



**Examining Board of Psychology
Meeting Minutes**

March 27, 2015

Location:

Department of Health
243 Israel Road S.E.
PPE Room 153
Tumwater, WA 98501

Board members present:

Timothy Cahn, Ph.D., Chair
Leslie Cohn, Ph.D.
Dick Gidner, Public Member
Rachaud Smith, Psy.D.
Brendon Scholtz, Ph.D.
Elizabeth Kunchandy, Ph.D.
Janet Look, Ed.D.
Ruby Takushi, Ph.D.

Board members absent:

Shari Roberts, Public Member

Staff members present:

Betty Moe, Program Manager, Office of Health Professions and Facilities, (OHPF)
Sonia Ferguson, Program Support, OHPF
Nancy Tyson, Executive Director, OHPF
Marlee O'Neill, Supervising Staff Attorney, Office of Legal Services (OLS)
Joanne Miller, Credentialing Lead, Office of Customer Service
Nicole Gustine, Staff Attorney, OLS

AAG present:

Jack Bucknell, Assistant Attorney General

Others present:

Kristin Baldwin, Executive Director, Washington State Psychological Association (WSPA)
Raymond J. Trybus, Ph.D., Walden University

On March 27, 2015, the Examining Board of Psychology (board) met at the Department of Health, 310 Israel Road S.E., Point Plaza East, Room 152 and 153, Tumwater, WA 98501. Notice of the meeting was published on the psychology profession [website](#). Notice was sent to the psychology Listserv.

Open session – 9:11 a.m.

1. Call to order – Timothy Cahn, Ph.D., Chair

Dr. Cahn called the meeting to order at 9:11 a.m.

1.1 Approval of agenda

The agenda was approved and accepted as written.

1.2 New member

Ms. Betty Moe introduced Dr. Ruby Takushi as the new board member. Dr. Cahn said he recruited her. Dr. Takushi said she works in Seattle, but comes from Hawaii.

1.3 Thanking Dr. David Stewart

Dr. Cahn said it has been a pleasure serving on the board with Dr. Stewart. Dr. Stewart served one full term on the board. Because of additional work duties, Dr. Stewart was not able to commit to a second term.

Introductions were then made around the room.

1.4 Approval of the January 30, 2015, meeting minutes

Board members reviewed and approved the January 30, 2015 meeting minutes as presented.

2. Exam Review – Timothy Cahn, Ph.D., Chair

Ms. Moe said the jurisprudence exam will be online as of April 1, 2015. She walked the members through the exam content. Board members reviewed, edited, and approved test questions.

3. Association of State and Provincial Psychology Boards Interjurisdictional Compact (PSYPACT) – Timothy Cahn, Ph.D. Chair

Board members discussed the Provincial Psychology Boards Interjurisdictional (PSYPACT).

Dr. Smith said some nursing boards have already started compacts.

Ms. Moe said Nursing has had a compact including 25 states and is working to create a new compact, with the goal being to include additional states. Ms. Moe said five states have adopted the physician compact, and the compact needs seven to be enacted.

Dr. Look asked where discipline would take place. Ms. Moe said the psychologist would have to practice under the receiving state's requirements, and would be subject to the receiving state's authority and law. If the receiving state takes action, it must notify the home state and the commission.

Dr. Look said in her thinking, telehealth has been morphing as it goes along. As she gets more information about it, she feels as if she's going through one door. It's troubling to her to have standards for one mode.

Dr. Cahn said telehealth is about treating people remotely from where you are; the compact is for physically treating clients in other states Ms. Moe said the revised compact introduces a regulatory mechanism for tele-psychology while also providing a consistent structure across jurisdictions for temporary in-person practice.

Dr. Cahn said compact is about regulating; practitioners will need to have a scope of practice.

- Providers need to practice within their scope of practice.
- Who is responsible, which jurisdiction is it in?

