

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

**MINUTES OF THE CONFERENCE CALL MEETING OF THE
BOARD OF PSYCHOLOGY**

January 17, 2020

1. ROLL CALL and CALL MEETING TO ORDER

The conference call meeting of the Board of Psychology was called to order by the Chair, Stephanie Bruhn, at 10:02 a.m. in the Licensure Unit's 1st Floor Conference Room, State Office Building, Lincoln, Nebraska. Copies of the agenda were emailed to the Board members and other interested parties in accordance with the Open Meetings Law. The following members answered the roll call:

MEMBERS PRESENT (called in from their agenda noticed locations) (5)

Stephanie Bruhn, PhD, Chair
Mark Lukin, PhD, Member
Connie Petersen, PhD, Member
Rebecca Schroeder, Member
Stacy Waldron, PhD, Vice-Chair

MEMBERS ABSENT (1)

Jennifer Dreibelbis, Member (called into the meeting at 10:10 a.m.)

OTHERS PRESENT (called in)

Kris Chiles, Licensure Unit (Licensure Unit's Conference Room)
Gary Anthone, MD, Director of Division of Public Health (called into the meeting)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

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

Dr. Anthone introduced himself and provided a summary of his background:

- Lived in Omaha
- Burke HS graduate
- Bachelor of Arts in Biology from Benedictine College
- Master of Science and his M.D. from Creighton University
- Experience at John Tompkins Hospital (2 years), University of Southern California 1991-2003, and LA County Hospital
- Director of Bariatric Surgery at Methodist Hospital in Omaha and at the University of Southern California in Los Angeles (which is his passion)
- 16 years ago moved back to Omaha where he practiced at Methodist Hospital and is a faculty member at the Department of Surgery at Creighton University
- 4.2019 he received a call from the Governor of Nebraska asking if he wanted to take the Director's position
- 9.3.2019 he started his role as Director and Chief Medical Office

Dr. Anthone recognized the great work of the Psychology Board, their compassion, and commitment to the residents of Nebraska; he indicated that he was available for any questions they may have.

10:10 a.m. Dreibelbis called into the meeting from her agenda noticed location
10:11 a.m. Anthone departed the meeting

3. APPROVAL OF MINUTES (11.15.2019)

Deferred

4. INVESTIGATIVE AND CONFIDENTIAL INFORMATION

5. REVIEW, RECOMMENDATION, AND REPORT OUT (Applications, Mail Ballot Summary Report, and Reinstatements)

Agenda items 4 and 5 were removed from the agenda as revised on 1.15.2020

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

Bruhn provided an overview of the history relating to proposed revisions to 172 NAC 156 and 157. Lukin reported that APA is willing to work with the Board and be an advocate for adopting their Code of Conduct.

10:26 a.m. 1 member of the Public entered the Licensure Unit's Conference Room

Lukin continued that in some states, but not all, regulations adopt the APA Code of Conduct. The APA Code of Conduct is current under revision, and all parties need to put aside personal beliefs.

Sections 003(A); 004, 014, and 015 were reviewed. The board indicated that these sections need to be consistent.

004-003. COMPETENCE. A psychologist shall must not provide services or use techniques for which he or she is not trained or experienced. Unprofessional conduct in the practice of practice of psychology shall include includes, but is not limited to:

(A) 004.01-Failure to consider a client as an individual and imposing on the client any stereotypes of behavior, values or roles related to age, gender, sex, religion, race, disability, nationality, or sexual orientation—race, color, religion, sex, disability, marital status, national origin, age, familial status, and ancestry which would unreasonably interfere with the objectivity provision of psychological services to the client.

004. DISCRIMINATION. Psychologists must provide professional assistance to clients or patients without discrimination on the basis of race, color, religion, sex, disability, marital status, national origin, age, familial status, and ancestry.

It was suggested that section 004 could read: Psychologists must provide professional assistance to clients or patients without discrimination in accordance with state statute, rather than including all the current classifications. If so then 003(A) would need to be changed.

014. Respect for People's Rights and Dignity. Psychologists respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination. Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision making. Psychologists are aware of and respect cultural, individual, and role differences, and consider these factors when working with clients. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities of others based upon such prejudices.

015. ADOPTION OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION'S ETHICAL PRINCIPLES AND CODE OF CONDUCT. The Board adopts the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association (APA), effective January 1, 2017, as the Code of Conduct under Neb. Rev. Stat. § 38-3105 except for the following sections:

(A) Principle E, Respect for People's Rights and Dignity;

(B) Section 2.01(b), Boundaries of Competence;

(C) Section 3.01, Human Relations; and

(D) Section 3.03, Other Harassment.

