



**EXAMINING BOARD OF PSYCHOLOGY
MEETING MINUTES**

January 30, 2015

LOCATION:

Department of Health
243 Israel Road S.E.
Town Center Three, Room 265
Tumwater, WA 98501

BOARD MEMBERS PRESENT: Timothy Cahn, Ph.D., Chair
Leslie Cohn, Ph.D.
Shari Roberts, Public Member
Dick Gidner, Public Member
Rachaud Smith, Psy.D.
Brendon Scholtz, Ph.D.

BOARD MEMBERS ABSENT: David Stewart, Ph.D., Vice Chair
Elizabeth Kunchandy, Ph.D.
Janet Look, Ed.D., Vice Chair

STAFF PRESENT: Betty Moe, Program Manager
Sonia Ferguson, Program Support
Nancy Tyson, Executive Director
Jeff Wise, Policy Analyst
Marlee O'Neill, Legal Services
Joanne Miller, Credentialing

AAG PRESENT: Jack Bucknell, Assistant Attorney General

OTHERS PRESENT:

Lucy Homans, Ed.D., Washington State Psychological Association (WSPA)
Dr. Peter Scontrino, Ph.D., APA/SIOP
Grita Gidner, Guest

On January 30, 2015, the Examining Board of Psychology (board) met at the Department of Health, 243 Israel Road S.E., Town Center 3, Room 265, Tumwater, WA 98501. 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 and accepted with addition of item 1.5- Public Comment. Dr. Lucy Homans requested public comment be moved forward in the agenda so she could speak before another appointment. The board granted the request and decided the regular public comment section would remain in case someone showed up to speak.

1.2 Staff updates

Ms. Moe introduced new Nancy Tyson the new executive director. Ms. Tyson comes to us from Department of Health and Social Services (DSHS).

1.3 Introductions

Staff members, board members, and guests introduced themselves. Dr. Cahn congratulated Dr. Janet Look on being reappointed to the board.

1.4 Approval of the November 14, 2014 meeting minutes

Board members reviewed and approved the November 14, 2014 meeting minutes as presented.

1.4 Public Comment from Dr. Homans –

Dr. Homans reported about a bill that would allow for forms of mediation in disciplinary actions. The Washington State Psychological Association is following and supporting the bill.

Dr. Homans said another bill would allow the secretary to intervene on board and commission rule making if the secretary thinks change of practice is going too far. If interested, let Dr. Homans know and she will send the information to you.

House Bill (HB) 1403 – Dr. Homans said it's regarding telehealth services and reimbursement. The bill includes outpatient.

Dr. Timothy Cahn said one of the rules under consideration deal with temporary permits. Does Ms. Homans have anything to say about that? Dr. Homans said when she first got licensed one could get temporary permits. Then someone said one either could or couldn't. Dr. Cahn said the temporary permits are good for only 90 days.

Dr. Homans said she thinks the board needs to deal with telehealth before anything since everything is moving online.

2. **RULES WORKSHOP – Timothy Cahn, Ph.D., Chair**

Sexual misconduct

The board is considering updating the sexual misconduct rule to establish clearer standards of conduct for psychologists. The board in collaboration with the Department of Health's (department's) experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by health care professionals under the board's authority listed in RCW 18.130.040(2)(b).

The board is discussing adding the following language:

"Sexual misconduct also includes sexual contact with any person involving force, intimidation, or lack of consent; or a conviction of a sex offense as defined in RCW 9.94A.030."

Dr. Cahn said he received an email from a board member who may have misunderstood what Mr. Bucknell meant when he was talking about sexual misconduct. This board member thinks psychologists are being too watched over.

Dr. Cahn wanted to check with the board to see what it thought about the draft rule language.

Dr. Rachaud Smith said the comments did make it seem as though psychologists couldn't do much.

Mr. Bucknell said the board's authority is broad. No affirmative 24-hours-a-day, seven-days-a-week surveillance is going on. It's a complaint-driven process. Mr. Bucknell said to look at the conduct outside of a clinical setting and look at the licensee. This rule change makes it more structured.

