

MINNESOTA BOARD OF PSYCHOLOGY

Minutes of the 407th Meeting

February 27, 2009

Members Present: C. Bonnell, J. Brown, G. Jensen, J. Lee, T. Nguyen-Kelly, T. Thompson, S. Ward and J. Wolf

Members Absent: M. Fulton and S. Hayes

Others Present: N. Hart, Assistant Attorney General, A. Barnes, Assistant Attorney General, J. Otteson, PhD, LP, B. Otteson, PhD, LP, P. Stark, PhD, LP, MPA's Director of Professional Affairs

EXECUTIVE SESSION

On the recommendation of the Complaint Resolution Committee, the Minnesota Board of Psychology adopted the following actions:

1. A Stipulation and Consent Order in the matter of the licensure of Martha H. Marvin, MA, LPP reprimanding her and requiring a civil penalty.

PUBLIC SESSION

Board Chair, T. Thompson called the public session of the meeting to order at 9:26 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 December 19, 2008.

S. Ward moved, seconded by C. Bonnell that the minutes of the Board meeting of January 23, 2009 be approved as submitted. Voting "aye": C. Bonnell, J. Brown, G. Jensen, J. Lee, T. Nguyen-Kelly, S. Ward and J. Wolf. Voting "nay": none. There being seven "ayes" and no "nays", motion carried unanimously.

2. Administrative Matters.

- a. **Association of State and Provincial Psychology Boards' (ASPPB) Board of Directors' Meeting Minutes.** ASPPB provided a copy of its minutes of their October 29, 2008 Board of Directors' meeting, a summary of the 48th Annual

Meeting of Delegates and minutes of its December 13, 2009 meeting for the Board's information.

- b. Council of Health Boards (CHB) Meeting.** The Executive Directors Forum is a body made up of the directors of each of the Health Licensing Boards (HLB), the Board of Barbers and Cosmetologist Examiners and the Emergency Medical Services Regulatory Board. The Council of Health Boards is a body consisting of the Executive Director and a Board member from each of the Forums' member Boards. The CHB was created by the Executive Directors Forum during the early 1990's to review and approve issues and practices that are beneficial to all of the HLB's. In 2001, the Legislature recognized the CHB in statute in order to have it review proposed legislation relating to the regulation of health occupations. The CHB meets on an as needed basis. S. Ward represents the Board of Psychology on the CHB and S. Hayes serves as the alternate.

The Governor's Budget contains a proposed surcharge on new and currently issued professional licenses in order to fund the building of a proposed electronic Licensing System. The surcharge amounts to \$10 per new or renewed license or 10%, whichever is greater. Based on this formula, the Board of Psychology is expected to contribute over \$100,000 to the building of the e-Licensing System. The CHB met on February 24, 2009 to hear a presentation by staff of the Office of Enterprise Technology (OET). This is the state agency that will be using the surcharge revenue to build the new system.

At the February 24th meeting, the CHB and others attending the meeting, including stakeholders from several of the health related professional associations, heard a presentation from OET's Deputy Commissioner, Sara Schlauderaff and from Mike Mullenberg. The presentation was about the Enterprise e-licensing initiative that is a part of the Governor's budget, stating that the project is to be funded by the HLB's, most of whom have already paid for and now use on-line renewals and/or licensing. The Board of Psychology will launch on-line renewals and license verifications in 2009.

Some of the points made during their presentation (*with audience comments in italics*) are:

- Licensees will know that they must go to only one website for all occupational licensure. *The Boards maintain close contact with graduate schools and students are trained there to go to the Board's website for licensure. Everyone understands that they have to be licensed to practice in a jurisdiction and they know where to go for licensure.*
- Allows option for 100% of licensees to be licensed or renewed on-line. *There are HLB's where 100% of licensees renew on-line. The average right now is 85%.*
- Allows for bulk licensing. *Some Boards' systems already allow for bulk licensing.*
- This funding methodology is for the greater good. *Several association members expressed frustration that they are being asked to again pay for*

a system that their Boards have already paid for and the profession is happy with it and proud of it. The licensees will receive no benefit for the double contribution. This e-licensure system may work just fine for a start up restaurant, for example, because there would be a plethora of licenses to obtain and such a website could provide one-step for the benefit of new restaurant owners. However, the proposed system only serves to add another layer to HLB licensure that is not needed. The HLB's are not broken. What is the fix?

