

These minutes were approved by the Board on May 15, 2020

**MINUTES OF THE MEETING OF THE
BOARD OF PSYCHOLOGY**
November 15, 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 C, 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 (5)

Stephanie Bruhn, PhD, Chair
Mary Fran Flood, PhD, Secretary
Mark Lukin, PhD, Member
Connie Petersen, PhD, Member
Stacy Waldron, PhD, Vice-Chair

MEMBERS ABSENT (2)

Karen Billingsley, Member
Jennifer Dreibelbis, Member (entered the meeting at 10:57 a.m.)

OTHERS PRESENT

Kris Chiles, Licensure Unit
Teresa Hampton, DHHS Attorney
Mindy Lester, Assistant Attorney General
Rachel O'Toole, DHHS Attorney

A quorum was present and the meeting convened.

O'Toole was introduced and recently joined the DHHS Legal Department. Her experience includes employment with the Nebraska Department of Motor Vehicles and an attorney in Colorado. Currently she is working with administrative hearings and then will be assigned to specific professional boards.

10:05 a.m. Hampton and O'Toole departed the meeting

2. ADOPTION OF AGENDA

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

3. APPROVAL OF MINUTES (9-20-19 and 10.22.19)

MOTION: Flood moved, seconded by Waldron, to approve the minutes of 9.20.19 with minor correction. A voice vote was taken. Voting aye: Bruhn, Flood, Lukin, Petersen, Waldron (5). Voting nay: None (0). Absent: Billingsley, Dreibelbis, (2). Motion carried.

MOTION: Petersen moved, seconded by Waldron, to approve the minutes of 10.22.19. A voice vote was taken. Voting aye: Bruhn, Flood, Lukin, Petersen, Waldron (5). Voting nay: None (0). Absent: Billingsley, Dreibelbis, (2). Motion carried.

A copy of the psychology prescription legislative bill was requested to be sent to all members.

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

MOTION: Flood moved, seconded by Waldron, to enter into closed session at 10:21 a.m. 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: Bruhn, Flood, Lukin, Petersen, Waldron (5). Voting nay: None (0). Absent: Billingsley, Dreibelbis, (2). Motion carried.

MOTION: Waldron moved, seconded by Petersen, to enter into open session at 10:51 a.m. A roll call vote was taken. A roll call vote was taken. Voting aye: Bruhn, Flood, Lukin, Petersen, Waldron (5). Voting nay: None (0). Absent: Billingsley, Dreibelbis, (2). Motion carried.

The Board reviewed the current jurisprudence examination questions and statistics. It was recommended that the examination be reviewed every 5-years or sooner if regulations or statutes change. It was also recommended the a committee be formed to update the examination; the committee would include individuals with expertise in test construction and reliability.

10:54 a.m. 1 member of the public entered the meeting
10:56 a.m. Meeting break
10:57 a.m. Dreibelbis and 1 member of the public entered the meeting
11:11 a.m. Members of the public entered the meeting
11:12 a.m. Meeting resumed

5. REVIEW, RECOMMENDATIONS, AND REPORT OUT – OPEN SESSION

There were no applications reviewed or reported out.

7. NEW BUSINESS

Change in agenda order, Board discussed several items under agenda #7; while waiting for interested parties to attend meeting

a. Board Member Per Diem Discussion and Recommendations (Neb. Rev. Stat. 38-171)

Previously discussed at the September 20, 2019 Board meeting.

b. Association Correspondence

- Association of State Provincial Psychology Boards (ASPPB) <http://www.asppb.org>
- PsyPact <https://www.asppb.net/page/PSYPACT>
- American Psychological Association (APA) <http://www.apa.org>
- Nebraska Psychological Association (NPA) <http://www.nebpsych.org>

ASPPB: The ASPPB Annual Conference was held in Minnesota from October 16 to October 20, 2019; report by Dreibelbis

- Not opposed to breaking up regulations and only adopting some sections
- Some states facing de-regulation of boards, such as Arizona, Tennessee, Indiana, and Ohio
- Opiate prescribing, reach out to other boards for conversation
- Teeth whitening lawsuit relating to restriction of trade
- Many concerns were raised regarding the new EPPP examination; perceived by some as racial biased

