



**EXAMINING BOARD OF PSYCHOLOGY
MEETING MINUTES**

March 21, 2014

LOCATION:

Department of Health
Town Center Two, Room 158
111 Israel Road S.E.
Tumwater, WA 98501

BOARD MEMBERS PRESENT:

Timothy Cahn, Ph. D., Chair
Decky Fiedler, Ph.D
Dick Gidner, Public Member
Janet Look, Ed.D.
Shari Roberts, Public Member
Rachaud Smith, Psy.D.

BOARD MEMBERS ABSENT:

David Stewart, Ph.D., Vice Chair
Thomas Wall, Ph.D.

STAFF PRESENT:

Mona M. Johnson, MA, CPP, CDP, Executive Director
Betty Moe, Program Manager
Michael Weisman, Staff Attorney
Scott Bird, Staff Attorney
Diane Young, Credentialing Manager
Mariama Gondo, MPH, Program Manager
Tammy Kelley, Disciplinary Manager

AAG PRESENT:

Jack Bucknell, Assistant Attorney General

OTHERS PRESENT:

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

On March 21, 2014, the Examining Board of Psychology (Board) met at the Department of Health, Town Center Two, Room 158, 111 Israel Road Southeast, Tumwater, WA. Notice of the meeting was published on the psychology profession [website](#). Notice was sent to the psychology Listserv.

OPEN SESSION – 9:03 a.m.

1. CALL TO ORDER – Timothy Cahn, Ph.D., Chair

Dr. Cahn called the meeting to order at 9:03 a.m.

1.1 Approval of agenda

The agenda was approved with these changes:

- Ms. Moe asked that item 8 be changed to pre-employment evaluations.

1.2 Introductions

Board members, staff members, and audience members introduced themselves.

1.3 Approval of the Jan. 24, 2014 meeting minutes

Board members reviewed and approved the Jan. 21, 2014 meeting minutes as presented. Shari Roberts was removed from the list of board members present. The title on the meeting agenda was changed to reflect that it was a teleconference.

2. MANAGEMENT REPORTS/ACTIVITIES - Mona M. Johnson, MA, CPP, CDP, Executive Director and Betty Moe, Program Manager

2.1 Recruitment update – The program has received six applications. Ms. Moe sent out additional supplemental questionnaires. Ms. Moe will work with Dr. Cahn to set up interviews with the candidates within the next few weeks. Dr. Look said she thinks it would be helpful to look at someone who worked with children and/or members of the military. Ms. Moe said she does look for diversity among members when reviewing applications.

2.2 Presentation of Interim Operating Report – The current budget report showed the board is overspent in personal services, goods and supplies, trainings dues, conferences, equipment, AAG support, office of the professional, legal compliance, and Health Professions and Facilities director. The entire budget is currently underspent by \$40,187. The program has a current balance of \$1,149,306.

2.3 Ms. Moe said that the CR-101 to begin rule-making on allowable courses taken outside the doctoral degree granting program and the endorsement process was filed with the code revisers office as WSR 14-07-113. It was filed on March 19, 2014. A rules workshop would be held as part of the May meeting.

2.4 Legislative update – Ms. Moe said that the bill allowing psychologists, as well as nine other professions, to use the title chemical dependency professional (CDP) or chemical dependency professional trainee outside of a facility approved by the Department of Behavioral Health and Rehabilitation passed out of the Legislature.

Providers would need to meet the qualifications and get the credential. This passed as Section 108 of Second Substitute Senate Bill 6312.

Dr. Homans said the Washington State Psychological Association has already gotten a number of questions about applying for the CDP certificate. She asked if there was a shortcut for the providers to take.

Ms. Moe said right now, psychologists would have to go through the entire credentialing process and meet all requirements.

The chemical dependency professional program is working on rule-making to allow alternative training to count toward the certification requirements.

2.5 Credentialing Statistics- Ms. Moe shared statistics as of March 14, 2014.

Total Active – 2,435
Total Military – 30
Total Retired Active – 136
Pending – 184
Total Expired – 1,171

2.6 Update on the PLUS system from ASPPB – Ms. Moe met with representatives from the credentialing and the information technology offices ASPPB regarding the plus system. Issues discussed:

- ASPPB does the primary source of the documents, which means the board would no longer receive official documentation.
- Now department primary sourced all documents. We verify this information to other state organizations as well as insurance companies.
- ASPPB wanted to know if Washington could require the first six months of 50 applicants who applied be required to apply on the ASPPB Plus portal. ASPPB would waive the fee for these applicants.
- Would need to amend the exam contract to allow ASPPB to approve applicants for the EPPP.

