



**EXAMINING BOARD OF PSYCHOLOGY
MEETING MINUTES**

March 15, 2013

LOCATION:

Department of Health
Town Center Two, Room 158
Tumwater, WA 98501

BOARDMEMBERS PRESENT:

Tim Cahn, Ph. D., Vice-Chair
Decky Fiedler, Ph.D.
Christine Guzzardo, Ph.D.
Ray Harry, Public Member
Janet Look, Ed.D.
Shari Roberts, Public Member
David Stewart, Ph.D.

BOARD MEMBERS ABSENT:

Thomas Wall, Ph.D., Chair
Jorge Torres-Saenz, Psy.D.

STAFF PRESENT:

Robert Nicoloff, Executive Direction
Betty J. Moe, Program Manager
Sandie Pearson, Board Representative

AAG PRESENT:

Mark Calkins, Assistant Attorney General

OTHERS PRESENT:

Lucy Homans, Ed.D., Washington State Psychological
Association

On March 15, 2013, the Examining Board of Psychology (Board) met at the Department of Health, Town Center Two, Room 158, 111 Israel Road SE, Tumwater, WA 98501. Notice of the meeting was published on the [website](#). Notice was sent to the Listserv.

OPEN SESSION – 9:03 a.m.

1. CALL TO ORDER – Tim Cahn, Ph.D., Vice-Chair

The meeting was called to order at 9:03 a.m. by Dr. Cahn, Vice-Chair

1.1 Approval of agenda

The agenda was amended to remove item 10.6 – Review of Delegation Forms; and Item 14.1 – Review and Discussion of Process for Continuing Education Audits was added. The board moved, seconded, and approved the agenda as amended.

1.2 Introductions

Board members, staff, and audience members introduced themselves.

1.3 Introduction of new compliance officer Justin Dotson

Justin Dotson introduced himself to the board members. He has been with the department for seven years and recently began working as the board’s compliance officer.

1.4 Approval of the January 8, 2013 meeting minutes

Board members reviewed the January 8, 2013 meeting minutes. The spelling of Lucy Homans name was corrected as well as the dollar amount listed as the board’s balance under Item 4.2 – Budget Update. Board members moved and approved the corrected January 8, 2013 meeting minutes.

2. CONSENT AGENDA – Tim Cahn, Ph.D., Vice-Chair

- The current issue of “The Sentinel News for Department Employees”
- Credentialing statistics
- Psychologists can now renew online update
- Message from Mary Selecky – *We’re Now an Accredited State Public Health Agency*

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

3. OTHER ITEMS – Tim Cahn, Ph.D., Vice-Chair

3.1 Review / approve requests for indefinite waiver of the continuing education requirements.

Board members reviewed and approved requests from two practitioners for an indefinite waiver of the continuing education (CE) requirements. Clark H. Martin and Terry L. Smith were granted indefinite waivers. If they are to begin practicing, they must notify the board prior to providing services.

3.2 Discussion of background checks completed by applicants applying for licensure.

Ms. Moe provided information to members regarding the process used to complete background checks of applicants applying for licensure. The concern was raised

that applicants that had successfully passed the JP Exam, were waiting long periods of time for their background check to be completed before they were issued a license.

Ms. Moe explained that the State Patrol background checks for in-state applicants were generally completed in a timely manner. However, the FBI background checks of out-of-state applicants have had some issues with timeliness. Out-of-state applicants are required to have an FBI background check, which involves the applicant sending in their fingerprints. If the FBI determines the fingerprints are not readable, the applicant is required to submit new fingerprint cards until the FBI receives a clear set of prints. In rare instances, applicants have had to send in multiple sets of prints to the FBI for their background check to be completed, which unfortunately, has resulted in some out-of-state applicants having to wait longer than normal before being issued their license.

4. PUBLIC COMMENT – Tim Cahn, Ph.D., Vice-Chair

Board members heard from audience members who were present at this time. Lucy Homans, Ed.D, from the Washington State Psychological Association (WSPA) provided board members with a legislative update. Ms. Homans also spoke to members regarding the current bills that WSPA is supporting as they proceed through the legislative process. Ms. Homans reported that WSPA is in support of House Bill 1448 – Regarding Telemedicine. Ray Harry, Public Member reported that HB 1448 has received much discussion during the Tuesday morning legislative meet-me-calls. Mr. Harry is the board designated representative for the weekly legislative meet-me-calls.