- The OET representatives recommended that the HLB's send a small work group to meet with them to work on solutions. *The HLB's are fine with doing so, but asked, to what end? They wondered what can be accomplished since this proposal is already a part of the Governor's budget.*

Examples of points made by the HLB's follow:

- Every Board will have to incur the expense of updating their licensure system when the surcharge becomes effective July 1, 2009—at considerable additional expense.
- New accounting adjustments will have to be made.
- Currently, in order to encourage licensees to renew on-line, the HLB's absorb the USBank credit card costs. The state's system will charge those costs to the licensees. In addition, the percentages will be charged on a greater amount, for example, instead of 5% of \$500, every two years, the bank costs for psychologists would come to 5% of \$550 (\$500 renewal + \$50 surcharge).

The Board determined that if, as individual licensees, any of them have comments, they would email them to staff for transmission to the task force recommended by OET, if it materializes.

- c. **MPA Newsletter Article.** An article appeared in the January 2009 issue of *Minnesota Psychologist*, entitled "The Governing Council Passes a Motion in Support of Prescription Privileges for Psychologists: What it Means. The article was authored by Michael Brunner, PhD, LP, MPA's Past-President. The Board's discussion of the article centered on whether the Board should take a position on the issue of prescription privileges for psychologists. Members expressed concerns that there are no standards of practice and no educational standards to address public protection.

P. Stark assured the Board that MPA will not pursue any legislation this year regarding prescription privileges. Members reiterated that regardless of each organization's positions on the subject, MPA and the Board should pursue a better working relationship and perhaps a place to begin is researching the many questions that need to be answered before even discussing a next step. Dr. Stark reported that the article was the product of one MPA member and that MPA has expended no resources on the pursuit of prescription privileges for psychologists.

- d. **Association of State and Provincial Psychology Boards (ASPPB) Task Force on Supervision.** ASPPB asked P. Walker-Singleton to participate on their newly formed Task Force on Supervision. The duty of the task force involves reviewing and updating ASPPB's Supervision Guidelines. Ms. Walker-Singleton accepted the assignment.
- e. **ASPPB's 24th Midyear Meeting.** ASPPB's 2009 Midyear meeting will be held April 23-26, 2009 at the Omni Parker House Hotel in Boston, MA. The Board is able to send up to four representatives to the meeting. The Board authorized the following individuals to attend the meeting: C. Bonnell, T. Nguyen-Kelly, N. Hart and P. Walker-Singleton.
- f. **Board Member Disclaimers During Speaking Engagements.** On occasion, the Board is asked to send a representative to speak at a function. Probably more frequently, in the course of the members' employment, Board members deliver speeches or otherwise share opinions in a public setting. At New Board Member Orientation sessions, the members receive a recommendation that a disclaimer in such settings is appropriate and that the disclaimer should explain that nothing the member states is binding on the Board. N. Hart provided the Board with his legal advice on the subject reiterating the nature and content of disclaimers that should be used. Mr. Hart gave the members the following sample language for disclaimers: *I am speaking to you today in my individual capacity as a licensed psychologist and not as a member of the Minnesota Board of Psychology. None of the information provided is intended to reflect the official position of the Board on the issues addressed, nor will the Board be bound by same.*
- g. **Bill Watch-2009.** Two bills have been introduced in the legislature, which could affect the future of the health licensing Boards (HLB). It is possible that the bills will not become law, however, the Executive Directors Forum is following them and working with the authors to provide information.
 - **HF 473** was introduced by Representative Paul Thissen, Chair of the Health Care and Human Services Policy and Oversight Committee. The bill repeals the practice acts of most of the HLB's and creates an 11-member Task Force under the commissioner of health to "analyze health professional licensing laws and regulations", including scopes of practice. Four of the task force's eleven members would be legislators. Rep. Thissen has agreed to meet with the Executive Directors Forum. As of February 18, 2009, the bill had one author; there was no companion bill in the Senate. The bill had had a first reading and was sent to the committee that Rep. Thissen chairs.
 - **HF489/SF682** was first introduced by Representative Paul Kohls. The bill provides for periodic sunseting and evaluation of the HLB's. The review would be conducted by the legislative audit commission before January 1st of the year in which the agency would be abolished. Since the criteria for review so closely parallels the biennial reports and the budgeting processes the HLB's already submit to the legislature, one of the Executive Directors contacted Rep. Kohls and pointed out that fact to him and gave him a copy of the biennial reports to the Legislature that the HLB's submitted last fall. Rep. Kohls acknowledged that the bill is not

moving forward in the Legislature and that if it begins to move, he will contact the HLB's for additional information and possible testimony at any hearing. The bill has lots of authors in the House and a few in the Senate. It received a first reading in each house and was referred to a policy committee, Government Operations.