PsyPact: Next PsyPact meeting scheduled for November 21-22, 2019 in Tyrone Georgia

APA: Deferred to follow agenda item #6

NPA: Deferred discussion until Dr. Ullman attended meeting

**6. REGULATION REVIEW, DISCUSSION, AND RECOMMENDATIONS (172 NAC 156, AND 157)
REGULATIONS STATUS UPDATE (172 NAC 155 AND 158)**

Members discussed the following:

- ASPPB regulations vs APA regulations; APA profession related and ASPPB state organization related
- Future direction – members review the ASPPB code 2018
- Request further information from ASPPB
- Consider reasonable compromise
- Overall arching goal is to protect the public
- Need to identify barriers
- Minimal competency standards
- On-line vs in person programs

Board deferred further conversation to next meeting in order to obtain additional information from ASPPB. Lori Lunquist, with Nebraska Psychological Association thanked the Board for their diligence and sensitivity during their discussions of Chapter 156 and 157.

172 NAC 155: Hearing 10.9.2019; Board of Health approved 10.28.19

172 NAC 158: Repeal fee chapter; hearing 9.16.2019; Board of Health approved 10.28.19

11:37 a.m. Member of the public departed meeting

11:39 a.m. Lunquist departed meeting

11:40 a.m. Dan Ullman entered the meeting

7. NEW BUSINESS

b. Association Correspondence

NPA: Ullman provided the following information relating to the 407 review of the proposal for credentialing of Psychology Prescribers:

- National groups may oppose, given the bill is creating a new license type
- 407 committee requires education to be spelled out in the statutes
- 5 of 6 407 committee members voted to move proposal forward
- Senator Stiner will sponsor the introduction of the bill during the 2020 session
- Nebraska has approximately 44 internship positions available in Nebraska
- Prescription of opiates not within the psychology prescribing scope
- PDM statutes allows all prescribers access to information

12:23 p.m. Lukin departed the meeting

12:27 p.m. Lukin returned to the meeting

- Nebraska Medical Association not supporting prescribing concept
- Perhaps look at Physician Assistant statutes as model
- Currently there is a 30-60 day delay in seeing a prescriber after a psychologist recommendation
- Iowa provides licensing currently for psychologist prescribers; at least 1 NE psychologist is moving their practice to Iowa in order to be able to provide services

If members have individual feedback regarding psychology prescribing legislation, it was suggested to send it directly to Dr. Ullman.

12:46 p.m. Meeting break
1:00 p.m. Meeting resumed

2019 Fall NPA Conference (10.18.2019): Bruhn reported several takeaways from the conference.

1:04 p.m. Flood departed the meeting

8. UPDATES AND REPORTS

a. Justice Behavioral Health Committee

Lukin provide a short update

1:09 p.m. Flood returned to the meeting

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

Examination Results 1.1.2019 to current date

EPPP Examination: 20 pass, 14 fail

Jurisprudence Examination: 23 pass, 0 fail

Statistics:

| | |
|--------------------------------------|-----|
| 30 Days Temporary Practice: | 5 |
| Provisionally Licensed Psychologist: | 54 |
| Psychological Assistant: | 109 |
| Psychologist: | 548 |
| Psychologist Associate: | 5 |
| Special Psychologist: | 6 |

Disciplinary and Non-Disciplinary Actions 1.1.2019 to current date: 1 Censure

9. SCHEDULE MEETING DATES FOR 2020

The following dates were scheduled:

January 17
March 20
May 15
July 17
September 18
November 20

10. BOAD MEMBER SERVICE AWARDS

Billingsley and Flood were honored for their services as members of the Board of Psychology and for the contributions they made to the Citizens of the State of Nebraska. Each member brought different perspectives and knowledge to board discussions. Flood stated that the Board's focus on the public and diversity is inspirational.

11. ADJOURNMENT

There being no further business, Bruhn (Chair), declared the meeting adjourned at 1:14 p.m.

Respectfully submitted,

Approved by the Board of Psychology on 5.15.2020
Mary Fran Flood, PhD, Secretary (term expired 11.30.2019)
Board of Psychology

Summarized by: Kris Chiles, Program Manager, Licensure Unit