MINNESOTA BOARD OF PSYCHOLOGY

Minutes of the 397th Meeting

February 29, 2008

Members Present: M. Fulton, S. Hayes, J. Lee, T. Nguyen-Kelly J. Romano, M. Seibold, T. Thompson, S. Ward, and J. Wolf

Members Absent: G. Jensen

Others Present: N. Hart, Assistant Attorney General

EXECUTIVE SESSION
On the recommendation of the Complaint Resolution Committee, the Minnesota Board of Psychology adopted an Order of Unconditional License in the matter of Robert Neal, Ph.D., LP.

PUBLIC SESSION
Board Chair, T. Thompson called the public session of the meeting to order at 9:20 AM, in the Psychology Board Conference Room, at 2829 University Avenue Southeast, Minneapolis, Minnesota, and a quorum was declared present.

1. Minutes of the Board Meeting of January 25, 2008.

M. Seibold moved, seconded by S. Hayes that the minutes of the Board meeting of January 25, 2008 be approved as submitted. Voting "aye": M. Fulton, S. Hayes, J. Lee, T. Nguyen-Kelly, J. Romano, M. Seibold, S. Ward, and J. Wolf. Voting "nay": none. There being eight "ayes" and no "nays", motion carried unamimously.

2. Administrative Matters.

a. ASPPB Board of Director's Minutes. The Association of State and Provincial Psychology Boards (ASPPB) provided a copy of its minutes of the October and December 2007 Board of Director's meetings for the information of the Board.

The Board discussed ASPPB's agenda item on *CoA Residency Requirements*. Their minutes stated that

> *…the APA Commission on Accreditation (CoA) has adopted an amended version of the proposed Implementing Regulation on residency for doctoral programs. ASPPB will continue to monitor*

this issue.

The Board discussed the item and determined that the Application Review Committee (ARC) in particular and the full Board should research and monitor this issue. The Board instructed staff to obtain a copy of the CoA Residency Requirements for review by the ARC and the Board.

b. ASPPB Mobility Committee Meeting Update. As a member of the Association of State and Provincial Psychology Boards' (ASPPB) Mobility Committee, S. Hayes attended her first meeting and made a report to the Board. The Committee promotes ASPPB's mobility opportunities for state and provincial psychologists and their programs include:

- *Reciprocity Agreements* – 12 jurisdictions currently share reciprocity agreements. The state of Oregon is in the process of joining the Agreement of Reciprocity.
- *Certificate of Professional Qualifications (CPQ)* – As of December 2007, 37 member jurisdictions accept the CPQ; 14 member jurisdictions are in the process of accepting the CPQ. ASPPB issues the CPQ to licensed doctoral psychologists who meet certain education, training and experience standards, and have no disciplinary history. Some jurisdictions accept the CPQ as satisfactory evidence of meeting their licensure requirements.
- *Credentials Bank* – Through the Credentials Bank, ASPPB primary source verifies an applicant's professional documents about education, training and experience and stores the information. Jurisdictions may choose to accept this documentation, in certain cases, for example, when a supervisor is deceased.
- *Interjurisdictional Practice Certificate (IPC)* – ASPPB issues a certificate to IPC applicants for short-term interjurisdictional practice on short notice. For example, it allows the certificate holders to testify as forensic experts and Industrial Organizational psychologists to work with clients who might have sites in different states or provinces.

  The IPC is the organization's newest mobility concept and ASPPB is asking jurisdictions to consider accepting it. P. Walker-Singleton asked the Board to take several factors into account as it contemplates whether or not to accept the IPC:

  - ✓ If the Board votes to accept the IPC, the Guest Licensure law would need to be changed. Staff recommends changing it to say that once an individual has practiced for 30 days per calendar year under the IPC, s/he is ineligible for guest licensure in MN for that calendar year, except under the subdivision having to do with disaster or emergency relief workers.
  - ✓ Staff recommends that IPC holders be required to register in MN for a fee before practice. We would expect payment with the Attestation Form that is a part of ASPPB's application process and we would provide the IPC holder with a copy of the MN Psychology Practice Act booklet.

c. Change to Proposed Rule 7200.3610. N. Hart reported that it was recently brought to his attention that one of the proposed rules is contrary to statute. Specifically, the proposed change to Minnesota Rule 7200.3610, requiring individuals seeking re-licensure following termination to meet current licensure requirements, is contrary to Minn. Stat. sec. 148.907, subd. 3. Mr. Hart advised the Board that it cannot draft rules that contradict statutes, because statutes always trump rules.

