

THE KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES
May 2, 2022

A regular meeting of the Board of Examiners of Psychology was held on May 2, 2022 via Zoom teleconferencing.

MEMBERS PRESENT

Brenda Nash, Ph.D. – Chair
Jean Deters, Psy.D. – Vice Chair
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, Board Administrator
Kevin Winstead, Commissioner
Courtney Cook, Fiscal Section

OTHER

August Pozgay, Board Counsel
Jason Feddersen, PPC Office of Administrative Services
Eric Russ, KPA
Brandon Bumbalough

MEMBERS ABSENT

Eva Markham, Ed.D.

CALL TO ORDER

Dr. Nash called the meeting to order at 10:03 a.m.

MINUTES

The minutes of the April 4, 2022 meeting were presented to the Board. Dr. Deters made a motion to approve the minutes as presented. Mr. Dickhaus seconded the motion and it carried.

The minutes of the April 11, 2022 special meeting were presented to the Board with revisions suggested by legal counsel. Dr. McKune made a motion to approve the minutes as presented. Dr. Deters seconded the motion and it carried.

MONTHLY FINANCIAL REPORT & LEGAL FEES

The March and April 2022 financial reports were presented to the Board.

DPL REPORT

Mr. Winstead reminded the Board 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 21st (instead of the prior April 14th 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.

Mr. Winstead brought back up the Memorandum of Agreement with the Department of Professional Licensing for review. He provided additional background information on the board administrator salary, fee calculation process, and the Board's budget, as well as reported that a contingency based on being fully staffed may be possible. Mr. Feddersen and Ms. Cook also provided information on the process. Dr. Deters made a motion to create an ad hoc committee to review the budget and MOA. Dr. McKune seconded the motion. Dr. McKune made a friendly amendment to include Dr. Hopkins, Dr. McKune, Dr. Deters, and Mr. Gilfert on the committee. The friendly amendment was seconded by Dr. Deters and it carried.

Mr. Winstead provided an update on the RFPs for investigators. Dr. Deters made a motion to go forward with posting the RFP with the same language previously used, pending any necessary additions identified by legal counsel regarding the interview requirement. Dr. McKune seconded the motion and it carried.

Mr. Winstead presented the Board with a letter to be sent to the Legislative Research Commission regarding compacts and reciprocity pursuant to HJR 5. Mr. Dickhaus made a motion to accept the draft and authorize the letter to be sent on the Board's behalf. Dr. Hopkins seconded the motion and it carried.

COMPLAINTS SCREENING COMMITTEE

Dr. Deters made a motion to accept the following recommendations of the Complaints Screening Committee, with the exception of 2022PSY00011. The motion was seconded by Dr. Skaggs and it carried. Dr. Hopkins recused from the vote.

- **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** - Ongoing.
- **2020PSY00015** - Ongoing. Note - Dr. Nash recused.
- **2021PSY00002** - Ongoing.
- **2021PSY00003** - Ongoing.
- **2021PSY00004** - Ongoing. Note - Dr. McKune recused.
- **2021PSY00016** - Ongoing.
- **2021PSY00018** - Private admonishment.
- **2021PSY00019** - Private admonishment.
- **2021PSY00020** - Ongoing.
- **2021PSY00021** - Ongoing.
- **2021PSY00023** - Ongoing. Note - Mr. Dickhaus recused.
- **2021PSY00027** - Ongoing.
- **2021PSY00029** - Ongoing.
- **2021PSY00031** - Ongoing. Note - Dr. Nash recused.
- **2021PSY00032** - Dismiss and refer to the Texas State Board of Examiners of Psychologists.
- **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** - Private admonishment.
- **2022PSY00006** - Private admonishment.
- **2022PSY00007** - Ongoing.
- **2022PSY00008** - Investigate.
- **2022PSY00009** - Investigate.
- **2022PSY00010** - Ongoing.
- **2022PSY00011** - A motion was made by Dr. Hopkins to defer this complaint to the next meeting. The motion was seconded by Mr. Gilfert and it carried.
- **Application D.H.** - Ongoing.

LEGAL REPORT

Mr. Pozgay let the Board know that he is reviewing bills that passed through the legislative session to see what regulation changes may need to be made.

Mr. Pozgay reported that the regulation amendments were assigned to a legislative committee, which is scheduled to meet on June 2nd. Dr. Hopkins made a motion to authorize board counsel and a board member (to be selected by the chair) to attend the committee meeting, if the regulation amendments are on the agenda. The motion was seconded by Dr. Deters and it carried. If the regulations are on the agenda for the meeting of that committee and are not found to be deficient, the regulations will become effective that day, June 2nd. Otherwise, they will go into effect 90 days after the referral, which would be about July 5th.

Mr. Pozgay reported that an Open Records Request was received and an extension has been put in place due to the large number of documents involved.

