

MINNESOTA BOARD OF PSYCHOLOGY

Minutes of the 393rd Meeting

October 5, 2007

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

Members Absent: S. Ward

Others Present: N. Hart, Assistant Attorney General

PUBLIC SESSION

Board Chair, M. Seibold called the public session of the meeting to order at 9:17 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 September 7, 2007.

M. Fulton moved, seconded by T. Thompson that the minutes of the Board meeting of September 7, 2007 be approved as amended. Voting “aye”: M. Fulton, S. Hayes, G. Jensen, J. Lee, T. Nguyen-Kelly, J. Romano, T. Thompson, and J. Wolf. Voting “nay”: none. There being eight “ayes” and no “nays”, motion carried unanimously.

2. Administrative Matters.

- a. Approve 2008 Board Calendar.** P. Walker-Singleton presented a proposed Board Meeting Calendar for the next calendar year. S. Hayes moved, seconded by T. Thompson that the 2008 calendar of meeting dates be adopted. Voting “aye”: M. Fulton, S. Hayes, G. Jensen, J. Lee, T. Nguyen-Kelly, J. Romano, T. Thompson, and J. Wolf. Voting “nay”: none. There being eight “ayes” and no “nays”, motion carried unanimously.

2008 Board Meeting Dates:

January 25, 2008	July 2008 – No Meeting
February 29, 2008	August 1, 2008
March – No Meeting	September 5, 2008
April 11, 2008	October 10, 2008
May 16, 2008	November 14, 2008
June 20, 2008	December 19, 2008

- b. 2007 Professional Examination Service (PES) Report.** The Association of State and Provincial Psychology Boards (ASPPB) sent to the member jurisdictions the 2007 Annual PES Report for the Boards' review and information. P. Walker-Singleton presented the report to the Board for its discussion.
- c. ASPPB Mobility Committee's Interjurisdictional Practice Certificate (IPC).** ASPPB Board of Directors and Mobility Committee submitted their latest version of a proposal, the IPC, designed "to facilitate registration for short-term interjurisdictional practice" and at the same time, protect the public. The ASPPB Board has "endorsed" the IPC, but is seeking feedback from the member Boards and Colleges. They are asking the jurisdictions to communicate any recommendations and to inform them of each Board/College's willingness to consider adopting the IPC.

The Board discussed the proposal and determined that M. Seibold should write to the Association and ask, in regard to the rules of the IPC, what will happen with master's level licensees in Canada and the United States.

- d. Rules Committee (RC) Update.** The Rules Committee met on Wednesday, 03 October 2007. The Committee first met to review the Revisor's draft of the proposed new rules. Following that meeting, the Rules Committee met with representatives from the Minnesota Psychological Association (MPA). The MPA members present at the meeting are: Executive Director David Ewald, President Mark Miller, President-Elect Mike Brunner, Legislative Committee Chair Steve Vincent. Representing the Board was: Rules Committee Chair Jack Schaffer, Board Chair Myrla Seibold, Assistant Attorney General Nathan Hart, and Pauline Walker-Singleton.

The Rules Committee began the meeting in public session at 5 PM with the Committee reviewing and making minor of clarifying changes to the following sections of the proposed rules: Definitions, Rules of Licensure and Rules of Conduct. The Rules of Continuing Education have some potential changes that will be discussed in detail at the next scheduled meeting of the Committee on Wednesday, November 7, 2007 at 2 PM.

At 6 PM, the Rules Committee was joined by the MPA representatives. They asked for and N. Hart provided an explanation of the balance of the rule making process. The representatives wanted to know whether it is too late to suggest changes to the proposed rules. The Committee stated that some changes may be possible at this point, but substantive changes would have to be heard and acted upon by the Board of Psychology. J. Schaffer explained that the rule writing process that the Board used included the use of a Public Advisory Committee (PAC), which met with the RC after every 2-3 RC meetings and reviewed and recommended changes to each set of proposed rules the RC had just written. He explained that the PAC was heavily weighted with members of MPA, including MPA's attorney. Therefore, the organization's members have been involved in the rule making process from the beginning; their representative have given input all along; and the proposed draft represents the collaborative effort of the RC and the PAC.

The MPA representatives then presented their concerns about the current version of the proposed drafts of the rules.