Ms. Moe said clients get upset when either they or their psychologist moves. Washington being part of the compact helps patients maintain the same psychologist and PSYPACT can help with that.

Dr. Cahn said enacting the bill would require the introduction of a bill at the legislative level, and it would take seven states passing the bill to enact the compact.

Dr. Smith said most states are interpreting that the psychologist needs to be in the same state as the client.

Dr. Cahn said if the compact gets adopted it will be where you are physically located. It's not unusual for people to have a compact license in multiple states.

Dr. Smith said it needs to be in the home state where the psychologist's license is. Other states are reading it as psychologists need to follow the laws of the state their client is in.

Dr. Cahn believes that telehealth is coming and that it doesn't matter what people think. It's on its way, but it needs to have reasonable regulations.

Mr. Bucknell said his concern is that the PSYPACT contains provisions that may lead to unpredictable effects on the EBOP's authority. He would want to view all the details as it works out.

Dr. Smith said the biggest thing to get worked out is if a Washington client gets wronged by a California psychologist. Who would investigate?

Mr. Bucknell said Washington may have more leverage out of state enforcement leverage with this compact.

Dr. Cahn said the regulatory board would investigate.

Dr. Cahn said members of the compact are states, not individual psychologists.

Ms. Moe said telehealth and compact need to be separated and to be kept separated.

Mr. Bucknell said the board is well positioned to develop rules and guidelines.

Mr. Bucknell reviewed the APA guidelines for the practice of telepsychology. He would advise the board to clarify the applicability of some of the guidelines. Such as, any statement or policy it makes must make clear that unlicensed and unpermitted practice is not allowed in Washington. Telepsychology is already taking place in Washington. These guidelines would serve as a marker for the board and the regulated community to provide guidance in the event of questions and in the event of a disciplinary case that involved g telepsychology.

Ms. Moe said she and Ms. Tyson are on a committee about the compact and would like the telehealth subcommittee to monitor it.

4. Analytical Framework Used to Evaluate Equivalency –

Ms. Moe said at the previous meeting the board determined to reevaluate analytical framework.

Dr. Cahn said he gives credit to the sub-committee who put it together. It put in a lot of work.

Ms. Moe said she will have subcommittee look again at the states that they said were not equivalent.

Mr. Bucknell said there should be no fewer than two years of supervised experience. He thinks the draft rule should be changed to mention that.

This is for endorsements and temporary permits.

- To qualify for first piece, completion of doctoral degree from regionally accredited institution.
- Eliminate pre-internship.
- Internship is important for initial licensing, but not for people who have been practicing for two years.

Mr. Bucknell said to think about the number of hours for two years of experience. Applicant should have to have a certain number of hours or years.

Dr. Elizabeth Kunchandy said she would like to see them have a specific number of hours and no fewer than two years of supervised experience.

Dr. Cahn said they need to have a doctorate from an accredited institution.

Dr. Smith said when looking through all the states, they meet all the guidelines.

Dr. Cahn said it's not the number of hours a person has done, it's what the state requires.

Dr. Cahn said the board doesn't need to change any of its rules.

Mr. Richard Gidner said the board needs to be more liberal and let more people get licensed.

The board talked about the jurisdiction equivalent training checklist.

The jurisdiction equivalent training checklist was approved. Vote 8-0.

5. Assistant Attorney General Report –

5.1 Updates

Mr. Bucknell did not have any updates. Ms. Moe said the department is getting a new version of Citrix and once it has been tested, board members will get it.

5.2 Update on North Carolina State Board of Dental Examiners v. Federal Trade Commission

The Attorney General's office is reviewing the case and will get out information when it's done.

The North Carolina dental board is appointed by the Dental Association. It is issuing a cease-and-desist order to anyone doing teeth whitening who is not a dentist.

Boards need to be looked at carefully as they are not considered state-acting entities. The Attorney General's office is looking into this.