Dr. Cahn said there was a case on a nurse indicating every time the cases come on, the media focuses on the fact that the provider is still licensed.

Ms. Moe said she would like to make sure the language is what is intended by the board. She went over what language was discussed at the previous meeting and said she was bringing it back for the board's final approval. After this, she will do a CR102.

Dr. Cahn believes these cases, being sexual in nature would be delegated to the secretary.

Mr. Jeff Wise said under RCW 18.130.062 the board still has discretion not to transfer cases.

The board members continued to discuss the rules, and how the rules would work in real situations.

Example 1 - An ex-wife alleges her ex-husband, a psychologist, forced himself on her. Dr. Cahn said in situation like that, the psychologist usually self- report.

Dr. Smith said he wasn't sure the board is the board was the proper venue for this type of offense. Dr. Cahn said situations like that are very rare.

Dr. Leslie Cohn said nothing will happen unless there's a conviction.

Dr. Cahn said an example would be if someone was acquitted on a conviction and lost on a civil judgment.

Ms. Moe said the secretary would look at a conviction. If there was no conviction, the secretary would look at the credibility of the witness. If someone has a conviction, such as child abuse, their license can be suspended much easier.

Example 2 – A psychologist charged with soliciting a prostitute. Dr. Cahn said that wouldn't be under sexual misconduct as its not engaging.

Dr. Cahn said there was a case where someone complained about a female psychologist. The complaint came from the jail where she worked and was about what she wore to work. It was too stimulating for the inmates. Dr. Cahn said the board did not take action.

Ms. Shari Roberts said she thinks as a board, members can do a good job of flushing things out.

Dr. Cahn said to keep in mind the job of the board is not to protect the psychologists. The board could see cases it has never seen before. In our country, he said, men are vulnerable.

Dr. Cahn asked if the language the board was discussing is in other board, commission or advisory committees' rules. Ms. Moe said yes, it is in nursing also.

Dr. Homans said she had two questions. The first was if no timeline is involved, what if someone engaged in force of or lack of consent before becoming licensed, then the victim found out the person became a licensed psychologist, could the victim then file? Dr. Cahn said the answer is yes.

Dr. Homans second question was if the word "consent" was defined anywhere. Dr. Cahn said no, it isn't. Mr. Bucknell said the board would look at criminal cases to find the definition of "consent."

Mr. Bucknell said the Nursing Commission has adopted the sexual misconduct language and occupational therapy has taken a slower approach to adopting the language.

Dr. Cohn asked if there isn't any language, would that mean the board didn't have anything to do with it.

Dr. Smith said the way to go is to send 99.9 percent of things to the secretary. He said he isn't looking at it as accusing the psychologist, but looks at it as if this was the board's vote.

Ms. Moe said the board has the discretion to close the case or wait until a conviction.

Mr. Bucknell said [RCW 18.130.062](#) Authority of secretary – Disciplinary process – Sexual misconduct addresses some of the issues that are being discussed.

Dr. Smith said the discussion and examples were helpful.

Mr. Wise said the attempt to go after people not involved in immediate practice is the reason the secretary wanted it included.

Ms. Moe said people are filing for past things all the time, which is why safeguards need to be put in place. She said nursing assistants, chemical dependency professionals (CDP) and massage have a lot of people with past convictions.

Dr. Cahn asked Dr. Smith if the language concerned him. He believes people don't read the WACs unless there is a specific case, such as an ex-wife's attorney.

Dr. Homans asked where the language originated. Ms. Moe said the Nursing Quality Assurance Commission developed the language, and it has been in place with them for more than a year.

Dr. Cahn said when he sees this, he thinks of someone who is unconscious. He thinks if you're saying "no" then the other person is using force.

Dr. Smith asked if there is a legal definition of consent and Mr. Bucknell told him no.

Dr. Smith motioned to accept the language as it was in section three. The motion was seconded. Motion approved. Vote 6-0.

3. Rules Workshop – Ms. Betty Moe, Program Manager

The board is considering creating new sections to allow for the acceptance of courses taken outside the doctoral degree granting program, and the development of standards for applicants applying by endorsement and temporary permits. The board will also consider amending other sections within the chapter to properly reference any new sections created.