5. ASSISTANT ATTORNEY GENERAL (AAG) REPORT – Mark Calkins, AAG

Mr. Calkins presented a memorandum to the board regarding the decision-making process and “equivalent” criteria for “endorsement” and temporary permit applications.

The memorandum discussed two key decisions:

1. What decision-making process best implements the Board’s authority to approve (or deny) applications for licensure by “endorsement” (RCW 18.83.170) and for temporary permits (RCW 18.83.082).
2. What criteria the Board should use to determine whether the licensing requirements in another state (or country) are “equivalent” to Washington’s licensing requirements.

Mr. Calkins expressed that under RCW 18.83.170 and RCW 18.83.082, a decision by the full Board on the issue of equivalency for another state (or country) should preferably be made before a decision is made on any specific application. The decision on any individual application should adopt the Board’s (prior) equivalency decision on whether that state’s (or country’s) regulatory scheme is equivalent to the standards for licensure under Washington’s statute and rules.

Mr. Calkins also shared that in the absence of a statutory definition of “essentially equivalent” or “equivalent” the implied intent of the “reciprocity” provisions under RCW

18.83.170 and RCW 18.83.082 suggest that the licensing requirements of another state (or country) need not be identical to Washington's requirements but should not omit or be significantly less than any core standard for licensure under Washington's laws.

Since the Board as a whole should make the determination of state equivalency, members need to look at the other states requirements in comparison to Washington's requirements. This creates the need to determine essential requirements. Those essential requirements are then compared to the other state's (or country's) requirements to determine equivalency.

When the Board determines that a state is non-equivalent, it needs to include findings for why that state's licensing requirements are not equivalent. Individual applications for licensure by endorsement or for temporary permits from that state will be subject to denial based on the Board's original determination and findings.

Mr. Calkins recommended that the general state equivalency determination be made by the Board independent of and prior to any decision on an individual application. That generic determination establishes the "equivalency" or lack of "equivalency" for that state or country for any individual application. This process achieves several objectives.

- It provides the full Board the opportunity to consider equivalency to adopt findings when another when state or county has licensing requirements that is not equivalent.
- The Board's general determination prevents the possibility of divergent or inconsistent determinations or findings that could occur if such determinations were made by panel of the Board on a case by case basis.

The process would work in the following steps:

1. The Board as a whole would first make a generic equivalency determination regarding another state or country;
2. For any individual application from that state or country, the reviewing board member and panel would follow that decision when considering an application from that state or country, including making a decision to deny such application by following and incorporating the Board's finding and conclusions that the state or country is not equivalent; and,
3. DOH credentialing staff could be delegated authority to approve application for licensure by endorsement for temporary permits for applicants where the Board has approved equivalency under Step 1 and all other criteria are met.

Mr. Calkins shared that right now there are thirteen states that need this equivalency type review. He recommended the process discussed above be utilized in the review.

Board members questioned if an applicant was denied a credential by "endorsement" could he/she apply for licensure by examination. Mr. Calkins indicated that an applicant could do so if they were denied licensure by endorsement, but that there was no similar option for the temporary permit. If an applicant was denied a temporary permit based upon the non-equivalency of the applicants licensing state, he/she would only be able apply for full licensure through the licensure by examination process.

Board members began asking questions using the hypothetical state of “Liberty” as an example.

Dr. Fiedler questioned whether applicants from “Liberty” who have a Ph.D. in the field of criminal /psychology can get credentialed in Washington State? Once any person is licensed in Washington, he/she holds a general psychology credential. Mr. Calkins indicated in the review process for the coursework requirements of such a doctoral degree to determine equivalency, the Board determines on whether those coursework requirement would be considered equivalent.

Dr. Guzzardo shared that it has been difficult for some members to look only at the requirements of the state, and not the requirements of the individual.

Dr. Cahn asked if making the state by state determination would prohibit psychologists from coming to Washington to perform forensic evaluations or testify.

Mr. Calkins indicated that the temporary permit statute is a narrow gate available for those applicants whose states are determined equivalent. It is not available for persons licensed in another country. If the Board determines that a state is not equivalent, then any psychologist from that state would not be able to obtain a temporary permit.

The Board determination of equivalency will impact pending and future applications. A special meeting of 1 ½ to 2 hours to discuss only equivalency determination for states with pending applications was considered.

During the special meeting, those states can be presented for the Board’s determination on equivalency. If the Board determines that a state’s licensing requirements are not equivalent, the motion should identify the finding(s) for why that state is not equivalent.

As new states need reviewed based on receipt of individual application, the Board could convene a special meeting to make its equivalency determination. A list of the state equivalency determinations will be posted on the Board’s webpage.

