

THE KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES

January 10, 2022

A regular meeting of the Board of Examiners of Psychology was held on January 10, 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.

DEPARTMENT OF PROFESSIONAL LICENSING

Felicia Juett, Board Administrator
Kevin Winstead, Commissioner
Chessica Nation, Administrative Section Supervisor

OTHER

August Pozgay, Executive Advisor, Office of Legal Services, Public Protection Cabinet

MEMBERS ABSENT

Eva Markham, Ed.D.
Justin Gilfert – Citizen at Large

CALL TO ORDER

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

MINUTES

The minutes of the December 10, 2021 meeting were presented to the Board. Dr. Hopkins made a motion to approve the minutes as presented. Dr. Deters seconded the motion and it carried.

MONTHLY FINANCIAL REPORT & LEGAL FEES

The December 2021 financial report was presented to the Board.

DPL REPORT

Mr. Winstead reported that DPL is monitoring the legislature to what changes will take place with the state of emergency during the special session. Mr. Winstead asked if there are any items of concern affecting the Board, should the state of emergency and SB 150 be extended. Mr. Pozgay reviewed some items covered in the KBEP memos and stated that he will prepare a list of what items are in place currently in response to SB 150 so that the Board can discuss any items needing adjusted based on the outcome of the special session.

Mr. Winstead also reported on changes happening with DPL. He stated that Ms. Juett has accepted a new position and will no longer be with the department after this week. Additionally, he stated Mr. Travis accepted a new position at the beginning of the year, so DPL will be posting two new vacant positions to cover the Board. Mr. Winstead also stated that the new General Counsel will be starting January 16th and the cabinet is continuing to fill the other two attorney vacancies.

Mr. Winstead reported that he will discuss the sexual misconduct training through CLEAR with other Boards to see if there is any interest by them to join the training.

Dr. Nash stated that the Board currently has 4 members' terms that are due to expire over the next few months and inquired on the process to reappoint the members. Mr. Pozgay summarized KRS 319.020 which details the members terms.

LEGAL REPORT

Mr. Winstead updated the board on HB 237, which will amend a Board statute to require a cultural competency CE for licensees. It will also allow a Licensed Psychological Associate license for someone with an equivalent

education for a master's degree who is in an approved psychology predoctoral internship program. If passed, the Board will need to promulgate administrative regulations to implement the new requirements.

Mr. Winstead also stated that they will continue to monitor HB 12 & HJR 5, which may have an impact on the Board if passed. Eric Russ, representative for KPA, added that the Board may also want to monitor HB 188 regarding telehealth.

COMPLAINTS SCREENING COMMITTEE

- 2019PSY00019 – Ongoing.
- 2019PSY00023 – Ongoing.
- 2019PSY00031 – Ongoing.
- 2020PSY00003 – Ongoing.
- 2020PSY00006 – Ongoing.
- 2020PSY00015 – Ongoing. Note – Dr. Nash recused.
- 2021PSY00002 – Ongoing.
- 2021PSY00003 – Ongoing.
- 2021PSY00004 – Ongoing.
- 2021PSY00016 – Ongoing.
- 2021PSY00018 – Ongoing.
- 2021PSY00019 – Ongoing.
- 2021PSY00020 – Ongoing.
- 2021PSY00021 – Ongoing.
- 2021PSY00023 – Ongoing. Note – Mr. Dickhaus recused.
- 2021PSY00027 – Recommended by the Complaints Screening Committee to refer for a fitness for duty in this case, including inquiry on any impairments that impact the licensee's ability to practice, and what has the licensee done to rehabilitate.
- 2021PSY00029 – Ongoing.
- 2021PSY00030 – Ongoing.
- 2021PSY00031 – Ongoing. Note – Dr. Nash recused.
- 2021PSY00032 – Ongoing.
- 2021PSY00033 – Ongoing.
- 2021PSY00034 – Ongoing.
- 2021PSY00035 – Ongoing.
- 2021PSY00036 – Ongoing.
- 2021PSY00037 – Ongoing.
- 2021PSY00038 – Ongoing.
- 2021PSY00039 – Ongoing.
- 2021PSY00040 – Ongoing.
- 2021PSY00041 – Ongoing.
- 2021PSY00042 – Ongoing.
- 2021PSY00043 – Ongoing.

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

OLD BUSINESS

Ms. Vick joined the meeting to discuss questions regarding the Investigator RFP contracts. Dr. Nash requested that the language regarding the written report be amended. Additionally, Dr. Nash expressed the importance of involving a Board member in the selection process. She expressed concerns about not having a mechanism to assess the individual's suitability beyond the submitted report. Dr. Deters agreed and stated that having a member present would allow for inner-working knowledge to be included in the selection process. Ms. Vick stated she is waiting on a response as to how the process will look if a member is approved to sit in during the selection process. Mr. Winstead stated they will continue to obtain additional information on whether they can accommodate this request.