According to Mr. Hart, in order to promulgate the rule as drafted, the Board would need to repeal the statute. Under those circumstances, Mr. Hart recommended that the Board leave the language in Minn. Rule 7200.3610 as currently written. That is, individuals seeking re-licensure following termination must meet licensure requirements in effect at the time of original licensure.

d. Field Trip to Cisco. At its December 7, 2007 Board meeting, the Board discussed the fact that with the current trend towards more distance learning programs in psychology, it may be necessary to research ways to establish a uniform standard of quality in both traditional and distance learning programs…a standard of quality that may need to go beyond the current "regionally accredited institution." G. Jensen proposed that Board members take a field trip to Cisco, a company considered to be a leader in many aspects of internet and network applications. According to Mr. Jensen, Cisco has a remarkable telepresence application that it is willing to demonstrate for members of the Board.

Mr. Jensen stated that if Board members can experience the potential for distance learning then they can be more aware of ways to require quality. After participation in this demonstration, he believes the Board may wish to consider no longer accepting institutions providing courses that merely allow students to read typed lectures on the internet. He offered to arrange an informational meeting and demonstration with Cisco.

Through discussion, the Board determined that it needed a much broader perspective on the options available for distance learning. Therefore, the Board authorized Mr. Jensen to explore possible dates and times to take a tour of Cisco. The tour was arranged for January 25, 2008 following the Board meeting. The individuals who attended the tour are G. Jensen, T. Thompson, T. Nguyen-Kelly, J. Lee, S. Ward and P. Walker-Singleton.

They reported on the nature and set up of the telepresence experience. The group reported that many different sites can be set up to interact in real time, on large screens, with audio and visual communication such that when someone speaks in any of the electronically connected rooms, the cameras focus on that individual. Participants are broadcast life-sized. The look and feel is that you and everyone around the table at every location are sitting at the same table viewing the same electronic or live presentation and participating in the same discussion. Everyone hears everyone else's comments and can respond to them. Attention is paid to the

smallest details, such as each site has the same style tables and chairs and even the wall color appearing in every room is the same.

Those in attendance were impressed that this style of audio/visual communication would facilitate a sharp contrast to traditionally used distance learning experiences.

e. HPSP Program Committee Meeting Update. S. Ward is the Board's representative to the Health Professionals Services Program (HPSP) Program Committee. Ms. Ward reported on the Committee's meeting on February 19, 2008:

- The Committee meets four times per year.
- Mid-year report:
  - HPSP's case load is up and continuing to rise;
  - Its biggest increase is in self-referrals;
  - HPSP is interviewing for an additional case manager.
- They are developing a better communication plan for dealing with the press and the public.
- There was a discussion of the value of HPSP to:
  - *Regulating Boards:*
    Helps Boards fulfill mandate to protect the public;
    HPSP staff possesses expertise that not all Boards have;
    HPSP's work saves court costs on contested cases.
  - *Participants:*
    Allows them to continue to practice with controls/monitoring;
    Encourages participation in recovery program;
    HPSP is a source of resources for recovery;
    Being able to work = better prognosis for recovery and allows participants to continue to earn money.
  - *General Public:*
    Allows impaired practitioners to seek help whereas otherwise they are more inclined to hide illnesses;
    Provides more access to care to consumer.
  - *Employers:*
    Retention of employees;
    Satisfies reporting requirements;
    Satisfies ADA requirements;
    Increases knowledge base of illness;
    Shifts monitoring cost to participant.
  - *Treatment Providers:*
    Coordinates treating programs and provides centralized clearing point;
    Common point of entry for complaints;
    Consistent monitoring standards across professions.
  - *Professional Associations:*
    Resource for members of professional associations;
    Keeps members in practice;
    Good public relations.

