



**EXAMINING BOARD OF PSYCHOLOGY  
MEETING MINUTES**

**May 17, 2013**

**LOCATION:**

Davenport Hotel Collection  
Hotel Lusso  
Florentine Room  
808 W Sprague Avenue  
Spokane, WA 99201

**BOARDMEMBERS PRESENT:**

Thomas Wall, Ph.D., Chair  
Tim Cahn, Ph. D., Vice-Chair  
Decky Fiedler, Ph.D.  
Christine Guzzardo, Ph.D.  
Dick Gidner, Public Member  
Janet Look, Ed.D.  
Shari Roberts, Public Member  
David Stewart, Ph.D.

**BOARD MEMBERS ABSENT:**

Jorge Torres-Saenz, Psy.D.

**STAFF PRESENT:**

Betty J. Moe, Program Manager  
Tammy Kelley, Disciplinary Manager

**AAG PRESENT:**

Mark Calkins, Assistant Attorney General

**OTHERS PRESENT:**

Heather Soares

*On May 17, 2013, the Examining Board of Psychology (Board) met at the Davenport Hotel Collection, Hotel Lusso, Florentine Room, 808 W Sprague Avenue, Spokane, WA 99201. Notice of the meeting was published on the [website](#). Notice was sent to the Listserv.*

## **OPEN SESSION – 9:10 a.m.**

### **1. CALL TO ORDER – Thomas Wall, Ph.D., Chair**

The meeting was called to order at 9:10 a.m. by Dr. Wall.

#### **1.1 Approval of agenda.**

The agenda was amended to remove the title of Vice-Chair for Dr. Thomas Wall, who is the current Board chair. Ray Harry, Public Member was removed from the Board Member list and Dick Gidner, new public member was added. The agenda was approved with the amendments.

#### **1.2 Introductions.**

Board members, staff, and audience members introduced themselves.

#### **1.3 Approval of the March 15, 2013 meeting minutes.**

Board members reviewed the March 15, 2013 meeting minutes. On page 2 paragraph six, the word numb was changed to number. Board members moved and approved the corrected March 15, 2013 meeting minutes.

#### **1.4 Approval of the March 28, 2013 special meeting minutes.**

Board members reviewed and approved the March 28, 2013 special meeting minutes. .

#### **1.5 Approval of the May 2, 2013 special meeting minutes.**

Board members reviewed the May 2, 2013 special meeting minutes. Public Member Ray Harry was removed and replaced with new member Dick Gidner. Board members moved and approved the corrected May 2, 2013 special 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. RULE DEVELOPMENT DISCUSSION/WORKSHOP– Betty Moe, Program Manager**

ESHB 2366 (Chapter 181, Laws of 2012) directs the Examining Board of Psychology to adopt continuing education requirements in suicide assessment, prevention and management. The Board had developed and approved rule language based upon the requirements of this bill.

SHB 1376 (Chapter 78, Laws of 2013) was introduced and amended the requirements of ESHB 2366, prior to the Board filing the approved rule language. The Board is now being asked to review these changes to determine whether to amend the rule language prior to filing the CR-102.

SHB 1376 amends amend the 2012 law (RCW 43.70.442) to clarify that January 14, 2014 is the “start date” of the continuing education requirements. This amendment does not affect the Board’s proposed final rule because the Board had already incorporated the January 14, 2014 date in the rule language.

However HB 1376 also amends 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 for the suicide training CE rule.

Based on the discussion above, the Board determined to amend the rule language at **WAC 246-924-230(1)(b)(2)(B)** as follows:

~~B) Is listed on the best practice registry of the American Foundation for Suicide Prevention and the Suicide Prevention Resource Center. Meets the~~  
qualifications listed in WAC 246-924-255(1).

The Board members agreed to this change. Vote 8-0. The Board will plan to have a rules hearing at the September 20<sup>th</sup> meeting in Tumwater, WA.

#### **4. ASSISTANT ATTORNEY GENERAL (AAG) REPORT – Mark Calkins, AAG**

Mr. Calkins presented a memorandum which provided guidance for Board member newsletter articles. The memoranda discussed the criteria, if any, that should be addressed before an article is published in the Board’s newsletter.

As the legal adviser to the Board, Mr. Calkins suggested that two issues be addressed.

1. Articles may express opinion or provide examples of acts by psychologists that may or many not constitute unprofessional conduct under the Board’s rules. Reliance by a licensee or a potential complainant on such opinions or conclusions may not be the author’s intent-but such reliance, even if misplaced can create problems in a disciplinary case or can lead to an unmerited complaint. Mr. Calkins provided possible solutions to his concerns. The communication sub-committee will discuss these alternatives and share with Board during committee time.

2. Copyrighted Materials – Copyright laws preclude the use of copyrighted materials unless permission is obtained from the holder of the copyright or the material used qualifies under an exemption – such as “fair use.” The Board should require adequate review of articles to ensure that copyright laws are complied with and any necessary permission is obtained.

Mr. Calkins presented a memorandum related to disability-based accommodation requests to take the Jurisprudence Examination in another location—such as in another state.