NEW BUSINESS

Email Questions

The Board reviewed the email questions and Ms. Juett will respond as directed. A motion was made by Dr. Deters to respond to the first email question stating there is currently no statute or regulation under the purview of the Board regarding the question. Dr. Hopkins seconded the motion and it carried. A motion was made by Dr. Deters to postpone the response of the second email question to allow legal counsel time for further investigation. Dr. McKune seconded the motion and it carried.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report.

COMMITTEE REPORTS

Supervision Committee

No report.

Continuing Education Committee

The Continuing Education Committee Chair discussed a sponsorship application in which an organization did not submit a renewal application for the previous year yet continued to offer CE programs. She stated the provider believed an extension of time to submit the application was extended due to the current state of emergency. It was advised to have legal counsel review the language of SB 150 to see if any extensions were approved that would allow an organization additional time to submit a renewal application for a sponsorship of continuing education.

Credentials Review Committee

Closed Session Deliberations

Dr. McKune moved, and Ms. Seale seconded for the Kentucky Board of Examiners of Psychology to enter closed session, pursuant to KRS 61.810(1)(j) and (1)(k) at 10:55 a.m. regarding the deliberations of quasi-judicial bodies at which information protected by federal and state law may be discussed, in the matter of: WM. In addition, pursuant to KRS 61.810(1)(c) to discussion proposed or the following pending litigation:

- 19-C-095
- 19-C-098

All being in favor, the Board entered into closed session at 11:15 a.m. Note – Dr. Hopkins recused.

The Board reconvened in Open Session at 11:31 p.m. No votes were made on items discussed in closed session.

Dr. Skaggs made a motion to approve an application and issue a temporary license based off the information discussed in closed session. Dr. Deters seconded the motion and it carried. Note – Dr. Hopkins abstained from the motion and vote.

Dr. Deters made a motion to initiate a complaint on the applicant and supervisor discussed in closed session: 2022PSY00001 & 2022PSY00002. Dr. Skaggs seconded the motion and it carried. Note – Dr. Hopkins abstained from the motion and vote.

Examination Committee

The Examination Committee Chair stated that an examiner is needed to cover the 1:00 exam on Friday, January 14th. Ms. Juett stated she will reach out to the volunteer examiners to see if anyone is available to cover.

RECESS

Dr. McKune made a motion to recess at 11:35 and reconvene. Dr. Hopkins seconded the motion and it carried.

CALL TO ORDER

Dr. Nash called the meeting to order at 11:45 p.m.

COMMITTEE REPORTS

Examination Committee

Closed Session Deliberations

Mr. Dickhaus moved, and Dr. Deters seconded for the Kentucky Board of Examiners of Psychology to enter closed session, pursuant to KRS 61.810(1)(j) and (1)(k) at 10:55 a.m. regarding the deliberations of quasi-judicial bodies at which information protected by federal and state law may be discussed, in the matter of: BG. In addition, pursuant to KRS 61.810(1)(c) to discussion proposed or the following pending litigation:

- 19-C-095
- 19-C-098

All being in favor, the Board entered into closed session at 11:48 a.m. Note – Dr. Skaggs recused.

The Board reconvened in Open Session at 12:06 p.m. No votes were made on items discussed in closed session.

Mr. Dickhaus made a motion to defer request of BG to allow the applicant to resubmit a new evaluation or review of existing raw data by a new evaluator regarding applicant's request for testing accommodations. Dr. McKune seconded the motion and it carried. Note – Dr. Skaggs recused.

Dr. Deters made a motion to refer the circumstances of applicant BG to the Complaints Screening Committee for review: 2022PSY00003. Dr. Deters seconded the motion and it carried. Note – Dr. Skaggs recused.

Disciplined Psychologists Committee

No report.

Newsletter Committee

No report.

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

ADHOC

Dr. Nash reviewed the current members on each ADHOC Committee. She requested that the committees update the Board on progress at 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:** December 28, 2021 Succession Planning as New Board Chair; January 9, 2022 Committee Review
- **Eva Markham:** December 10, 2021 Administering Exams
- **Jean Deters:** December 28, 2021 Succession Planning with New Board Chair

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

- **Sally Brenzel:** December 10, 2021
- **David Lanier:** December 10, 2021; January 10, 2022

SCHEDULE NEXT MEETING

Monday, February 7th at 10:00 a.m.

PUBLIC COMMENTS

A member of the public addressed the Board regarding supervision at the master's level. Legal counsel advised the member to submit her questions and concerns in writing to the Board so that the Board and legal counsel has adequate time to review, discuss, and understand the questions and concerns being addressed.

ADJOURNMENT

A motion was made by Mr. Dickhaus to adjourn the meeting at 12:18 p.m. The motion, seconded by Dr. Hopkins, carried.

A handwritten signature in black ink, appearing to read "B. Nash, Ph.D.", written in a cursive style.

Brenda Nash, Ph.D. - Chair