The Board determined that Betty Moe would establish a special meeting to begin the work of state reviews, and that the Board would utilize the recommendations of Mr. Calkins.

This meeting notice will be sent out to the listserv and posted on the Board’s website.

6. SUB-COMMITTEE WORK

Licensee Orientation Sub-Committee

Tom Wall, Ph. D., Tim Cahn, Ph. D.

- Reviewed board member vignettes as requested at last meeting.
- Discussed next presentation.

Examination Sub-Committee

Tom Wall, Ph.D., Ray Harry, Public Member, Christine Guzzardo, Ph.D, and Decky Fiedler, Ph.D.

- Reviewed letter requests from two active duty applicants serving in the military requesting to take the JP exam on base proctored by the testing facility.
- Reviewed applicants request to re-take the EPPP exam a third time, after previously failing the exam twice.

Tele-Health Sub-Committee

Tom Wall, Ph.D., Tim Cahn, Ph.D., Jorge Torres-Saenz, Psy.D., and Janet Look, Ed.D.

- This sub-committee did not meet.

Supervision Sub-Committee

Jorge Torres-Saenz, Psy.D., Tim Cahn, Ph.D., Decky Fiedler, Ph.D., and David Stewart, Ph.D.

- This sub-committee did not meet.

Application Review Sub-Committee

Christine Guzzardo, Ph.D., Sub-Committee Chair, Tom Wall, Ph.D., David Stewart, Ph.D., and Decky Fiedler, Ph.D.

- Discussed the use of an “operations manual” outline for Board “gate-keeping” decision-making.
- Discussed the need for an interpretive policy statement related to applicants applying for endorsement from other countries.
- Discussed the materials submitted by applicants when applying for a temporary permit or licensure by endorsement.
- Discussed licensing requirements for states in which application(s) have been received, and made recommendations on general equivalency determinations to the board as a whole.

Communication Sub-Committee

Shari Roberts, Public Member, and Betty Moe, Program Manager

- Discussed the June newsletter.
- Reviewed a thank you note from Laura Asbell.

7. SUB-COMMITTEE REPORTS – Tim Cahn, Ph.D., - Vice-Chair

Licensee Orientation Sub-Committee

Tom Wall, Ph.D., Tim Cahn, Ph.D.

- The sub-committee reviewed, discussed, and updated member vignettes to be used at the upcoming presentation in May.
- The sub-committee discussed who would be presenting on behalf of the board at the presentation. The following members were recommended to present: Thomas Wall Ph.D., Christine Guzzardo Ph.D., Decky Fielder Ph.D., and Shari Roberts, Public Member.

Examination Sub-Committee

Tom Wall, Ph.D., Ray Harry, Public Member, Christine Guzzardo Ph.D., and Decky Fiedler, Ph.D.

- The sub-committee reviewed and discussed letters from two active duty psychologists requesting to take the JP exam off site and proctored by the testing facility. The committee recommended and the full board voted to approve both requests.
- The sub-committee reviewed and discussed a request from an applicant to re-take the EPPP exam a third time, after previously failing the exam twice. The committee recommended and the full board voted to approve the request to re-take the EPPP exam a third time.

Application Review Sub-Committee

Dr. Guzzardo, Sub-Committee Chair, Tom Wall, Ph.D., David Stewart, Ph.D., and Decky Fiedler, Ph.D.

- The sub-committee shared a memorandum provided by Mark Calkins, AAG. The memorandum proposed the development of a license application review manual. This manual could potentially include a section addressing disability-based examination accommodation requests.

The adoption of a manual would allow the board to collect and organize application review materials to assist in ensuring a consistent evaluation process. The sub-committee recommended the board support the creation of the application review manual.

Board members agreed that a manual would provide clear guidance in the review process. Dr. Fiedler agreed to work with Mark Calkins and Betty Moe in preparing the manual.

- The sub-committee shared that at some point, there may be the need to develop an interpretive policy statement at is relates to applicants applying from out of the country. These materials would need to be provided in English. The sub-committee believes the burden should be placed on the applicant as a condition of having a completed application. Translating service or out of country would have to do the translation.
- The sub-committee shared that they reviewed the materials that applicants applying by endorsement or through the temporary permit process would need to submit in order to have a completed application.
- Sub-Committee members began to present states to determine equivalency for licensure. The sub-committee shared that when the states were evaluated, they did not evaluate the requirements to obtain a credential in that state through any “endorsement” option .

The sub-committee shared the checklist that they have been using while evaluating other states requirements.