Mr. Bucknell reviewed a memo he drafted at the board's request that recommended three options for the board to choose from for temporary permit rule making.

Dr. Cahn wanted the board members to take some time to read the memo. He also thanked Mr. Bucknell for all of his work on the subject.

Dr. Cahn said there are barriers with RCW 18.83.082 and he would like to get the barriers removed. He said he has asked Mr. Bucknell to give the board some options. Dr. Cahn said previous members have felt very strongly about protecting the public. He said people who apply need to practice for at least two years in their state. Some people have a hard time getting permits because their states don't have the wording Washington State does.

Dr. Cahn said he thinks the board went down the wrong path by failing to adequately account for practice experience, which is considered in RCW 18.83.170. He now thinks it's time to go down the correct path and to remove barriers which were adopted under the board's lawful authority, but which are not required under RCW 18.83.

Ms. Moe provided a historical backdrop. About two years ago we were going through applications. In the review process the advising attorney general (AAG) to the board found out our credentialing office was approving temporary permits. The AAG office said everything needed to be looked at for people getting approved temporary permits. The board began reviewing each state to determine equivalency.

Mr. Bucknell said he has a great admiration for his predecessor and Dr. Cahn agreed.

Mr. Bucknell thinks there are always options, but only some of them are defensible. He said he will recommend only options he thinks are legally defensible under accepted canons of statutory construction. He said right now people can become fully licensed by going through the hybrid option. He is looking to see if that is something the board could do.

Dr. Cahn said he thinks the hybrid option is bad. People believe very strongly about psychologists being licensed in the state if they should be, he said.

Dr. Cohn said if you do an internship and get licensed in California, you couldn't get a permit here.

Mr. Bucknell said looking at RCW 18.83.070, the board should ensure that all licensees, regardless of path to licensure, hold a doctoral degree from a regionally accredited institution, obtained from an integrated program of graduate study in psychology; have at least two years of supervised experience; and passage of exams required by the board. When he gives advice, these are the minimum statutory requirements that the board must ensure are met for every applicant. Applicants for license by endorsement must meet the experience requirement as well.

Ms. Roberts asked if the board chose to look at option C, would we have an open discussion now? The answer is yes.

Dr. Cahn said he wanted all to know he's a strong opponent for "Jurisdiction equivalent training checklist." He said there has always been one person saying "no."

Mr. Bucknell said equivalent does not mean the others state is exactly the same. The caveat is they need to meet minimum licensing requirements.

Ms. Moe said this is only for other states, not countries.

Mr. Bucknell suggested reviewing the analytical equivalency criteria and determining which criteria must be met with specificity. . For example, two years supervised experience is an absolute requirement under statute, but determining a state is not nearly (substantially) equivalent because the state licensing law does not require a pre-doctoral internship results in an equivalency analysis that is exacting to a degree not required by statute, and which excludes many out of state applicants. . For example, many temporary permit holders have difficulty obtaining permits, including licensees from California, and many of our expert witnesses come from California.

Dr. Cahn said sometimes it's hard to get Washington State psychologists in certain areas to go against another psychologist here in the state.

Ms. Roberts asked when requests start coming through; the board started seeing who they were keeping out. People need to provide a large amount of information to go through for a temporary permit. She thinks it should say essentially equivalent.

Ms. Roberts said unfortunately you can't go backwards as it's very restrictive.

Ms. Roberts made a motion to accept option C for the temporary permits. Motion was approved. Vote 6-0.

The board then continued the rules discussion.

WAC 246-924-047 is a new section about courses completed outside the doctoral degree granting program. Ms. Moe want over all the information added with members.

Dr. Scholtz talked about an applicant from Spain. He said there was a lack of information from the applicant and that nothing was equivalent.

The board said Las Palmas was not equivalent and would deny the applicants from Spain, province of Las Palmas.

Ms. Moe want over additions and changes made to WAC 246-924-110- Qualifications for granting of license by endorsement.

Dr. Cahn said he hopes the board will get rid of hybrid.

Under WAC 246-924-480, more people will qualify by endorsement, but not as many people will be able to do hybrid.

