline of the next Complaints Screening Committee meeting for the investigation report to be received. Dr. Markham seconded the motion and it carried. Note – Dr. McKune recused.
- **2021PSY00016** – Proceed with KRS Chapter 13B administrative hearing process with intent to revoke.
- **2021PSY00018** – Ongoing.
- **2021PSY00019** – Ongoing.
- **2021PSY00020** – Ongoing.
- **2021PSY00021** – Ongoing.
- **2021PSY00023** – Ongoing. Note – Mr. Dickhaus recused.
- **2021PSY00027** – Ongoing.
- **2021PSY00029** – Ongoing.
- **2021PSY00031** – Ongoing. Note – Dr. Nash recused.
- **2021PSY00032** – Ongoing.
- **2021PSY00035** – Ongoing.
- **2021PSY00036** – Ongoing.
- **2021PSY00037** – Ongoing.
- **2021PSY00038** – Ongoing.
- **2021PSY00039** – Ongoing.
- **2021PSY00040** – Ongoing.
- **2021PSY00041** – Ongoing.
- **2021PSY00042** – Ongoing.
- **2021PSY00043** – Ongoing.
- **2022PSY00001** – Ongoing.
- **2022PSY00002** – Ongoing.
- **2022PSY00003** – Ongoing.
- **2022PSY00005** – Ongoing.
- **2022PSY00006** – Ongoing.
- **Application M.R.** – Send application back to the Credentials Committee with recommendation to approve, if there were no other issues with the application. Issue private admonishment.
- **Application D.H.** – Refer application to an investigator regarding alleged unlicensed practice, with specific questions drafted by counsel. Recommend application be deferred until investigation is complete.

## **LEGAL REPORT**

Mr. Pozgay presented the revised, two-year Memorandum of Agreement with the Office of Legal Services. Mr. Dickhaus made a motion to approve the Memorandum of Agreement. Dr. Hopkins seconded the motion and it carried.

Dr. Markham made a motion to approve the renewal of David Lanier's investigator contract. The motion was seconded by Mr. Dickhaus and it carried.

Mr. Dickhaus made a motion to approve the renewal of Sarah Shelton's investigator contract. The motion was seconded by Dr. Hopkins and it carried.

Mr. Pozgay gave the following report on various legislative actions. DPL and OLS are closely monitoring and will let board know if there is an update.

- SJR 150, which terminated the COVID state of emergency as of March 21<sup>st</sup>, has become law.
- HB 237, which relates to cultural competency, was signed by the Governor.
- HB 188, which amended telehealth statutes to include some items that boards cannot prohibit, was signed by the Governor.
- Hb 91, which would require no application or renewal fees to be charged for spouses of members of the Armed Forces, has been delivered to the Governor.

Mr. Pozgay let the Board know that he is currently working on researching the Board's ability to advocate for legislation and how a potential applicant's military experience may affect the requirements for licensure. He is also working on putting together a refresher for how committees, especially committees of one, should operate.

Mr. Pozgay alerted the Board that he will be unable to attend the ASPPB Midyear Meeting due to other obligations.

Mr. Pozgay reported that the regulation amendments were reviewed by the ARRS on March 7<sup>th</sup> and they will next be referred to a second legislative committee on April 6<sup>th</sup>. That committee then has up to 90 days to consider the regulations. If the regulations are on an agenda for a meeting of that committee and are not found to be deficient, the regulations will become effective that day. Otherwise, they will go into effect 90 days after the referral, which would be about July 5<sup>th</sup>.

The Board asked Mr. Pozgay for clarification on how SJR 150 affects the Board's previous vote to allow all continuing education to be earned online. Mr. Pozgay will research and review the matter. A motion was made by Dr. Hopkins to authorize Mr. Pozgay to draft a blurb regarding this matter for the newsletter and to distribute it as soon as possible. The motion was seconded by Dr. Markham and it carried.

Dr. Deters made a motion to authorize Mr. Pozgay to draft a blurb for a future newsletter regarding HB 188 and new telehealth laws. The motion was seconded by Dr. Hopkins and it carried.

## **RECESS**

Dr. Markham made a motion to take a recess at 11:55 a.m. The meeting reconvened at 12:05 p.m.

## **OLD BUSINESS**

### **July Retreat**

Ms. Nation reported that the two state parks the Board previously chose did not have enough lodging availability for July 14<sup>th</sup> and 15<sup>th</sup>. The Board wants to try July 18<sup>th</sup> and 19<sup>th</sup> at General Butler. Ms. Nation will check on that availability and report back.

## **NEW BUSINESS**

### **ASPPB Legislative Survey**

Dr. Hopkins made a motion to authorize Ms. Nation to respond to the survey from ASPPB as discussed by the Board. Dr. McKune seconded the motion and it carried.

### **Committee Processes – Open Meetings Law**

The Board tabled this discussion to the May meeting. Dr. Deters made a motion to authorize Mr. Pozgay to draft guidance for the board members to review. Dr. Hopkins seconded the motion and it carried.

### **CLEAR/FARB Trainings**

Ms. Nation presented the Board with links to upcoming CLEAR and FARB trainings. The Board tabled this discussion to the May meeting so everyone could have a chance to review the trainings.

### **Email Questions**

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

One question was asking if clinical hours earned as an LPA could count towards the 1,800 hours of non-internship experience needed for LP licensure. Dr. Hopkins made a motion to respond that based on historic and current regulation, the hours would not be counted at this time. The Board would need to evaluate the question at the time of submission of the LP application to compare to current regulation at that time. The motion was seconded by Dr. Markham and it carried.

A second question was asking if practicum hours earned in a Psy.D. program could count towards the LPP hours requirement. Dr. Markham made a motion to respond that based on historic and current regulation, only work hours are counted towards the LPP requirement. The Board would need to evaluate the question at the time of submission of the LPP application to compare to current regulation at that time.. The motion was seconded by Dr. Hopkins and it carried.

A third question was asking whether or not a doctoral-level psychologist has to be in the same building while a supervisee is performing face-to-face testing with a client or scoring of the test. Dr. Hopkins made a motion to respond with a reference to 201 KAR 26:115 for the Board’s regulation on psychological testing and to state that the Board cannot provide personal legal advice. The motion was seconded by Dr. Markham and it carried.

### **LICENSURE STATUS REPORT**

The Board reviewed the licensure status report.

### **COMMITTEE REPORTS**

A motion was made by Dr. Deters for the Board to take the below-listed actions recommended by the corresponding committees. Mr. Gilfert seconded the motion and it carried.

#### **Supervision Committee**

No report.

#### **Continuing Education Committee**

No report.

#### **Credentials Review Committee**

No report.

#### **Examination Committee**

No report.

#### **Disciplined Psychologists Committee**

No report.

#### **Newsletter Committee**

No report.

**PER DIEM**

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

- **Brenda Nash:** March 11, 2022 Exams; April 3, 2022 Complaints Review
- **Jamie Hopkins:** March 11, 2022 Exams
- **Emily Skaggs:** March 23, 2022 Applications Review

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

- **Sally Brenzel:** March 11, 2022
- **Bill Elder:** March 11, 2022

**NEXT MEETING**

Monday, May 2<sup>nd</sup> at 10:00 a.m.

**PUBLIC COMMENTS**

No comments.

**ADJOURNMENT**

A motion was made by Mr. Dickhaus to adjourn the meeting at 1:00 p.m. The motion, seconded by Dr. Hopkins, carried.



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Brenda Nash, Ph.D. - Chair