+ Under the rules of conduct, Minnesota Rule 7200.4750 RECORD KEEPING, there is a list of the types of information providers must maintain in the client record. One of these requirements is: D. copies of all correspondence relating to the client. *MPA's concern* - This is too broad and it opens too many portals to patient privacy. MPA's suggestion for change – Substitute “correspondence germane to the treatment of the client.”

+ Under the rules of conduct, Minnesota Rule 7200.4950 MEDICAL AND OTHER HEALTH CARE CONSIDERATIONS, Subpart 2 C states that a provider shall not recommend to a client or in a report specific medications by trade or generic name or dosage, or recommend the discontinuation of medications. *MPA's concern* – If individual licensees have a competency in psychopharmacology and are trained to recommend the discontinuation of medications, etc., why can they not use their competency in this way?

+ *MPA's concern* – They continually see a reference to the term provider in the rules, but did not see that there was a definition of the term. A Board representative explained that the term is defined in the law (Minnesota Stat. 148.89, subd. 4a) as any individual who is regulated by the Board and includes a licensed psychologist, a licensed psychological practitioner, a licensee, or an applicant. It was placed in the law a few years ago to create a single term that can refer to all of the above listed individuals regulated by the Board.

+ *MPA's concern* – Under Minnesota Rule 7200.5750 COMPLAINTS TO BOARD, the mandatory reporting requirements have been expanded to include: has employed fraud or deception in obtaining or renewing a psychology license. The representatives appeared to be concerned that this provision will invite providers to report seemingly minor infractions. A Board representative explained that the Board believes that this is a fundamental and crucial requirement needed to protect the public by discouraging dishonesty and that providers will have to use discretion and professional judgment regarding which instances are substantive enough to report to the Board.

3. Waivers/Variations.

- 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.

Brady, Kevin J., MS, LP	LP1038	09-30-07
Campbell, Frank D., MA, LP	LP0124	09-30-07
Cashman, Kathryn L., MA, LP	LP0089	09-30-07
Dorn, William H., MA, LP	LP0075	09-30-07
Driscoll, Michael E., MA, LP	LP2933	09-30-07
Duffy, William W., PhD, LP	LP0134	09-30-07
Gildersleeve, Lori B., MS, LP	LP3779	09-30-07
Krupp, Gary J., PhD, LP	LP0167	09-30-07

Larson, Thomas A., MS, LP	LP0169	09-30-07
Matthews, Mary E., PhD, LP	LP0069	09-30-07
Vessey, Thomas M., PhD, LP	LP0056	09-30-07
Wood, Gloria B., PhD, LP	LP0218	09-30-07

J. Wolf 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, G. Jensen, J. Lee, T. Nguyen-Kelly, J. Romano, T. Thompson, and J. Wolf. Voting “nay”: none. There being eight “ayes” and no “nays”, motion carried unanimously.

- b. Licensee Dawn Marie Ulrich, MS, LP requested a waiver of the late renewal fee, because since her license was suspended earlier this year, she claims that she was unaware that she had to renew. Her renewal was due before June 30, 2007. She states that she did not receive a renewal notice from the Board. There is a possibility that the Board’s system was programmed in such a way that it may not have generated a renewal notice.

However, Minn. Rule **7200.3300 NOTICE OF LICENSE RENEWAL** reads: At least one month before the renewal date, a renewal notice identifying the amount of the current renewal fee shall be sent to each licensee to the last known address of the licensee in the file of the board. Failure to receive the notice shall not relieve the licensee of the obligation to pay the renewal fee according to part 7200.3400.

Minn. Rule **7200.3400 RENEWAL DEADLINE** reads, in relevant part: The biennial renewal fee shall be remitted to the board postmarked on or before the last day of the last month during which the license is valid.

Board records show contact from Ms. Ulrich on August 1, 2007 requesting a Waiver/Variance form which was faxed to her on that date. P. Walker-Singleton recalls speaking to Ms. Ulrich by phone in July 2007, following the renewal deadline and the process she needed to follow in order to renew late was discussed. Yet, it was not until September 10, 2007 that Ms. Ulrich’s renewal form and Waiver/Variance request were received in the Board office.

G. Jensen 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, G. Jensen, J. Lee, T. Nguyen-Kelly, J. Romano, T. Thompson, and J. Wolf. Voting “nay”: none. There being eight “ayes” and no “nays”, motion carried unanimously.