The board has a broad authority to decide what meets or does not meet equivalency.

Dr. Smith moved to deem California essentially equivalent. Motion passed.

Dr. Smith, Mr. Gidner and Dr. Cahn will review the list of states that were previously deemed non-equivalent and bring the information to the next board meeting.

Dr. Cahn thanked board members for their reviewing and finding a solution.

Mr. Gidner motioned to approve the rules, motion approved. Vote 6-0.

4. Public Comment – Timothy Cahn, Ph.D., Chair

Dr. Peter Scontrino came to speak about organizational psychologists. He said he is an organizational psychologist and full-time consultant. He was licensed in 1972.

Dr. Scontrino said he's been working with an industrial psychologist. He said he and his partner have been telling students they need to get their license in order to call themselves psychologists.

There are some industrial-organizational (I-O) psychologists in the state, but none of them are APA-approved. Dr. Scontrino said it is very difficult to find supervisors for his people.

Dr. Scontrino said he has also written reports for students about what they need to do for licensure. He has also written reports for boards.

Dr. Scontrino said most of Seattle Pacific University's courses are four hours long. Dr. Cahn said Washington State does not have I-O programs.

Dr. Scontrino said he has offered internships.

Dr. Cahn said he does not want to create barriers for I-O students.

Ms. Roberts asked what they would call themselves in Washington State. Dr. Scontrino said they should be called organizational psychologists.

Ms. Roberts asked how many I-O psychologists there are in our state. The answer is about 200.

Dr. Scontrino said about 20-30 I-O psychologists are on staff at Seattle Pacific University and some others at agencies such as Starbucks, Amazon and private practices. He said an I-O psychologist helps with employee surveys, and helps design tests and training programs.

Dr. Scontrino said his first request is to give I-O psychologists an exemption like social psychologists because there are no APA-approved colleges.

Ms. Moe said the first option would be make a request for legislation. The second option would be to put it in the board's rules.

Dr. Cahn asked if the students have all the classes to become licensed. Dr. Scontrino said they do not have a pharmaceutical class.

Dr. Smith asked if they have practicums. The answer was no.

It was mentioned it may be best for an association to take forward to the Legislature itself.

Dr. Scontrino said he had a fear of opening up licensing law.

Dr. Scontrino said one student was told not to waste time by putting in an application, but if board is saying to look at equivalency (criteria for licensure) then they will have students put in applications to have them looked at.

Dr. Scontrino asked if there could be any flexibility about waiving the pharmacology class. Ms. Moe said the board would need to open the WAC, and define times when courses could be waived.

It was asked how long it would take to open the rule and to complete it. The answer was probably two years.

Would online classes be recognized? Yes, as long as the class was taken at an accredited school.

Dr. Scontrino thanked the board for its time.

5. Sub-Committee Work- The board met as a whole for training purposes.

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

Examination Sub-Committee

Janet Look, Ed.D., and Shari Roberts, Public Member

Ms. Moe said she needs to update the exam booklet. All the questions will need to be reviewed to determine if RCW-WAC changes affect the questions. Ms. Moe said it costs about \$1,500 to update the exam booklets. The board could also look at putting the exam online.

Ms. Moe showed an example of an online exam. She said there is a 20-applicant capacity to take the exam. Applicants are postponed until the following month. Some applicants are flying in to take the exam.

Ms. Roberts moved to have jurisprudence exam online starting no later than April 1, 2015. Motion approved. Vote 6-0.

The board approved the following exam requests:

- 1). Request to retake exam. The board approved the applicant to retake exam at any time.
- 2). Request to retake exam because the applicant had anxiety issues. The board approved applicant to retake the exam at any time.
- 3). Request from Air Force personnel to taking the exam on a base in North Dakota. The board approved applicant to take exam on base in North Dakota.

Telehealth Sub-Committee

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

Mr. Wise said a medical bill is being pushed through. It was introduced by physicians. Dr. Smith said Medicare is pushing that a patient must go to small clinics, but not do telehealth.

Application Review Sub-Committee

David Stewart, Ph.D., Decky Fiedler, Ph.D., and Rachaud Smith, Psy.D. – This sub-committee did not meet.