- *Legislators:*
  Accountability to public and individuals;
  Gives practitioner due process.

f. MPA's Request for a Speaker. On October 26, 2007, Mark Miller, PsyD, LP, then President of MPA, wrote a letter asking for the Board to send a speaker to their 72nd Annual Convention at 8-9:30 AM on Saturday, April 26, 2008. Their request was for someone to discuss the rationale for the proposed rule changes. The Board authorized staff to write to MPA and let them know that by the time of the April convention, the Board will have completed its Statement of Need and Reasonableness (SONAR), which *is* its rationale for the rules. The Board offered to send someone to present general information about the Board and the rules promulgation process; however, the speaker would not address specific rule changes or the rationale for the rules.

After reading the Board's response letter, Dr. Miller states that MPA accepts the Board's offer to present as described in the first paragraph above. Dr. Miller left a voice mail message on 21 February 2008 that the Board's time on the program has been adjusted to one hour (8 AM-9 AM considering the fact that the topic has been narrowed.

The Board requested that Assistant Attorney General N. Hart be its representative as the speaker for this presentation.

g. Rules Committee Update. P. Walker-Singleton reported that the Board's "final" rule draft was sent to the Revisor's office and according to an email from them, it was expected back to us on February 18, 2008. Staff will follow up, because they had not been received as of the date of the Board meeting.

3. Waiver/Variances.

a. Each of the following licensees requested approval of a six-month time-limited variance to complete requirements for continuing education (CE). Each licensee has submitted the required plan in compliance with MN Rule 7200.3400, subpart 2.

Anglin, Jane L., MA, LP	LP3029	01/31/08
Beyer, Pamela J., PsyD, LP	LP0391	12/31/07
Bly, Ruth C., MA, LP	LP0798	02/29/08
Christensen, Kathy J., PhD, LP	LP0711	01/31/08
Goudge, Nancy M., MA, LP	LP3912	01/31/08
Peters, Judith M., MS, LP	LP3425	02/29/08
Thomas, Diane, MA, LP	LP3411	01/31/08
Thomason, Daniel C., PsyD, LP	LP0436	01/31/08

J. Romano moved, seconded by S. Hayes that the variance requests be approved on the basis that the licensees met the burden to prove that adherence to the rule would impose an undue burden on the licensees, that granting the variances will not adversely affect the public welfare, and that the alternatives proposed meet the rationale for the rule. Voting "aye": M. Fulton, S. Hayes, J. Lee, T. Nguyen-Kelly, J.

Romano, M. Seibold, S. Ward, and J. Wolf. Voting "nay": none. There being eight "ayes" and no "nays", motion carried unamimously.

b. Jonathan P. Heffner, MA, LP requested a waiver of the late renewal fee. Mr. Hefner was due to renew his license on November 30, 2007. According to our records, we mailed a renewal application to Mr. Hefner on Monday, October 15, 2007 to his address of record. We have no record of the renewal application being returned by the post office. On February 4, 2008, the Board of Psychology received the licensee's completed renewal materials. Mr. Hefner stated that since he did not receive his renewal materials in the mail, he is requesting that the Board waive the late renewal fee. Minnesota Rule 7200.3300 states that failure to receive the renewal notice shall not relieve the licensee of the obligation to pay the renewal fee when due.

J. Wolf moved, seconded by M. Fulton that the waiver request be denied on the basis that the licensee did not meet the burden to prove that adherence to the rule would impose an undue burden on the licensee and that granting the waiver will not adversely affect the public welfare. Voting "aye": M. Fulton, S. Hayes, J. Lee, T. Nguyen-Kelly, J. Romano, M. Seibold, S. Ward, and J. Wolf. Voting "nay": none. There being eight "ayes" and no "nays", motion carried unamimously.

c. Applicant 07C-184 applied for the PRE. Applicant met the requirements for a PhD with a major in Forensic Clinical Psychology from Sam Houston State University-Huntsville, TX. On August 9, 2003, Applicant requested that teaching of an undergraduate course in Introductory Psychology be considered for the three quarter credits needed for the core course requirement of Cognitive-Affective Bases of Behavior. Applicant's letters of support did not show that the teaching of the undergraduate course demonstrated graduate level knowledge in this area. In the same variance request, Applicant also asked the Board to consider the fact that Applicant passed comprehensive examinations at both the master's and the doctoral level that covered areas such as Cognitive-Affective Bases of Behavior. However, the supporting documentation did not show how cognition was examined in the comprehensive examinations.

