

**MINUTES OF THE MEETING OF THE
BOARD OF PSYCHOLOGY**

March 15, 2019

These minutes were approved by the Board on May 17, 2019
--

1. ROLL CALL and CALL MEETING TO ORDER

The meeting of the Board of Psychology was called to order by the Chair, Stephanie Bruhn, at 10:02 a.m. in Lower Level Conference Room A, State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law. The following members answered the roll call:

MEMBERS PRESENT

Karen Billingsley - Member
Stephanie Bruhn, PhD - Chair
Mary Fran Flood, PhD - Secretary
Mark Lukin, PhD - Member
Stacy Waldron, PhD – Vice-Chair

MEMBERS ABSENT

Jennifer Dreibelbis – Member
Connie Petersen, PhD - Member

OTHERS PRESENT

Kris Chiles, Licensure Unit
Nancy Herdman, Licensure Unit
Mindy Lester, Assistant Attorney General
Mark Meyerson, Investigations

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Waldron moved, seconded by Billingsley, to adopt the agenda. A roll call vote was taken. Voting aye: Billingsley, Bruhn, Flood, Lukin, Waldron (5). Voting nay: None (0). Absent: Dreibelbis, Petersen (2). Motion carried.

3. APPROVAL OF MINUTES (1-18-19)

There were spelling corrections on page 2.

MOTION: Billingsley moved, seconded by Flood, to approve the minutes of 1-18-19 as corrected. A roll call vote was taken. Voting aye: Billingsley, Bruhn, Flood, Lukin, Waldron (5). Voting nay: None (0). Abstain: None (0). Absent: Dreibelbis, Petersen (2). Motion carried.

4. INVESTIGATIVE REPORTS AND CONFIDENTIAL INFORMATION RELATING TO APPLICATIONS – CLOSED SESSION

MOTION: Billingsley moved, seconded by Waldron, to enter into closed session at 10:06 a.m. Billingsley announced that the purpose was to hear discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Bruhn repeated the motion purpose. A roll call vote was taken. Voting aye: Billingsley, Bruhn, Flood, Lukin, Waldron (5). Voting nay: None (0). Absent: Dreibelbis, Petersen (2). Motion carried.

10:07 a.m. - Flood departed meeting (conflict)
10:20 a.m. - Flood entered meeting
10:25 a.m. - Meyerson departed meeting

MOTION: Billingsley moved, seconded by Waldron, to enter into open session at 10:24 a.m. A roll call vote

was taken. Voting aye: Billingsley, Bruhn, Flood, Lukin, Waldron (5). Voting nay: None (0). Absent: Dreibelbis, Petersen (2). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Applications, Education and Reinstatement Review and Recommendations

There were no applications for review.

Moved to agenda item 7.

7. NEW BUSINESS

a. Question: Training in Nebraska to be a Iowa Prescribing Psychologist

The question was asked by a Nebraska licensed psychologist who is seeking licensure in Iowa as a prescribing psychologist, if the licensee could do the clinical prescribing training in Nebraska. The training would include doing physical exams, reviewing lab results and recommending lab work. The Board's position is that the clinical prescribing training could not be done in Nebraska because the services provided during the training are not within the scope of practice of a Nebraska licensed psychologist. Chiles will respond to the individual and will share this information with the Board of Medicine.

b. Association Correspondence

- Association of State and Provincial Psychology Boards

There was no report.

- American Psychological Association

There was no report.

- Nebraska Psychological Association

There was no report. Waldron suggested the members keep watch on a United Behavioral Health case in California on parity law.

8. UPDATES/REPORTS

a. 2019 Legislative Bills

LB 112 – This is the bill proposing to waive initial licensing fees for low income, military families, and young workers. It is on final reading. Billingsley asked how this would affect Licensure. Chiles responded it would depend on the number of applicants and referred the members to the fiscal note attached to the bill. She commented that the fiscal note indicated that last year, 42% of initial applicants were young workers and it was difficult to predict the possible numbers for low income applicants. Chiles stated the Licensure Unit is cash funded and all professional fees collected go towards covering operating expenses.

10:39 p.m. - 1 public person entered meeting

LB 167 – Prohibits advertising or providing conversion therapy to anyone under 18 years of age. The bill has not moved out of committee.

LB 499 – Proposes to adopt the APA code of ethics. The hearing is 3-27-19. Lukin, at the request of NPA, asked the Board to consider supporting the bill. Chiles stated the Board could take a position on the bill and either testify as a Board or send a letter. She cautioned that if members desired to testify at the hearing on

their own behalf, they should clearly indicate that they were testifying as an individual only; otherwise it may be perceived that they were representing the Board.