The Executive Director will report if there is any additional movement on either bill.

- h. MPA's House File 249.** MPA had a bill drafted which was introduced as HF249. It now has a companion bill in the Senate, SF545, and the senate author is Senator Yvonne Prettner Solon, MA, LP. The status of the bill in the House is that it has had a first reading and was referred to the Committee on Health Care and Human Services Policy and Oversight. It was referred by the Committee chair to the Licensing Division. In the Senate, the bill has been introduced and referred to the Health, Housing and Family Security Committee. It is pending hearings in both houses.

The bill contains in sections 4-9 changes to the Psychology Practice Act's (PPA) Emeritus Registration law and the addition of Inactive licensure status to the PPA. The Board had no input into the language of either section and the provisions, as drafted, do not reflect the perspective of a regulator. The provisions are impossible to administer and contain unnecessary and cumbersome provisions that represent needless expense to the licensees. In addition, some of the proposed law represents terms that are considered to be unconstitutional and discriminatory.

On Friday, February 13, 2009, T. Stark, PhD, LP, N. Hart, A. Barnes and P. Walker-Singleton met about the language. We agreed that for the reasons above, the language should be stricken because there is no language to draft that could fix the problems we identified. Dr. Stark explained the reason for drafting the provisions in the first place and Mr. Hart and staff assured her that that reason no longer exists. We agreed to arrange a meeting with Senator Prettner Solon to explain the results of our meeting. A meeting has been set for Monday, March 2, 2009. Dr. Stark will not be able to attend the meeting, but MPA's Legislative Committee Chair, Steve Vincent, PhD, LP, will represent MPA.

3. Waivers/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 CE plan in compliance with MN Rule 7200.3400, subpart 2.

Newkirk-Ledo, Thomas J., MA, LP	LP2080	01/31/09
Olesen, Nancy A., MA, LPP	LPP154	01/31/09
Parkhurst, Melissa A., PsyD, LP	LP4776	01/31/09
Ver Steeg Halbert, Mary A., PsyD, LP	LP2166	01/31/09

G. Jensen moved, seconded by J. Brown 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”: C. Bonnell, J. Brown, G. Jensen, J. Lee, T. Nguyen-Kelly, S. Ward and J. Wolf. Voting “nay”: none. There being seven “ayes” and no “nays”, motion carried unanimously.

4. Admit to EPPP.

Application Review Committee moved that the following applicants be admitted to the national standardized examination on the basis that Applicants’ degrees meet the educational requirements for licensure. Voting “aye”: C. Bonnell, J. Brown, G. Jensen, J. Lee, T. Nguyen-Kelly, S. Ward and J. Wolf. Voting “nay”: none. There being seven “ayes” and no “nays”, motion carried unanimously.

09C-038	09C-055	09C-060	09C-014
09C-056	09C-065	09C-057	07C-064
09C-066	09C-064	09C-058	09C-069
09C-067	09C-073	09C-061	97B-030
09C-068	09C-062	09C-053	

5. Admit to PRE.

Application Review Committee moved that the following applicants be admitted to the PRE on the basis that Applicants’ degrees meet the educational requirements for licensure. Voting “aye”: C. Bonnell, J. Brown, G. Jensen, J. Lee, T. Nguyen-Kelly, S. Ward and J. Wolf. Voting “nay”: none. There being seven “ayes” and no “nays”, motion carried unanimously.

09C-028	09C-051	09C-065	09C-034
09C-058	07C-262	09C-073	09C-062
09C-054	09C-053	09C-052	07C-257
04C-094			

6. Licensure as Licensed Psychologists.

Application Review Committee moved that the Applicants listed below be granted licensure 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, Subd. 2. Voting “aye”: C. Bonnell, J. Brown, G. Jensen, J. Lee, T. Nguyen-Kelly, S. Ward and J. Wolf. Voting “nay”: none. There being seven “ayes” and no “nays”, motion carried unanimously.