Communications Sub-Committee

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

6. **SUB-COMMITTEE REPORTS – Timothy Cahn, Ph.D., Chair** – The board met as a whole. Reports were not necessary.

7. **Correspondence – Timothy Cahn, Ph.D., Chair**

Board members reviewed a letter from Walden University (WU). WU explained changes made to its program, and asked if the board would approve the program. Dr. Cahn said to send it a copy of WAC 246-924.

8. **Management Reports – Betty Moe, Program Manager and Diane Young, Credentialing Manager**

8.1 Office of Customer Service/Credentialing update – Ms. Joanne Miller said from July through December 2014 there were 109 full psychology credentials. Out of those, 86 percent were issued within the first 14 days and 16 were issued outside guidelines.

For temporary permits – there were six credentials and from July through December 2014. Five or 86 percent were credentialed within the first 14 days and 1 percent was not within 14 days.

- 8.2 Credentialing statistics-** Ms. Moe shared statistics as of January 16, 2015.
- Total Active – 2,522
 - Total Military – 32
 - Total Retired Active – 147
 - Pending – 204
 - Total Expired – 1,222
- 8.3 Recruitment update** – Ms. Moe said she had interviews next week for a candidate to replace Dr. Stewart.
- 8.4 Presentation of interim operating report** – Ms. Moe went over the operating report. The current balance is \$1,222,762.
- 8.5 Update on the PLUS system from Association of State and Provincial Psychology Boards (ASPPB)** – Ms. Moe said she met with ASPPB last week, and is working on a draft contract and hopes to have it approved by May.
- 8.6 Business plan for the 2013-2015 biennium** – The board members did not anything additional to add.
- 8.7 Policy statement adoption – suicide assessment, treatment and management** – Ms. Moe provided copies of the finalized policy to board members.
- 8.8 Legislative update –the following bills were discussed:**
- SB 5488 & HB 1555 - These bills create new credentials for behavior analysis, assistant behavior analysts, and behavior technicians. Creates the Washington state applied behavior analysis advisory committee. Requires the secretary of the Department of Health to consult with the committee when setting the qualification for licensure or certification. The state did a sunrise review last year.
 - SB 5151 – Requires a disciplinary authority for certain health care professions to adopt rule requiring a person authorized to practice the profession regulated by the disciplinary authority to receive cultural competency continuing education training. It requires the department to approve, develop and make available to each disciplining authority a list of CE opportunities related to cultural competency.
 - HB 1424 – Requires the Department of Health to adopt rules establishing minimum standards for the suicide assessment, treatment, and management training programs, including content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors. Exempts the following from the suicide assessment, treatment, and management training: (1)

certified registered nurse anesthetists; and medical school graduates who hold limited postgraduate training licenses.

- HB 1339 – Creates a process to allow the secretary of the Department of Health to intercede and stay a decision of a disciplining authority that expands scope of practice. Ms. Roberts and Dr. Smith think that undermines the authority of boards.

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. Assistant Attorney General (AAG) report – Jack Bucknell, AAG

Mr. Bucknell said he nothing to report. He also said it isn't necessary to have this as standing business item on the agenda.

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

The board members reviewed and approved list and labels for the American Board of Professional Psychology, the American Psychological Association, and the Portland Psychotherapy Clinic Research and Training Center.

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.

12.2 Board members approved accepting the Oregon CE for a dually credentialed psychologist residing in Oregon.

13. Public Records Act Training – Jack Bucknell, AAG

This was tabled until next meeting.

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

- Public records training moved to March
- Ethics training in April
- Exam online update
- Jurisprudence exam questions
- Build analytical framework for state reviews – the following jurisdictions will need to be re-analyzed:
 - Colorado
 - Florida
 - Missouri
 - Montana

- Texas
- Washington DC
- Wisconsin
- Budget
- Legislative update
- Subcommittee updates

15. ADJOURNMENT

2:45 p.m.

Submitted by:

Approved by:

Signature on file

Signature on file

Betty J. Moe, Program Manager
Examining Board of Psychology

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