

**MINUTES OF THE MEETING OF THE
BOARD OF PSYCHOLOGY**
September 21, 2018

These minutes were
approved by the Board
on November 16, 2018

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 10:11 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

Stephanie Bruhn, PhD
Karen Billingsley
Jennifer Dreibelbis
Mary Fran Flood, PhD
Jerry Van Winkle, PsyD
Stacy Waldron, PhD

BOARD REPRESENTATION

Chair
Member
Member
Secretary
Member
Vice-Chair

MEMBERS ABSENT

Mark Lukin, PhD

Member

OTHERS PRESENT

Kris Chiles
Nancy Herdman

AGENCY REPRESENTATION

Licensure Unit
Licensure Unit

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, Dreibelbis, Flood, Van Winkle, Waldron (6). Voting nay: None (0). Absent: Lukin (1). Motion carried.

3. APPROVAL OF MINUTES (7-20-18)

MOTION: Flood moved, seconded by Van Winkle, to approve the minutes of 7-20-18. A roll call vote was taken. Voting aye: Billingsley, Bruhn, Dreibelbis, Flood, Van Winkle, Waldron (6). Voting nay: None (0). Abstain: None (0). Absent: Lukin (1). Motion carried.

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

There were no investigative files or applications with confidential information for review.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Applications, Education and Reinstatements

Waldron reviewed the APA program equivalency document submitted by Annie Steckovich. Waldron reported the individual submitted everything that was needed and it was a very well organized application. The program was deemed to be APA equivalent.

Moved to agenda item 7.

7. NEW BUSINESS

a. Correspondence

- Association of State and Provincial Psychology Boards

Dreibelbis will be attending the annual meeting October 17-21, 2018 in Salt Lake City, UT. Chiles suggested obtaining information on the Enhanced EPPP, as there appears to be various conversation regarding whether it will be a voluntary or required examination.

Chiles reported there were currently 6 states in the PSYPACT. Those states are Arizona, Nevada, Utah, Colorado, Nebraska and Missouri. Illinois plans to join pending 2020 legislation.

- American Psychological Association

There was no report.

- Nebraska Psychological Association

The fall conference will be October 19, 2018, in Omaha. The topic is "Treating Complex PTSD and Co-occurring Disorders: Bolstering Patient and Therapist Resiliency" by Don Meichenbaum, PhD.

- Justice Behavioral Health Committee

There was no report.

8. UPDATES/REPORTS

- Licensure and Examination Statistics / Administrative Penalties / Disciplinary and Non-Disciplinary Action Reports

Chiles circulated the disciplinary actions report since January 2018.

Examination results since January 2018:

EPPP – 12, 6 fail
Jurisprudence – 7 pass

Statistics:

30 Days Temporary Practice – 6
Provisionally Licensed Psychologist – 40
Psychological Assistant – 106
Psychologist – 557
Psychologist Associate – 2
Special Psychologist – 6
Temporary Psychologist - 1

9. Select Meeting Dates for 2019

The Board agreed to the following meeting dates for 2019: 1-18, 3-15, 5-17, 7-19, 9-20 and 11-15. They discussed that the downtown location where they park for meetings will be closing and wondered what to do for parking. Chiles stated the Department was looking into this and would provide them information on parking in the future. In the meantime, they would like to meet at the Staybridge Hotel for the November meeting if there is a meeting room available.

10:53 a.m. - Break
11:29 a.m. - Meeting resumed
1 public person entered the meeting

Moved back to agenda item 6.

6. REGULATIONS (172 NAC 155)

Bruhn discussed that the latest draft of the regulations referenced the APA Code of Ethics and there was a need to go back and look at that as the APA Code includes the terms “sexual orientation” and “gender identity”. The Nebraska administration will not move regulations forward that contain those terms or reference a code that contains those terms because they are not supported in statute. Bruhn commented the Board cannot leave in language adopting the APA Code of Ethics as their ethical code and expect that the regulations will move forward. She suggested looking at the APA Code and pulling out sections and incorporating them into Chapter 155.

Flood commented she could not endorse regulations that do not adopt the APA code. Waldron commented there was a lot more in the APA Code than the 2 terms that cannot be used. Chiles commented that the Board of Mental Health was looking at including the statutory discrimination standards in their regulations. Those categories are age, disability, national origin, religion, sex and familial status. Chiles also stated the Board of Mental Health Practice had adopted a 8-30-18 draft referral language for their regulations.

MHP - 015.08 Referrals (Draft 8-30-18)

If, for any reason, a credential holder is unable to provide therapeutic services to a client/patient, the credential holder must refer the client or patient to other credential holders. This may be done by directing the client/patient to specific credential holders or to a list or directory of credential holders who may be able to provide professional assistance. The referral must be documented in the client's record.

Waldron suggested leaving the APA Code in the regulations but make some statement that says statutes override regulations. The APA Code says the psychologist must follow state statutes. Chiles agreed to ask the question to see if this was possible.

Tom Venzor, introduced himself and said he was with the Nebraska Catholic Conference. He made the following points:

- Knew it was important to the Board to pass their regulations.
- Any private association can put in its own provisions or mandates but those provisions or mandates do not necessarily meet state law. No association has a right to have their principles put in law.
- Raised questions regarding delegation of authority and whether the Board can delegate their authority.
- The scope of authority of regulation. Do not have legal authority beyond state statute.
- In terms of medicine and abortion, some doctors support abortion and others do not. State/federal law supports conscious rights and there is no referral requirement. This also relates to assisted suicides and foster care and adoption as some states have protected conscious rights and others do not.
- His organization supports the 8-30-18 Mental Health Practice draft referral language.

Van Winkle commented that the most recent referral draft was much more acceptable than the one discussed initially. Venzor responded that stakeholders had worked together and came to a compromise. Chiles commented that when adopting a code, it is adopted at that point in time. She reiterated that the current regulations were outdated and there were sections the Board had revised in the draft which they had indicated were important changes.

Waldron expressed to Venzor that he was representing some of the public but asked what about the rest of the public. She wondered how actual providers in Catholic agencies dealt with religious conscious situations. Venzor suggested meeting with those providers. He stressed that the providers treat LGBTs but

could not address same sex relationship therapy.

The Board determined the next step would be to have Chiles ask if the APA Code of Ethics could be referenced in the draft regulations if there was some statement about statute trumping regulations in the area of ethics. It was also agreed to discuss referral at a future meeting.

1:05 p.m. - Venzor departed meeting

9. ADJOURNMENT

MOTION: Flood moved, seconded by Billingsley, to adjourn the meeting. A roll call vote was taken. Voting aye: Billingsley, Bruhn, Dreibelbis, Flood, Van Winkle, Waldron (6). Voting nay: None (0). Abstain: None (0). Absent: Lukin (1). Motion carried.

There being no further business, Bruhn declared the meeting adjourned at 1:06 p.m.

Respectfully submitted,

Mary Fran Flood, PhD, Secretary
Board of Psychology

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