The question at hand was depending upon an applicant’s qualifying disability, could the Board be required to accommodate an applicant by providing for a proctored jurisprudence examination to be taken in another state or different location within Washington.

Mr. Calkins indicated that the Board could be required to accommodate an applicant with a qualifying disability/impairment given its past practice of making an accommodation for active duty military personnel to take the jurisprudence examination in another state.

Ms. Moe shared the Occupational Therapy Jurisprudence Examination which can be accessed online. The Board was in favor of looking at testing option online. Mr. Calkins recommended the examination sub-committee look at this issue further to discuss and present options at the July meeting.

Concerns expressed by Board members were security and costs.

## **5. PUBLIC COMMENT - Thomas Wall, Ph.D., Chair**

The members of the public did not have any questions to ask of the Board.

## **6. Sub-Committees Work – The Board will break into sub-committees.**

### **Licensee Orientation Sub-Committee**

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

- Followed up from presentation on May 16, 2013.

### **Examination Sub-Committee**

Tom Wall, Ph.D., Christine Guzzardo Ph.D. and Decky Fiedler, Ph.D.

- Reviewed questions from the item banks that currently need to be revised.
- Reviewed test analysis.
- Reviewed request to re-take examinations.

### **Tele-Health Sub-Committee**

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

- This sub-committee did not meet.

### **Supervision Sub-Committee**

Jorge Torres-Saenz, Psy.D, Tim Cahn, Ph.D., Decky Fielder, Ph.D., and Dr. Stewart, Ph.D.

- This sub-committee did not meet.

### **Application Review Sub-Committee**

Christine Guzzardo, Ph.D., Sub-Committee Chair, Dr. Wall, Ph.D., Dr. Stewart, Ph.D., and Dr. Fiedler, Ph.D.

- Discussed the current application review process and any issues relevant to sub-committee members.
- Continued discussion of the “operations manual outline” for Board “gate-keeping” decision-making. (*Creation of this manual was approved at the Board meeting on March 15, 2013*).
- Sub-committee members discussed the state reviews for Vermont, Iowa, and Guam. The sub-committee also discussed policies for processing equivalency reviews from another country where that country’s licensing requirements are published in a language other than English.

### **Communication Sub-Committee**

Shari Roberts, Public Member and Betty Moe, Program Manager

- Sub-committee members met to discuss the memoranda provided by Mr. Calkins.

## **7. SUB-COMMITTEE REPORTS – Thomas Wall, Ph.D., Chair**

Sub-committees reported on current projects or issues.

### **Licensee Orientation Sub-Committee**

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

- Dr. Wall – Twenty-four people attended the Ethics Presentation on May 16<sup>th</sup>. Dr. Fielder, Dr. Wall, Dr. Guzzardo, Shari Roberts, Tammy Kelley, Don Painter, and Mark Calkins presented on behalf of the Board. Dr. Wall indicated that attendees really appreciated Mr. Painter and Mr. Calkins being at the presentation.

The committee decided that the presentation needs new vignettes and re-organizing the presentation to start with a few cases, then provide information about the process, then more cases. The vignettes do not have to be based on an actual case.

The sub-committee will work on modifying the presentation before the next training.

### **Examination Sub-Committee**

Tom Wall, Ph.D., Christine Guzzardo Ph.D. and Decky Fiedler, Ph.D.

- On behalf of the sub-committee Ms. Moe presented two requests to retake the EPPP. Applicants JD and NA had both failed the examination twice, with scores above 75%. The sub-committee recommended that the applicant be approved to take the examination again in three months in accordance with the Board’s examination policy. The Board agreed with the sub-committee recommendation. Vote 8-0.

### **Tele-Health Sub-Committee**

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

- This sub-committee did not meet. Mr. Calkins questioned what was going on with this sub-committee and the ability to discuss legislation that passed. Mr. Calkins assisted with a recent question about whether or not a psychologist licensed in another state could provide services via Skype for intermittent time to a client that moved to Washington.

The statutes (RCW 18.83) and rules (WAC 246-024) that govern the practice of psychology do not expressly address when or whether use of the “tele-health” kind of psychological services (such as Skype) with a current client require licensure or a temporary permit in this state.

Washington’s statutory provisions for the practice of psychology are perhaps unique in that “unlicensed practice” is a “title protection” provision, adopted at RCW 18.83.020. A person could be found to have violated this provision by holding himself out as a psychologist in this state as proscribed under RCW 18.83.020(2).”

Mr. Calkins recommended that taking any determinative position on this kind of the tele-health issue is problematic because the current statutes and rules do not provide clear direction.

Dr. Cahn expressed that ignoring the issue, is not a bad idea. Dr. Fielder shared her concerns that the Board can get way too legal about the issue, and the Board should be looking for patterns and not overregulation.

Dr. Wall mentioned the Ohio Board’s progress on the issue, and asked Ms. Moe to send Ohio’s rules to all members.

### **Application Review Sub-Committee**

Christine Guzzardo, Ph.D., Sub-Committee Chair, Dr. Wall, Ph.D., Dr. Stewart, Ph.D., and Dr. Fiedler, Ph.D.