Ms. Moe will have more to share at the May meeting.

2.7 Ms. Moe shared information related to military applicants taking the JP exam in other locations. The board agreed a policy should be developed. Ms. Moe will work with the board leadership to create a policy. The policy will be presented at the May meeting.

2.8 Ms. Moe shared a spreadsheet documenting how others states administer the JP exam. This item was referred to the exam sub-committee for review.

2.9 Alternative to discipline – Ms. Moe said the department is looking at the possibility of proposing legislation in 2015. This legislation would allow the board to create a remedial plan for psychologists based on conduct.

The thought is that this remedial plan would not be allowable under some circumstances:

- Patient or client abuse
- Sexual misconduct
- Diversion of a controlled substance or legend drug for the licensee's personal use or for distribution to another person
- Substance abuse
- The conviction of a felony
- Gross incompetence
- Any other category of allegation as identified by the board in rule.

Ms. Moe asked the board members if they would be interested in learning more. The board members unanimously agreed that they would be interested in this type of plan. Board members indicated they were very interested and would like more information.

Dr. Homans said if a stipulation to informal disposition is issued and the board had a concern that is significant for practitioners because it is easy for that to be career-ending. It can get them dropped off panels and make it difficult to get referrals.

3. CONSENT AGENDA - Timothy Cahn, Ph.D., Chair

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

4. Washington Health Professional Services (WHPS) – John E. Furman, Ph.D., MSN, CIC, COHN-S, Executive Director

Dr. Furman shared information related to the WHPS program.

Boards and commissions saw an increase in the number of impaired practitioners. In many cases the result was a loss of license. In 1988, the Uniform Disciplinary Act was amended to include RCW 18.130.170. RCW 18.130.170:

- Identifies and supports rehabilitation programs;
- Allows treatment and safe return to practice; and
- Establishes alternatives to the traditional disciplinary process.

Alternative programs play an important role in protecting public health and safety by encouraging and promoting recovery. This minimizes the loss of highly trained healthcare professionals.

There are three state programs:

- Washington Physicians Health Program (WPHP)

- Washington Recovery Assistance Program for Pharmacy (WRAPP)
- Washington Health Professional Services (WHPS)

WHPS was established in 1992 as a service within the Department of Health. The program is funded by boards and commissions, and provided service to more than 75 health care professions.

Currently, the program has about 525 participants. Nursing makes up about 75 percent. The program processes about 40 to 50 intakes a month.

There are several ways a provider can enter the program.

- Voluntarily
- Alternative to discipline
- License to discipline (STID)
- Agreement to practice

The program is confidential. It is protected by state and federal regulations. Access to records is limited to program staff members.

The components of the program include diagnostic assessment, treatment, support groups, and drug screen testing.

Client contracts range from one to five years. The program is abstinence-based. The program requires workplace monitoring and practice restrictions.

WHPS will have no contact with the board if the participant is successful in the program. WHPS will report to the board if the participant is non-compliant with the contract.

Two psychologists are currently in the program. Both voluntarily entered. Both are related to alcohol dependency. One is working. The other is exploring private practice. They are expected to graduate in 2014 and 2018.

Dr. Fielder said in a recent case, a provider was at risk for having a license suspended. Dr. Furman said one requirement is that the provider must have an active license in order to participate in the program. Dr. Furman said a provider must work for at least 12 months while under the contract. WHPS won't release providers from their contracts unless they can show that they have maintained sobriety while working.

Participants must pay all of the costs associated with the requirements of the program. It is usually about \$250 per month, not including the costs of treatment. Most WHPS participants do outpatient treatment.

The board thanked Dr. Furman for his time.

5. ASSISTANT ATTORNEY GENERAL (AAG) REPORT –Jack Bucknell, AAG

Mr. Bucknell said that he had a short report, but would be chiming in on the agenda later on as well.

One legislative update – open government training act –Mr. Bucknell said he would meet with Lisa Hodgson, office director, Health Professions and Facilities. The bill will require training on the Open Public Meetings Act (OPMA). There will be training online, so he doesn't anticipate board members having a difficult time meeting the requirements. .

With regard to the OPMA, the boards and commissions are very careful.

Mr. Bucknell discussed board members' use of email communication with department staff members. All of the emails that board members send and receive as part of board business are potentially public records and may be subject to disclosure.

Since the last meeting Mr. Bucknell has met with the department to look at these issues. The department is going to take some steps in the next month or so at options that it can use to resolve this issue.