6. Public Comment

Mr. Raymond Trybus from Walden University joined the board to discuss credentialing requirements. He has concerns with the equivalency. He said after one year in residency someone can get licensed. He said before 2011 there were 500 in residency, but since then residency has been on top of everything. There's a new version; a year of courses delivering residency, and four consecutive courses and must be face to face. He asked the board how it would judge the equivalency of a new graduate in a new program coming out.

Mr. Trybus said the university requires its students to take four quarters of residency. Its program is not APA-accredited because it uses a large amount of online courses.

Mr. Trybus said the average age of its students is 39 or 40; they have children or live in rural areas, which is why online classes are easier on them. He said it is accredited in every other instance.

Dr. Cahn said the board doesn't approve academic programs.

7. Sub-Committee Work

Licensee Orientation Sub-Committee - Timothy Cahn, Ph.D., and Dick Gidner, Public Member – Nothing to present at this time.

Examination Sub-Committee

Dr. Cahn made a motion to abolish the exam sub-committee, as the whole board goes through the exam applications as presented by the program manager.

- First request – applicant took the EPPP on January 26, 2015 and got a 438 and again on February 7, 2015 and got a 397. The board voted that the applicant needs to wait six months to retake EPPP.
- Second request – applicant took EPPP on December 14, 2014 and received a 494 and took again in January 2015 receiving a 496. The board voted that the applicant could retake the test at any time.

Telehealth Sub-Committee

Timothy Cahn, Ph.D., Rachaud Smith, Psy.D., and Janet Look, Ed.D.

Dr. Smith said when doing telehealth, psychologists will need to have a disclosure statement. He said some sort of service needs to be available to clients so they can sign the disclosure statement.

Dr. Smith said he would like to revisit the telehealth rules regarding consent forms.

Ms. Moe said the board could review the APA guidelines at the next meeting.

Application Review Sub-Committee

David Stewart, Ph.D., Decky Fiedler, Ph.D., and Rachaud Smith, Psy.D.

The board determined that the following states and district were equivalent:

- Colorado
- Missouri
- Montana
- Texas
- Washington, D.C.
- Wisconsin

The members will need to find out what Florida's academics requirements are to make a determination on Florida. Florida will be reviewed at the May meeting. Vote 8-0.

Communications Sub-Committee

Shari Roberts, Public Member and Betty Moe, Program Manager – This sub-committee did not meet.

8. Sub-committee reports – Timothy Cahn, Ph.D., Chair – The sub-committee reports were reported as item seven.

9. Consent Agenda – Timothy Cahn, Ph.D., Chair

The items listed under the consent agenda (informational items) are considered routine matters and were approved without discussion upon approval of the agenda.

10. Management Reports

10.1 Office of Customer Service/Credentialing update – Ms. Joanne Miller said at the January meeting her office was at 86 percent of issuance of licenses. From then until today, it is at 98 percent of issuing licenses within 14 days. From January 1 to today it has issued two temporary permits and is at 100 percent.

10.2 Credentialing statistics- Ms. Moe shared statistics as of March 13, 2015.

Total Active – 2,530
Total Military – 31
Total Retired Active – 157
Pending – 210
Total Expired – 1,222

10.3 Presentation of interim operating report – Ms. Moe went over the operating report. The current balance is \$1,324,927. Ms. Moe said the board is looking at the possibility of a fee decrease.

10.4 Update on the PLUS system from ASSP – Ms. Moe said she met with the credentialing office, made changes on the contract and sent invoice back; she is just waiting for the contract to move forward.

10.5 Business plan for the 2013-2015 biennium – Ms. Moe said she hopes for the jurisprudence exam to go live April 1, 2015. Nothing else is changing on the business plan.

10.6 Sexual misconduct rules update – Ms. Moe said the board had updated the rules and moved it to the policy office. Ms. Moe submitted the rules for review on February 4, 2015. The policy office will catch up from the legislative session.

10.7 Allowable coursework taken outside the doctoral degree granting program –Ms. Moe drafted the rules package and sent it to the assistant secretary’s office on March 24, 2015.