The Board supported the draft language found in section 012:

012. REFERRALS. If, for any reason, a psychologist is unable to provide therapeutic services to a client or patient, the psychologist must refer the client or patient to other credential holders. This may be done by directing the client or 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 or patient's record. Failure to comply with this standard is unprofessional conduct.

Lukin stated he would send the current proposed copy of 172 NAC 156 to APA and ASPPB.

10:49 a.m. Member of the public departed the meeting

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

7. NEW BUSINESS

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: No new information presented

PsyPact: Chiles reported that the PsyPact meeting was held November 21-22, 2019 in Tyrone Georgia.

Agenda items discussed were:

- Bylaws and Conflict of Interest
- Review of multiple rules and comments from public hearings
- State member assessments will occur in 2021 (10% of # of individuals in that state that apply for PsyPact commissioner authorization)
- 11 states part of PsyPact (Arizona, Colorado, Delaware, Georgia, Missouri, Nebraska, Nevada, New Hampshire, Oklahoma, Texas, Utah – Illinois pending passage of legislation and will be 12 state to join)

APA: No new information presented

NPA: Chiles will provide the legislative link to LB 817 (psychology prescribers) and also to the 407 reports.

8. UPDATES AND REPORTS

a. Justice Behavioral Health Committee

The Committee is a voluntary membership organization established under the direction of the Community Corrections Division. The Justice Behavioral Health Committee exists to create, review, and facilitate the implementation of standards for substance abuse evaluations and treatment, and standards for mental health evaluations and treatment for the justice population.

https://ncc.nebraska.gov/sites/ncc.nebraska.gov/files/doc/JBHC_bylaws.pdf

<https://supremecourt.nebraska.gov/2019-behavioral-health-justice-conference-building-comprehensive-community-response> More than 450 probation, community corrections, and behavioral professionals came together October 28th-30th in LaVista for the 2019 Justice and Behavioral Health Conference. The Administrative Office of the Courts and Probation sponsored this statewide event in partnership with the

Nebraska Department of Health and Human Services Division of Behavioral Health and the Mid-America ATTC.

Dr. DuPont applauded Nebraska's conference planning efforts stating, "Effectively and systematically linking health and criminal justice is an essential element in the nation's response to the drug epidemic. You are at the forefront of that vital connection."

Lukin reported the following:

- Multiple disciplines and providers from probation/parole attended
- There are several subgroups, such as sex offender treatment (Bruhn is a member); probation (Schroeder is a member)

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

Examination Results 1.1.2019 to current date

EPPP Examination: 21 pass, 15 fail

Jurisprudence Examination: 26 pass, 0 fail

The Board voiced concern with the number of failures; Dreibelbis will forward the EPPP examination pass rates.

Statistics:

30 Days Temporary Practice: 6

Provisionally Licensed Psychologist: 53

Psychological Assistant: 109

Psychologist: 552

Psychologist Associate: 5

Special Psychologist: 6

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

9. ANNUAL BUSINESS

a. Approval of Method of Noticing Meeting Agendas

84-1411. (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes.

Chiles reported that currently meeting agendas are posted on the Department website and in the lobby of the Licensure Unit, and provided to anyone who requests a copy.

MOTION: Dreibelbis moved, seconded by Waldron, to continue with the current method of noticing meeting agendas. A voice vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Petersen, Schroeder, Waldron (6). Voting nay: None (0). Absent: Billingsley (1) Motion carried.

b. Election of Officers and Appointments (Investigative Consultant, APA Education Equivalency Reviewer, and ASPPB Representative)

Election of Officers:

MOTION: Petersen moved, seconded by Dreibelbis to elect the following Slate of Officers:

Chair: Waldron

VChair: Bruhn

Secretary: Lukin

A voice vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Petersen, Schroeder, Waldron (6). Voting nay: None (0). Absent: Billingsley (1) Motion carried.

Appointments:

Investigative Consultant: Petersen
APA Education Reviewer: Bruhn
ASPPB Representative: Dreibelbis

11. ADJOURNMENT

There being no further business, the Chair, declared the meeting adjourned at 11:27 a.m.

Submitted,

Mark Lukin, PhD, Secretary
Board of Psychology

Summarized by: Kris Chiles, Program Manager, Licensure Unit