The Application Review Committee moved denial of a variance request on the basis that the Applicant did not met the burden to prove that adherence to the rule would impose an undue burden on the applicant, that granting the variance will not adversely affect the public welfare, and that the alternatives proposed meet the rationale for the rule. Voting "aye": M. Fulton, S. Hayes, J. Lee, T. Nguyen-Kelly, J. Romano, M. Seibold, S. Ward, and J. Wolf. Voting "nay": none. There being eight "ayes" and no "nays", motion carried unamimously.

d. Applicant 07C-184 applied for the PRE. Applicant met the requirements for a PhD with a major in Forensic Clinical Psychology from Sam Houston State University-Huntsville, TX. On August 9, 2003, Applicant requested that a course in Neuropsychology that the applicant took be considered for the three quarter credits needed for the core course requirement of Cognitive-Affective Bases of Behavior.

Applicant's letter of support and the copy of the table of contents from the Neuropsychology textbook used during the summer session course did not demonstrate the equivalent of three quarter credits of cognitive-affective bases of behavior.

The Application Review Committee moved denial of a variance request on the basis that the Applicant did not met the burden to prove that adherence to the rule would impose an undue burden on the applicant, that granting the variance will not adversely affect the public welfare, and that the alternatives proposed meet the rationale for the rule. Voting "aye": M. Fulton, S. Hayes, J. Lee, T. Nguyen-Kelly, J. Romano, M. Seibold, S. Ward, and J. Wolf. Voting "nay": none. There being eight "ayes" and no "nays", motion carried unamimously.

4. Admit to EPPP.

The Application Review Committee moved the following applicants be admitted to the Examination for Professional Practice in Psychology (EPPP) on the basis that Applicants' degrees meet the educational requirements for licensure. Voting "aye": M. Fulton, S. Hayes, J. Lee, T. Nguyen-Kelly, J. Romano, M. Seibold, S. Ward, and J. Wolf. Voting "nay": none. There being eight "ayes" and no "nays", motion carried unamimously.

07C-225	07C-219	07C-220	07C-212
07C-226	07C-227	07C-147	07C-222
02C-021	07C-086	07C-173	07C-228

5. Admit to PRE.

Application Review Committee moved that the following applicants be admitted to the Professional Responsibility Examination (PRE) on the basis that Applicants' degrees meet the educational requirements for licensure. Voting "aye": M. Fulton, S. Hayes, J. Lee, T. Nguyen-Kelly, J. Romano, M. Seibold, S. Ward, and J. Wolf. Voting "nay": none. There being eight "ayes" and no "nays", motion carried unamimously.

07C-212	05C-042	07C-021	07C-222
07C-221	07C-106		

6. Conversion from LPP to LP Licensure.

Application Review Committee moved approval of a request for conversion from Licensed Psychological Practitioner licensure to Licensed Psychologist licensure for the following LPP who has complied with all of the requirements of Minn. Stat. section 148.907, Subd. 5. Voting "aye": M. Fulton, S. Hayes, J. Lee, T. Nguyen-Kelly, J. Romano, M. Seibold, S. Ward, and J. Wolf. Voting "nay": none. There being eight "ayes" and no "nays", motion carried unamimously.

LPP0096 Kevyn Dewayne Ziemann, MA

7. Licensed Psychologists.

Application Review Committee moved that the following applicants be licensed as Licensed Psychologists based upon doctoral degrees, having performed successfully on both parts of the examination and having fulfilled all of the requirements of MN. Stat. 148.907, subdivision 2. Voting "aye": M. Fulton, S. Hayes, J. Lee, T. Nguyen-Kelly, J. Romano, M. Seibold, S. Ward, and J. Wolf. Voting "nay": none. There being eight "ayes" and no "nays", motion carried unamimously.

Baker, Susan Jane	PsyD
Boncher, Amy Alison	PsyD
Cavenagh, Daniella Cortez	PhD
Gournaris, Michael John	PhD
Grothe, Karen Beth	PhD
Klein, Melissa Joy	PhD
Turvey, Matthew Darin	PsyD

8. Adjournment.

M. Fulton moved, seconded by S. Hayes that the meeting be adjourned. Motion carried unanimously. The meeting adjourned at 10:35 AM.

Respectfully submitted,

Thanh Son Thi Nguyen-Kelly, PhD, LP
Board Secretary