Mr. Bucknell said he feels confident that that the agency is taking the next steps, and he plans to have more to report at the May meeting.

Mona Johnson said that Lisa Hodgson is working closely with Martin Mueller, assistant secretary, Health Systems Quality Assurance to find a solution.

6. REQUEST FOR LIST & LABELS- Timothy Cahn, Ph.D., Chair

6.1 Board members reviewed additional information from Verisys. Dr. Cahn said it doesn't look as if it wants to get all information maintained by the board regarding the status of each of its members. Mr. Bucknell said only approved educational and approved professional associations are able to have lists if the lists will be used to facilitate commercial activity.

Mr. Bucknell urged the board to look at whether it is an educational or professional association when making the determination. For profit organizations may obtain identifiable records for any purpose, but agencies are prohibited from providing lists for commercial purposes except to professional associations or educational organizations recognized by their professional licensing or examination board. Dr. Cahn said Verisys indicates that it is a professional association, and we define professional association as "a group of individuals or entities organized to: represent the interests of a profession or professions; develop criteria or stand for competent practice; or advance causes seen as important to its members that will improve the quality of care rendered to the public."

Ms. Roberts doesn't believe this organization fits the definition of professional association.

Dick Gidner motioned that he would like to deny the request and clarify why the group did not approve. The motion was carried. Ms. Moe will work with Mr. Bucknell to draft and send a letter.

- 6.2** Board members reviewed a list request from Mercer Trainings. Board members agreed that this organization should be able to access the list. Ms. Moe will notify Mercer Trainings of the board determination.

7. PUBLIC COMMENT - Timothy Cahn, Ph.D., Chair

Dr. Homans said most of her questions had been answered during the respective items. The two items were related to the certification of CDPs and the disciplinary process.

Minor disciplinary issues get a provider thrown off insurance carriers. As insurance providers look at reducing costs, they will look at any reason to do so.

House Bill 1448 would have mandated reimbursement for tele-health services, so long as they were real time. WSPA supported the bill in 2013 and 2014. Between the 2013 and 2014 sessions, the legislator and insurers worked very hard to fashion a bill that everyone would agree on.

Two physicians testified at the legislative hearing. They said that an abortion could be delivered over tele-health by means of plan B, which, of course, is provided over the counter. The legislator then determined not to hear public comment, and the bill died.

In talking with fellow stakeholders, everyone wants to regroup for next session.

Board members took a break for lunch 11:45 – noon.

8. PSYCHOLOGICAL EVALUATIONS – Dr. James Shaw, Ph.D.

Noon

Dr. Shaw shared information about pre-employment evaluations to further educate the board members.

Board members ate lunch during this time.

9. BOARD STANDARDS – Timothy Cahn, Ph.D., Chair

9.1 Board Bylaws – Mr. Bucknell said he spent several hours reviewing the bylaws. He does have some suggested changes. He is concerned that reviewing the blue pen comments he has would be confusing to the board. His main recommendation would be to reduce the bylaws and point more directly to the statute. Mr. Bucknell was willing to send his updated version to Dr. Cahn and Mona Johnson, executive director, by April 1.

It can then be shared with the board for presentation at the May meeting. Dr. Cahn said that he did not feel an urgency to complete the bylaws as the board has been functioning without bylaws for many years. Board members agreed to continue the review at the May meeting.

9.2 The board reviewed its business plan for the 2013-2015 biennium. This has already been approved, but the board determined to review at every meeting to help ensure pre-established goals are being met.

10. Sub-Committees Work – The board broke into sub-committees.

Licensee Orientation Sub-Committee

Tom Wall, Ph.D., Timothy Cahn, Ph.D., and Dick Gidner, Public Member

- Objectives: new vignettes, new presentation layout, and determination of board member presenters.
- Presenters – Timothy Cahn and Richard Gidner. Ms. Moe will contact both Dr. Smith and Dr. Wall to determine if they can present.
- Board members will send Ms. Moe vignettes.

Examination Sub-Committee

Tom Wall, Ph.D., Janet Look, Ed.D., Decky Fiedler, Ph.D., and Shari Roberts, Public Member

- Discuss a process to update the exam questions.
- Review test analysis.
- Review examination requests.

Tele-Health Sub-Committee

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

- Review other states' and organizations' adopted guidelines.
- Follow up on discussion with Oregon board.

Dr. Smith said he talked with a member of the Oregon board. The member has been tasked with pushing tele-health forward. One thing he proposed was doing a joint survey, looking at members and psychologists to determine who is using tele-medicine, who wants to use it, and what are problems people see.