- Dr. Guzzardo continued the presentation on Vermont (The presentation began during the Special Meeting on May 2, 2013.) With the additional information received from the state of Vermont clarifying that there were separate regulatory tracks for masters and doctoral level licensure, Dr. Guzzardo motioned that Vermont be determined equivalent, because the hours and education met the requirement of Washington. The motion was seconded. The Board approved. Vote 8-0.
- Dr. Stewart presented the state of Iowa. Dr. Stewart motioned that Iowa be considered substantially equivalent, the hours and education met the requirements of Washington, the motion was seconded. The Board agreed with Dr. Stewart. Vote 8-0.

## **Communication Sub-Committee**

Shari Roberts, Public Member and Betty Moe, Program Manager

- The sub-committee recommended the following solutions related to the publication of the newsletter:
  - Require that the newsletter include a general caveat that states, “The opinions expressed by these articles are solely those of the authors and unless otherwise stated do not represent opinions or interpretations of the Board.”
  - Require articles that express examples, opinions, or conclusions about what is, may be, or is not unprofessional conduct to be reviewed by the Board’s advising AAG (whether or not a draft article actually cites a Board rule or statute).
  - Requires that articles not use illustrations (even in the form of hypotheticals) that are based on any ongoing, unresolved case.
  - Require authors to solicit review from at least one other Board member.
- Motion to approve these recommendations passed 8 -0. Board members approved the spring 2013 newsletter, and requested bullet one from above be added prior to publication.

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

### **8.1 Recruitment update.**

Ms. Moe shared that the Board had an appointment package in the Governor’s office to appoint a Board Member in Dr. Torres-Saenz position. Ms. Moe indicated she would begin recruitment for Drs. Wall and Fielder’s positions in the middle of June.

### **8.2 Budget update.**

The Board reviewed the April 2013 interim operating budget report. The current balance is \$1,133,109. The program was overspent in AG support, by \$20,765, all other areas of the budget we within allotment or under spent.

### **8.3 Ms. Moe presented updated delegation forms for Board consideration. Ms. Moe explained that the department was not asking that the sub-committee delegate decision making. The Board retains the legal authority to make decision and take action for credentialing, disciplinary, compliance, or rule-making activities. By delegating signature authority to staff, the department can efficiently carry out administrative duties on behalf of the Board.**

The Board voted to sign form 1-1-19A: Delegation of Signature Authority (Credentialing, Disciplinary Functions, Compliance, and Rules) and form 1-1-19C: Delegation of Decision-Making (RCW 18.130.050(10)). Vote 8-0.

### **8.4 Tammy Kelley, Disciplinary Manager, expressed concerns that it was becoming very difficult to get panels together for disciplinary hearings. Board members expressed concerns about the lack of advanced notice related to the hearings. Ms. Kelley shared that there are two hearings coming up, and we are in need of members. Members graciously agreed to arrange their schedules to accommodate**

the hearings. Board members shared that if hearing could be scheduled six to eight months in advance it would be helpful.

**9. MOCK DISCIPLINARY CASE REVIEW – Thomas Wall, Ph.D., Chair**

**9.1** This item was tabled. Dr. Wall will present a mock disciplinary case during the July meeting.

**10. CONTINUING EDUCATION REVIEW PROCESS – Betty Moe, Program Manager**

Ms. Moe shared that CE audits have begun, and the Board will need to establish a procedure to complete the review/approval of the audits.

Ms. Moe suggested assigning two reviewing members to each audit. The audit would be sent out via e-mail with a two week review for comment. The two assigned members would be on the same panel, so if an audit was not approved, it could be presented on as part of a regularly scheduled disciplinary call.

Board members agreed to try the process as described above.

**11. FUTURE AGENDA ITEMS – Thomas Wall, Ph.D., Chair**

- Development of supervision requirements (standards).
- Development of rules accepting the Certificate of Professional Qualification to meet the requirements for licensure.
- Rule development as it relates to allowable coursework taken outside of the doctoral degree program.
- Tele-Health Guidelines.
- Presentation of PLUS system at the July 19<sup>th</sup> meeting.
- Mock Disciplinary cases- Thomas Wall.
- Application Review Manual

**12. ADJOURNMENT – when agenda items are completed.**

**13. CLOSED SESSION [RCW 42.30.140] – The Board meet in closed session to determine the disposition of complaints.**

Board members broke into panels to discuss and determine whether the cases presented should be investigated, closed, or moved to the informal or formal resolution process.

Submitted by:  
Signature on File

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Betty J. Moe, Program Manager  
Examining Board of Psychology

Approved by:  
Signature on File

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Thomas Wall., Chair  
Examining Board of Psychology

| <b>Future Meeting Dates:</b>  | <b>Future Tentative Hearing Dates:</b> | <b>Future Exam Dates:</b> |
|---|--|---------------------------|
| July 19, 2013-Kent  | June 7, 2013                           | May 10, 2013              |
| September 20, 2013<br>Department of Health<br>Town Center 2, Room 158<br>111 Israel Road SE<br>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         |