4. Admit to PRE.

- a. 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”: M. Fulton, S. Hayes, G. Jensen, J. Lee, T. Nguyen-Kelly, J.

Romano, T. Thompson, and J. Wolf. Voting “nay”: none. There being eight “ayes” and no “nays”, motion carried unanimously.

07C-140
07C-174
07C-151

07C-113
07C-121

07C-171
07C-065

07C-161
07C-083

5. 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”: M. Fulton, S. Hayes, G. Jensen, J. Lee, T. Nguyen-Kelly, J. Romano, T. Thompson, and J. Wolf. Voting “nay”: none. There being eight “ayes” and no “nays”, motion carried unanimously.

07C-171
05C-075

07C-170
03C-025

07C-151
04C-094

06C-369

6. Licensure as Licensed Psychological Practitioner.

Application Review Committee moved that the Applicant listed below be granted licensure as a Licensed Psychological Practitioner based upon a master’s degree, having performed satisfactorily on both parts of the examination and having fulfilled all of the requirements of MN. Stat.148.908. Voting “aye”: M. Fulton, S. Hayes, G. Jensen, J. Lee, T. Nguyen-Kelly, J. Romano, T. Thompson, and J. Wolf. Voting “nay”: none. There being eight “ayes” and no “nays”, motion carried unanimously.

Darla Jan Dammen, MA

7. 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”: M. Fulton, S. Hayes, G. Jensen, J. Lee, T. Nguyen-Kelly, J. Romano, T. Thompson, and J. Wolf. Voting “nay”: none. There being eight “ayes” and no “nays”, motion carried unanimously.

Megan Michelle Adams, PhD
Agnes Margaret Boksa, PsyD
Barbara A. Carver, PsyD
Cynthia Lynn Cassidy, PsyD
Julianne Marie Davis, PsyD
Audrey Mae Fredrickson, PsyD
James Davison Kaul, PhD
Serena Marie King, PhD
Ann Marie Furuseh Simcox, PhD
Christopher William Wachholz, PsyD

8. Conversion from Licensure as Licensed Psychological Practitioners to Licensure as Licensed Psychologists.

- a. Application Review Committee moved approval of conversion from Licensed Psychological Practitioner to Licensed Psychologist licensure for the following licensees after having complied with the requirements of Minnesota Statute 148.907, subdivision 5. Voting “aye”: M. Fulton, S. Hayes, G. Jensen, J. Lee, T. Nguyen-Kelly, J. Romano, T. Thompson, and J. Wolf. Voting “nay”: none. There being eight “ayes” and no “nays”, motion carried unanimously.

LPP0009 Denise Suzanne Brouillard, MS, LPP
LPP0029 David Holtan Moll, MS, LPP
LPP0073 Jennifer Lynn Westrum, MS, LPP

9. Other Business.

- a. **Topic Ideas for 2009 Continuing Education Activity.** An idea was submitted by G. Jensen for a possible topic for the 2009 Board-sponsored continuing education activity—an overview of the proposed new agency rules. After much discussion, the Board tabled this idea and would like to consider recommendations of other topics.
- b. **Topic Ideas for an Article for the MPA Newsletter.** MPA sends to the Board reminders of publication deadlines to submit articles for their newsletter, *The Minnesota Psychologist*. The Board discussed topic ideas, however, the deadline was the following business day. Therefore, the Board chose to wait until the next newsletter to attempt to send a submission.
- c. **Legislative Committee.** It is the Rules Committee’s hope that the proposed new rules are adopted during the first half of 2008. There will soon be a need for a Legislative Committee to meet with the Rules Committee to determine what laws need to be added or amended (such as adding fees for the provision of new services by the Board) in order to coincide with the new rules. At that point, we will need to assemble a new Legislative Committee. The Board Chair will be deliberating on the appropriate make up of such a committee. The duties will include working with staff and N. Hart to identify the areas of law that need to be changed, writing and approving proposed language changes, and working with the legislature to shepherd the changes through the legislative process.

The Board decided to assemble a Legislative Committee in December 2007 or January 2008 to work on these issues.

10. Adjournment.

J. Romano moved, seconded by S. Hayes that the meeting be adjourned. Motion carried unanimously. The meeting adjourned at 10:40 AM.

Respectfully submitted,

SUSAN HAYES
Board Secretary