On behalf of the sub-committee Dr. Guzzardo recommended that eight states be determined equivalent for purposes of licensure by endorsement or issuance of temporary permits. Those eight states are:

- Alaska
- Arizona
- Georgia
- Hawaii
- Illinois
- Louisiana
- Mississippi
- Virginia

Ray Harry seconded the motion. Motion passed 7-0.

Ms. Moe indicated the psychology webpage would be updated to reflect this approval. There are still states pending review. A special meeting will be set up to continue the review of states.

Dr. Cahn asked if states are a potential denial, does the Board consider contacting them before denial for clarification. Dr. Stewart indicated that he shared the same questions.

Mr. Calkins indicated that all regulations are listed in the statutes and rules, and there is usually no need to obtain the opinion of another state's licensing authority because the determination is based on comparing Washington State's psychologist licensing statutes and rules with the statutes and rules of the other state (or country).

Communication Sub-Committee

Shari Roberts, Public Member and Betty Moe, Program Manager

- The sub-committee discussed ideas for the June newsletter. The sub-committee recommended including an article on professional wills in the next newsletter.
- The sub-committee reviewed a thank you email from Dr. Laura Asbell. Ms. Moe shared the email with the full board. The email thanked the board for its work on the newsletter.

8. HB 1103 PILOT PROJECT REPORT – Bob Nicoloff, Executive Director

- 8.1** Mr. Nicoloff discussed the Nursing and Medical Commission's HB 1103 pilot project report. In 2008 the WA State legislature passed HB 1103. The law change impacted the regulation of health professions, including discipline. The Department of Health – Health Systems Quality Assurance (HSQA) division was responsible for implementing several aspects of HB 1103.

HB 1103 provided an opportunity for certain health profession commissions to enter into a five year pilot project. The Medical Quality Assurance Commission (MQAC) and the Nursing Care Quality Assurance Commission (NCQAC) elected to enter the pilot project, giving them increased authority over their respective

budgets and staffing. The legislation also required MQAC and NCQAC negotiate performance-based expectations with the Secretary of Health regarding:

- Effectiveness of licensing and disciplinary activities;
- Efficiency, timeliness and personnel resources;
- Budgetary activities;
- Regulatory activities, including timeliness, decision-making consistency, and performance levels.

The end date for the pilot project is June 2013. The legislation also required a report regarding the results of the pilot project be completed by December 2013. The department, MQAC and NCQAC decided to provide the report prior to the pilot end date.

At the time the pilot projects were being implemented, HSQA was going through a major re-organization. Licensing and disciplinary activities were restructured by function rather than by individual programs.

The Executive Summary Reports from MQAC, NCQAC, and the department were provided to members at the meeting. The reports in their entirety were e-mailed to board members prior to the meeting.

9. MANAGEMENT REPORTS/ACTIVITIES – Robert Nicoloff, Executive Director and Betty Moe, Program Manager

9.1 Recruitment update

Ms. Moe updated the board on current recruitment efforts. Ms. Moe reported that the Governor's Office would be re-appointing Dr. Christine Guzzardo to serve another five year term. Ms. Moe submitted the package to fill the public member position, and anticipates hearing from the Governor's Office confirming the public member's appointment. Program has also submitted a package requesting an additional appointment for a professional member, to fill the position currently held by Dr. Jorge Torres-Saenz.

9.2 Budget update

Ms. Moe presented an updated budget report through February 2013. The report indicates that currently the board is under spent and has a balance of \$1,142,323. Ms. Moe reported that there are disciplinary hearings scheduled which could significantly affect the "Legal Service" allotment if the hearings take place. Program staff will continue to monitor the budget and will provide regular updates to the board.

9.3 Rules Hearing Update – ESHB 2366

Ms. Moe shared that the rules to implement continuing education in suicide assessment, treatment, and management were going to be filed and a hearing date would be held in conjunction with the July meeting.

Dr. Cahn agreed to represent the board on the work group to create a model list of training programs which will be provided to the legislature no later than December 15, 2013. The Board supported Dr. Cahn's participation in the work group.