MOTION: Flood moved, seconded by Billingsley, to support LB 499. A roll call vote was taken. Voting aye: Billingsley, Bruhn, Flood, Lukin, Waldron (5). Voting nay: None (0). Absent: Dreibelbis, Petersen (2). Motion carried.

Flood will testify at the hearing and read the Board's statement. She will develop a draft statement which Chiles will distribute to the other members for review and comment.

Chiles asked the Board to review the following items under Section 2 of the bill:

1. Psychologist and supervisee shall follow the APA code.
2. Psychologist shall not accept psychology role outside of their competence.
3. The psychologist shall not accept role when has conflict of interest.
4. When unable to provide services with an established client, they must make referral.

Discussion regarding item 1 was that a supervisee could be a PLMHP or PLADC and they have their own codes that they must follow. As far as items 3 and 4, the board viewed as redundant because they would be covered in the APA Code but it was felt reinforcing them was okay.

11:14 a.m. - 1 public person entered the meeting

LB 627 – Prohibits discrimination based on sexual orientation or gender identity. Bill was placed on general file on 2-19-19.

b. Justice Behavioral Health Committee

Lukin reported the Committee met on Wednesday and much of the discussion related to drug testing protocol. A conference meeting is scheduled for October 28-30, 2019.

c. Reports Licensure and Examination Statistics, Administrative Penalties, Disciplinary and Non-Disciplinary Action

EPPP Examination results beginning January 2019: 2 pass, 3 fail

Statistics: 30 Days Temporary Practice – 3
Provisionally Licensed Psychologist – 34
Psychological Assistant – 107
Psychologist – 523
Psychologist Associate – 3
Special Psychologist – 6

11:17 a.m. - 1 public person entered meeting

11:18 a.m. - Break

11:30 a.m. - Meeting resumed

Moved back to agenda item 6.

6. REGULATIONS (172 NAC 155) – Continued Review and Discussion

Waldron stated members should have received a copy of the current psychology program and internship equivalency forms which is used by applicants when they have not attended an APA accredited program or APA accredited internship. Members were asked to review the forms and the APA requirements and make suggestions for discussion and completion at the next meeting.

Chiles reported that in 2017, the Governor signed an Executive Order that suspended the regulation process through the end of the year, and during this suspension required the review of all regulations to reduce

duplicity and respond to six questions on each section of the regulations with the focus on less restriction. The report was reviewed and in February 2019 the Department was advised to make regulation changes based on the review by July 2019.

Chiles provided a summary overview of the regulation process. She indicated that as part of this reduction of regulations, a new Chapter 10 was created which contains requirements that apply to all professions under the Uniform Credential Act, which eliminates the need to repeat the language in every professional set of regulations.

Chiles commented that the original review did not suggest combining Chapters 155, 156 and 157 so the board and department can review them separately beginning with Chapter 155.

Chapter 155

Some of the items discussed were:

- Under 022.04 Client and Patient – Add the words “related to the minor or incompetent adult” to the last sentence. Legal will also be asked if this is okay with the law where 18 year olds do not need guardian consent to obtain services.
- 002.05 Consultant – Remove the last sentence.
- 002.08 Major Mental and Emotional Disorder – Legal was fine with the language and just re-arranged the order.
- 002.10 National Standardized Examination – Will accepted either EPPP or Enhance EPPP.
- 002.14 Reciprocity Agreement – Remove this as Nebraska no longer qualifies.
- 002.16 Supervising Licensed Psychologist – Removed limit on number of individuals a psychologist may supervise.
- 003.01(B) Internship – Added will also accept an APIC accredited internship. As far as equivalency, that will be finalized after review is done for the internship equivalency forms.
- 003.01(C) Supervised Postdoctoral Experience – Direct hours earned in 48 months.
- 004.03 Licensure Extension – This was added to allow for 48 months to earn hours.
- 011 Continuing Education – Three hours must be in ethics. Added the Council for Continuing Medical Education as an approved provider.

12:23 p.m. - 1 public person departed meeting
12:31 p.m. - Billingsley departed meeting
12:35 p.m. - Bruhn departed meeting
12:36 p.m. - Billingsley entered meeting
2 public persons departed meeting

The Board discussed they will work on Chapters 156 and 157 after the final decision regarding the legislation on the APA Code.

9. ADJOURNMENT

There being no further business, Waldron, Vice-Chair, declared the meeting adjourned at 12:43 p.m.

Respectfully submitted,

Mary Fran Flood, PhD, Secretary
Board of Psychology

Summarized by: Nancy Herdman, Health Licensing Coordinator – Licensure Unit