RECESS

Dr. Deters made a motion to take a recess at 11:26 a.m. The motion was seconded by Mr. Dickhaus and it carried. The meeting reconvened at 11:35 a.m.

OLD BUSINESS

Committee Processes – Open Meetings Law

The Board tabled this discussion to the June meeting. Mr. Pozgay is pulling information together for the Board to review.

CLEAR/FARB Trainings

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

July Retreat

Ms. Nation reported that the retreat has been booked at General Butler for July 18th and 19th. The Board discussed logistics of the retreat. Ms. Nation will get more information about meals and setting up a virtual attendance option.

NEW BUSINESS

Annual Report of the Board to the Governor

The Board reviewed a draft of the 2022 Annual Report to be submitted to the Governor. Dr. Hopkins made a motion to approve the draft, with amendments to be made closer to the filing. Mr. Dickhaus seconded the motion and it carried.

Temporary License Extensions

Mr. Dickhaus made a motion to enter into closed session at 12:26 p.m. pursuant to KRS 61.810(1)(j) for deliberation of quasi-judicial bodies regarding the application of S.N. at which information protected by KRS 61.810(k) may be discussed. The motion was seconded by Dr. Hopkins and it carried.

Dr. Hopkins made a motion to come out of closed session at 12:51. The motion was seconded by Mr. Gilfert and it carried.

Dr. Nash made a motion to notify S.N. that her final extension of her temporary license ends June 19, 2022 and the Board does not have the authority to grant her any further extensions or temporary licenses. The motion was seconded by Dr. Hopkins and it carried.

Dr. Nash made a motion to authorize the board administrator to respond to inquiries regarding temporary licenses and extensions based on the board guidance discussed and in accordance with regulations. The motion was seconded by Dr. Hopkins and it carried.

Email Questions

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

The first question was asking if she could continue to consult with clients via psychoeducation. Dr. Nash made a motion to respond to the email that the Board cannot provide private legal advice and include a reminder that any psychological services delivered in Kentucky must be done so by someone credentialed with the Board.

The second question was from a trainee in a doctoral program asking if he could continue to see Kentucky-based clients over telehealth while he is in another state. Dr. Nash made a motion to respond that it would be possible as long as he remained enrolled in a practicum course concurrent with the client services and he remained under supervision of a Kentucky licensed psychologist with HSP consistent with the regulations. The motion was seconded by Dr. Hopkins and it carried.

The third question was from a licensee asking to renew their license early. Dr. McKune made a motion to authorize legal counsel to draft an answer based on the Board's discussion. The motion was seconded by Dr. Nash and it carried.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report.

COMMITTEE REPORTS

A motion was made by Dr. Nash for the Board to take the below-listed actions recommended by the corresponding committees, with the exception of applications for R.K. and K.G. Dr. Hopkins seconded the motion and it carried.

Supervision Committee

No report.

Continuing Education Committee

No report.

Credentials Review Committee

Dr. Nash made a motion to enter into closed session at 1:20 p.m. pursuant to KRS 61.810(1)(j) for deliberation of quasi-judicial bodies regarding the applications of R.K. and K.G. at which information protected by KRS 61.810(k) may be discussed. The motion was seconded by Dr. McKune and it carried.

Dr. Nash made a motion to come out of closed session at 1:42 p.m. The motion was seconded by Dr. McKune and it carried.

Dr. Nash made a motion to defer the applications for R.K. and K.G. The motion was seconded by Dr. Hopkins and it carried.

Dr. Nash reported that the Credentials Review Committee will now regularly meet prior to the board meetings, from 8:30 - 10:00, on the following dates:

- May 27th
- July 11th
- July 25th
- August 29th
- September 26th
- October 31st
- November 28th

Examination Committee

No report.

Disciplined Psychologists Committee

No report.

Newsletter Committee

No report.

Ad Hoc Committees

Dr. Nash mentioned that she will be asking ad hoc committee members to lead discussions at the retreat.

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. Gilfert seconded the motion and it carried. Additional board business included:

- **Brenda Nash:** April 13, 2022 Credentials Review; April 26, 2022 Emails/Phone Calls; May 1, 2022 Meeting Prep
- **Eva Markham:** April 8, 2022 Exam
- **Jamie Hopkins:** April 8, 2022 Exam
- **Joe Dickhaus:** April 8, 2022 Exam

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

- **Sally Brenzel:** April 8, 2022
- **Joe Edwards:** April 8, 2022
- **Sarah Nolan:** April 8, 2022

NEXT MEETING

Monday, June 6th at 10:00 a.m.

PUBLIC COMMENTS

No comments.

ADJOURNMENT

A motion was made by Dr. Hopkins to adjourn the meeting at 1:48 p.m. The motion, seconded by Dr. McKune, carried.



Brenda Nash, Ph.D. - Chair