Maybe the survey could be done, but the board also wants to look at jurisdiction issues. The intent is to look at the Oregon board, write up something very similar and somewhere down the road do a limited study about tele- medicine across the state lines.

The goal is to eventually engage in rule-making. An aim is to define what tele-health is and who has jurisdiction. Mona Johnson suggested working with process preliminary practice parameters. She said she could put the members in touch with someone in the Army who is tackling the same issues. The board was open to contacting the representative.

Dr. Cahn said we don't regulate tele-medicine, only tele-health. One of the biggest issues with mobility is the temporary permit issue. He believes it was an unintended consequence; he would like to continue the discussion.

Dr. Fiedler doesn't see the point in regulating someone who temporarily moves to Washington and wants to continue services with a previous provider. It is different if the provider is setting up a tele-health practice.

Ms. Roberts agreed that this differentiation is very important.

Ms. Moe shared the ASPPB-BARC Listserv posting and response summary regarding jurisdictions.

Application Review Sub-Committee

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

- Discussion of any state-country equivalency reviews to be presented to the board if necessary.
 - Dr. Stewart presented the state of **Montana**. Dr. Stewart recommended the board find that Montana is not equivalent because the requirements for the practicum and internship are not equivalent. The board agreed with Dr. Stewart. Vote 6-0
 - Dr. Stewart presented the state of **Massachusetts**. Dr. Stewart recommended that Massachusetts be considered substantially equivalent, as the hours and education met the requirements of Washington. The board agreed with Dr. Stewart. Vote 6-0
 - Dr. Fielder presented the state of **Missouri**. Dr. Fielder recommended the board find that Missouri is not equivalent because the requirements for the internship are not equivalent. The board agreed with Dr. Fielder. Vote 6-0

Communication Sub-Committee

Shari Roberts, Public Member and Betty Moe, Program Manager

- Sub-committee members discussed the format of the winter 2013 newsletter and articles for spring 2014.
- The sub-committee discussed providing recommendations for newsletter articles.
 - Going to limit to 500 words.

- When reading a document, if it is a body of text, will be more eye-catching to break into columns.
- Even while we are addressing the article, we want to increase people reading the newsletter.
- Keeping filler articles.
- The board addressed controversy with a recent article. Dr. Cahn called the author and hasn't heard back. The board appreciates the author's service.

11. SUB-COMMITTEE REPORTS – Timothy Cahn, Ph.D., Chair

Sub-committees reported on current projects or issues. Some items were presented as status updates and others were presented for approval.

12. MOCK DISCIPLINARY CASE REVIEW – Janet Look, Ed.D.

Dr. Look presented a mock disciplinary case. The disciplinary case was presented as a training tool, to help maintain consistency among disciplinary panels.

13. OTHER ITEMS- Timothy Cahn, Ph.D., Chair

13.1 Dr. Look offered information she got regarding respecialization programs. She communicated with the ASPPB. Two states, Pennsylvania and Missouri, allow for the acceptance of respecialization. One main consideration when reviewing respecialization is that the original training was in psychology, i.e., developmental or social. The APA policy on respecialization states; you must complete the coursework you would have taken in an accredited doctoral degree program plus the required supervision experience.

RCW 18.83.070(2) states that the applicant holds a doctoral degree from a regionally accredited institution gotten from an integrated program of graduate study as defined by the board in rule. The board has the ability within rule to define the educational requirements.

Dr. Cahn wanted to wait and see more when the board reviewed an application from a respecialization program.

Mr. Bucknell said board interpretation could be accomplished with a policy; however, clarification through rulemaking is preferred because policies are not legally binding.

The board will continue to review this issue at the next meeting.

13.2 Board members approved a request for an indefinite waiver of the continuing education requirements.

14. FUTURE AGENDA ITEMS – Timothy Cahn, Ph.D., Chair

- Look at continuing competency and how it is done in Canada.
- Rules workshop
- Military exam policy
- Review bylaws
- Ability to do a survey
- Review of physical therapy tele-health rules
- Continue discussion on respecialization

15. CLOSED SESSION [RCW 42.30.140] – The Board met 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.

16. ADJOURNMENT

4:22 p.m.

Submitted by:

Approved by:

Betty J. Moe, Program Manager
Examining Board of Psychology

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

Future meeting dates:

May 16 –TBD

July 25 –Tumwater

Sept. 19 – Seattle Pacific University

Nov. 14 - Tumwater