Bauer, Stefanie, PsyD
 Haun, Jeffrey, PsyD

Johnson, Gene, PsyD
Kelly, Thomas, PsyD
Klimes-Dougan, Bonnie, PhD
Meyer, Aaron, PsyD
Miller, Amy, PsyD
Rondorf, Jeremy, PsyD
Wirkus, Jolene, PsyD

7. Emeritus Registration.

Application Review Committee moved approval of the following applicant for Emeritus Registration based on fulfilling all requirements of MN. Stat. 148.9105. The applicant, originally licensed as MSED, LP on November 4, 1994, completed an active career as a psychologist licensed in good standing with the Board. Applicant retired November 24, 2008. Voting "aye": C. Bonnell, J. Brown, G. Jensen, J. Lee, T. Nguyen-Kelly, S. Ward and J. Wolf. Voting "nay": none. There being seven "ayes" and no "nays", motion carried unanimously.

Sloan, Deborah, MSED

8. Rescind December 19, 2008 Board Action.

Joye Bennett's license number LP0793 was scheduled to be terminated at the November 14, 2008 Board meeting for non-renewal and her name appeared on the draft version of a Board action sheet that would have terminated two other licenses for non-renewal, as well. In actuality, the licensee has voluntarily terminated her license, a process that does not require a Board action. (Her name should not have appeared on the draft.) In December, staff attempted to correct what it thought was an error of listing Ms. Bennett's name on a November 14, 2008 termination list for Board action. Staff, therefore, included a Board action sheet on the December 19, 2008 Board meeting agenda requesting that the Board rescind its November 14, 2008 action of terminating Ms. Bennett for non-renewal.

Recently, it was discovered that the Board action sheet for Termination of License for Non-Renewal for the November 14, 2008 Board meeting was never submitted to the Board. As a result, the licenses that were scheduled to be terminated on November 14, 2008, were not terminated. This means that the December 19, 2008 Board action rescinding Ms. Bennett's name from a termination list was not needed. At the February 27, 2009 Board meeting, staff asked that the Board rescind its December 19, 2008 action.

J. Wolf moved, seconded by C. Bonnell that the Board rescind its December 19, 2008 action to terminate the license of Joye Bennett for non-renewal, since Ms. Bennett had actually voluntarily terminated her license. Voting "aye": C. Bonnell, J. Brown, G. Jensen, J. Lee, T. Nguyen-Kelly, S. Ward and J. Wolf. Voting "nay": none. There being seven "ayes" and no "nays", motion carried unanimously.

9. Termination of Licenses for Non-Renewal.

C. Bonnell moved, seconded by S. Ward that the Board terminate the licenses of the following licensees who failed to renew. Licensees were properly notified by certified mail in accordance with MN. Rule 7200.3510. Voting “aye”: C. Bonnell, J. Brown, G. Jensen, J. Lee, T. Nguyen-Kelly, S. Ward and J. Wolf. Voting “nay”: none. There being seven “ayes” and no “nays”, motion carried unanimously.

Dooling-Liftin, Jodi	November 30, 2006	LP4253
Lyman, Mary	November 30, 2006	LP1605

10. Other Business.

a. Conversion from LPP to LP Licensure. Under its delegated authority, on February 13, 2009, the Application Review Committee granted the conversion of the following applicants from LPP to LP Licensure. The Licensed Psychological Practitioners listed below complied with all of the requirements of Minn. Stat. § 148.907, Subd. 5. Voting “aye”: C. Bonnell, J. Brown, G. Jensen, J. Lee, T. Nguyen-Kelly, S. Ward and J. Wolf. Voting “nay”: none. There being seven “ayes” and no “nays”, motion carried unanimously.

Emmons, Scott, MA, LPP	LPP0132
Guyse, Crystal, MA, LPP	LPP0144
Harth, Jacqueline, MS, LPP	LPP0146
Konkel, Daniel, MA, LPP	LPP0119
Mezzenga, Alison, MA, LPP	LPP0152
Peterson, Allison, MA, LPP	LPP0157
Schlosser, Laurie, MA, LPP	LPP0122

b. Agreement for Corrective Action. P. LaBrocca presented for the Board’s information, an Agreement for Corrective Action between a licensee and the Complaint Resolution Committee comprised of J. Wolf, PhD, LP and T. Thompson, MEq, LP.

11. Adjournment.

S. Ward moved, seconded by C. Bonnell that the meeting be adjourned. Motion carried unanimously. The meeting adjourned at 10:52 AM.

Respectfully submitted,

THANH SON THI NGUYEN-KELLY, PhD, LP
Board Secretary