Legislative update

- SHB 1376 – Suicide CE requirements – Betty Moe shared that that if HB 1376 is adopted, that the Examining Board of Psychology may need to amend its currently proposed final rule to amend the “delay” section WAC 246-924-230 for the following reasons.
 - HB 1376 would amend RCW 43.70.442(2)(a)(ii) at (A) and (B) by deleting the requirement that a new applicant can delay completing the suicide training for six years after initial application (an application on or after January 14, 2014) if he/she had completed suicide training no more than six years prior to the application and if the training was “listed on the best practice registry of the American foundation for suicide prevention and the suicide prevention resource center.” HB 1376 would replace the latter requirement with the requirement that the new applicant’s prior suicide training satisfied the requirements of the respective profession’s suicide training CE rule.
 - This change in RCW 43.70.442, if adopted, would create an inconsistency between the statute and the Board’s rules. At WAC 246-924-230, the Board’s amended rule mirrors the current statutory language by allowing a delay for new applicants when the applicant has taken suicide training (six hours) within the prior six years and the training “Is listed on the best practices registry of the American Foundation for Suicide Prevention and the Suicide Prevention Resource Center.” WAC 246-924-255 (new section), provides a broader set of potentially qualifying suicide training. WAC 246-924-255 represents the “rule” reference in HB 1376 at subsection (2)(ii). If HB 1376 is adopted in its current form, the Board’s “rule”—i.e., WAC 246-924-255, should be referenced at WAC 246-924-230, replacing the reference to the more limited “best practices registry.
 - Ms. Moe shared that if this bill passes, these changes could be made at the CR102 hearing. The Board did not share any concerns with making these changes at the hearing if the proposed bill passed.
- Legislative meet-me-call update – Ray Harry, Public Member
Mr. Harry reported to the board that the bills reviewed during the legislative-meet-me-calls didn’t seem to directly affect the psychology profession. Bills regarding telehealth and pharmacy were the most discussed during the calls. He added that he thought the meet-me-calls were very informative.

9.5 Update on PLUS system presentation

Ms. Moe reported that she had contacted the ASPPB to arrange for a representative to attend and present information regarding the PLUS system at a future board meeting. Janet Phippen Orwig, ASPPB Director of Member Services is tentatively scheduled to present the information at the July 19th meeting in Kent.

9.6 Review of delegation forms – Ms. Moe indicated that the delegation review would take place at a future meeting.

10. ASSISTANCE ATTORNEY GENERAL (AAG) REPORT – Mark Calkins, AAG

10.1 Mark Calkins discussed a memorandum he drafted relating to psychologists scope of practice as it relates to autism assessments and treatment plans related to Applied Behavioral Analysis Services.

10.2 Mr. Calkins presented a memorandum titled “License Application Review—Preinternship and Internship Credit for ‘Other Learning Activities’” which discussed how ‘other learning activities’ are allowed and required as part of the preinternship and internship—but are not considered part of the hours qualifying for “Post-doctoral supervised experience.”.

11. MOCK DISCIPLINARY CASE REVIEW – Tim Cahn, Ph.D., Vice-Chair

11.1 Dr. Cahn presented a mock disciplinary case for training purposes. The intent of the mock disciplinary case review is to create consistency between disciplinary panels when addressing similar fact patterns.

12. FUTURE AGENDA ITEMS – Tim Cahn, Ph.D., Vice-Chair

- Development of supervision requirements (standards)
- Acceptance of the Certificate of Professional Qualifications adopted into rule
- Rule development as it relates to allowable coursework taken outside of the doctoral degree program
- Tele-Health guidelines
- Acceptance of the CPQ
- Presentation of PLUS system at July 19th meeting
- Continuing Education Policy
- Mock disciplinary case – Dr. Wall, Ph.D.
- Application review manual
- Ethics presentation follow-up

13. CONTINUING EDUCATION AUDITS

The Board broke into panels to review continuing education audits. Audits that were deficient were sent forward for notice.

14. ADJOURNMENT

2:43 P.m.

15. CLOSED SESSION

Submitted by:
Signature on File

Approved by:
Signature on File

Betty J. Moe, Program Manager
Examining Board of Psychology

Tim Cahn, Ph.D., Vice-Chair
Examining Board of Psychology

Future Meeting Dates:	Future Tentative Hearing Dates:	Future Exam Dates:
May 17, 2013-Spokane The Davenport, Lusso Hotel Florentine Room 808 West Sprague Avenue, Spokane, WA 99201	April 5, 2013	April 12, 2013
July 19, 2013-Kent	June 7, 2013	May 10, 2013
September 20, 2013 Department of Health Town Center 2, Room 158 111 Israel Road SE Tumwater	August 9, 2013	June 14, 2013
November 15, 2013 - Kent	October 4, 2013	July 12, 2013
	December 6, 2013	August 16, 2013
		September 13, 2013
		October 11, 2013
		November 8, 2013
		December 13, 2013