10.9 ASPPB 30th Midyear Meeting – Dr. Smith said he will see if he is able to attend.

10.9 Legislative updates – Betty Moe, Program Manager

- **SB 5488** - Creates three new professions under a new chapter in Title 18 RCW: licensed behavior analyst, licensed assistant behavior analyst, and certified behavior technician. The department is granted rule-making authority to establish and implement a five-member advisory committee, initial licensing/credentialing requirements, renewal requirements, supervisory requirements, continuing competency requirements, and to set fees. The three new professions are included in the Uniform Disciplinary Act, giving the secretary of health disciplining authority. Except for the establishment of the advisory committee and the ability to adopt rules, the bill is effective July 1, 2017. The department in 2014 completed a sunrise review supporting licensure for ABA providers because the applicant’s proposal met the sunrise review criteria in statute for a new profession. SSB 5488 generally reflects recommendations in the department’s sunrise review report.
- **SB 5175** - The bill recognizes telemedicine services as reimbursable by health insurance, including Medicaid-managed care plans, and plans for state employees and dependents. Telemedicine is defined as delivery of health care services through use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. Telemedicine does not include the use of audio-only telephone, facsimile, or electronic mail.
- **SB 1138** - This bill creates a task force on mental health and suicide prevention at Washington’s public and private institutions of higher education to determine what policies, resources, and technical assistance they need to support the institutions in improving access to mental health services and improving suicide prevention responses. Forefront, at the University of Washington, is required to convene and staff the task force. The Department of Health is included in a task force that includes representatives appointed by the Student Achievement Council, the Council of University Presidents, the State Board for Community and Technical Colleges, independent Washington colleges, Workforce Training and Education Coordinating Board, the Northwest Career Colleges Federation, the Washington Department of Veterans Affairs, and the Department of Social and Health Services. The task force is required to collect data related to mental health services, suicide prevention and responses, and completed suicides at public and private institutions of higher learning. It must report its findings and recommendations to the governor and the legislature by November 1, 2016. The act expires on July 1, 2017.
- **SB 1424** – This bill delays the deadline for certain health care professionals to complete required suicide prevention training. Requires the department to establish minimum standards for six-hour and three-hour suicide prevention training programs. The six-hour training programs are required to include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors. Beginning July 1, 2017, only training programs that meet the minimum standards can be on the department’s model list. Requires health professionals taking suicide prevention training

after this date to only take trainings on the model list. Clarifies that a disciplinary authority may specify the training and experience necessary to exempt individual providers from the required training, but not broad categories or specialties within a profession.

- **HB 1135** – Health profession remediation plan. This is department request legislation. The bill would add a new section to the Uniform Disciplinary Act (UDA), Chapter 18.130 RCW, to allow use of a remediation plan to resolve eligible complaints of unprofessional conduct against a health care provider. The bill gives the secretary and health care boards and commissions an effective and efficient new tool to remedy complaints about providers that involve minor misconduct or technical errors instead of closing these cases as below threshold or electing to take disciplinary action for something that could be otherwise resolved.

11. Request for List and Labels – Timothy Cahn, Ph.D., Chair

The board members reviewed and approved list and labels for Washington State Psychological Association.

12. Continuing Education (CE) Requests – Timothy Cahn, Ph.D., Chair

12.1 Board members approved a request for an indefinite waiver of the CE requirements for Judith Skenazy, Ph.D.

12.2 Board members reviewed and approved a request for extension.

13. Future Agenda Items – Timothy Cahn, Ph.D., Chair

- Rules Scan
- APA Guidelines telehealth
- Public Training
- Mock disciplinary – Dr. Look

15. Adjournment

2:54 p.m.

Submitted by:

Approved by:

Signature on file

Signature on file

Nancy Tyson, Executive Director
Examining Board of Psychology

Timothy Cahn, Ph.D., Chair
Examining Board of Psychology