

These minutes were approved by the Board on 1.15.2021

**MINUTES OF THE CONFERENCE CALL MEETING OF THE
BOARD OF PSYCHOLOGY**
September 18, 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, Stacy Waldron, at 10:30 a.m. in the State Office Building, 301 Centennial Mall S, Lower Level B Conference Room, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on 9.8.20.

The following members answered the roll call:

MEMBERS PRESENT (6)

Stephanie Bruhn, PhD, Member
Jennifer Dreibelbis, Member
Tomeka Johnson, Member
Mark Lukin, PhD, Member
Connie Petersen, PhD, Member
Stacy Waldron, PhD, Chair

MEMBERS ABSENT (1)

Rebecca Schroeder, Member

OTHERS PRESENT

Kris Chiles, Program Manager, Licensure Unit
Heidi Weiland, Health Licensing Coordinator
Mindy Lester, Assistant Attorney General
Teresa Hampton, DHHS Attorney
General Reporting Public Member
Paul Chleborad – Defendant
Kathleen Koenig Rockey – Defendant's Attorney
Larry Wiehn – DHHS Investigation

A quorum was present and the meeting convened.

2. Reinstatement Appeal Hearing – Paul Chleborad
Open Session for Hearing began at 10:31

The hearing on reinstatement to practice as a psychologist, was convened at 10:31 am. Teresa Hampton, Department attorney, served as the hearing officer. The Department was represented by Mindy Lester, Assistant Attorney General, Paul Chleborad was represented by Kathleen Rockey, Kris Chiles, Program Manager with the Licensure Unit, and Paul Chleborad (applicant) were witnesses. Exhibits were entered and accepted. Evidence was presented and testimonies were provided.

12:20 p.m. Public hearing ended, Wiehn entered
12:22 p.m. Break, Chleborad and Rockey exited the room
12:35 p.m. Return from break

MOTION: Dreibelbis moved, seconded by Bruhn, to enter into closed session at 12:36 p.m. for the purpose of deliberation of the public hearing discussions. A voice vote was taken. Voting aye: Bruhn, Dreibelbis, Johnson, Lukin, Petersen, Waldron (6). Voting nay: None (0). Absent: Schroeder (1). Motion carried.

12:36 p.m. Chiles, Lester, Wiehn, and hearing reporter exited the room
12:58 p.m. Board verbal agreement to return to open session
1:04 p.m. Chleborad, Rockey, Chiles, Lester, Wiehn, and hearing reporter entered the room

Paul Chleborad – Psychologist – Reinstatement

MOTION: Bruhn moved, seconded by Johnson, to recommend denial of the reinstatement of his license. The basis of denial: past history of disciplinary action and lack of evidence to support reinstatement. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Johnson, Lukin, Petersen, Waldron (6). Voting nay: None (0). Absent: Schroeder (1). Motion carried.

1:10 pm Chleborad, Rockey, and hearing reporter exited the room

3. ADOPTION OF AGENDA

MOTION: Peterson moved, seconded by Lukin, to adopt the agenda. A voice vote was taken. Voting aye: Bruhn, Dreibelbis, Johnson, Lukin, Petersen, Waldron (6). Voting nay: None (0). Absent: Schroeder (1). Motion carried.

4. APPROVAL OF MINUTES (5.15.2020 and 7.17.2020)

MOTION: Dreibelbis moved, seconded by Bruhn, to approve the 5.15.2020 minutes. A voice vote was taken. Voting aye: Bruhn, Dreibelbis, Johnson, Lukin, Petersen, Waldron (6). Voting nay: None (0). Absent: Schroeder (1). Motion carried.

MOTION: Dreibelbis moved, seconded by Bruhn, to approve the 7.17.2020 minutes. A voice vote was taken. Voting aye: Bruhn, Dreibelbis, Johnson, Lukin, Petersen, Waldron (6). Voting nay: None (0). Absent: Schroeder (1). Motion carried.

5. INVESTIGATIVE AND CONFIDENTIAL INFORMATION – Closed Session

MOTION: Bruhn moved, seconded by Johnson, to enter into closed session at 1:26 p.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Waldron repeated the motion and purpose. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Johnson, Lukin, Petersen, Waldron (6). Voting nay: None (0). Absent: Schroeder (1). Motion carried.

1:27 p.m. Hampton exited the meeting
1:38 p.m. Lukin exited the meeting
1:41 p.m. Wiehn exited the meeting and Lukin returned to the meeting
2:22 p.m. Board verbal agreement to return to open session

6. WORKING LUNCH

7. REVIEW, RECOMMENDATION, AND REPORT OUT – Open Session (Applications, Mail Ballot Summary Report, and Reinstatements)

Jessica Withers – Provisional Psychologist – Initial Reciprocity

MOTION: Bruhn moved, seconded by Lukin, to recommend issue license with 1 year probation, quarterly employer reporting completed by her clinical supervisor, provide complete California criminal history documents, provide them to her supervisor within 60 days of license issued. The basis of recommendation was conviction history. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Petersen, Waldron (5). Voting nay: Johnson (1). Absent: Schroeder (1). Motion carried.

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

- Chiles – Regulations are being reviewed by the governor's office – submitted 7.28.20
- Lukin – ASPPB code of conduct is more clear and broadened
APA code of conduct is currently being used in the 1992 regulations
EPPP exam has question about APA ethical code of conduct

2:40 p.m. Johnson and Lukin exited the meeting
2:49 p.m. Johnson returned

9. NEW BUSINESS

a. COVID-19: Executive Orders and FAQ's:

<https://dhhs.ne.gov/Pages/COVID-19-Nebraska-Guidance-Documents.aspx>

Executive Order 20-10: <http://govdocs.nebraska.gov/docs/pilot/pubs/eofiles/20-10.pdf>

Summary of EO 20-10:

1. The provisions of Neb. Rev. Stat. § 38-121 regarding credentialing, and its implementing regulations, are hereby temporarily suspended in order to permit individuals who are properly and lawfully licensed to engage in advanced practice nursing, emergency medical services, medicine and surgery, mental health practice, nursing, osteopathy, perfusion, pharmacy, psychology, respiratory care, and surgical assisting in a U.S. state or territory to work in Nebraska during the state of emergency so long as they are in good standing and free from disciplinary action in the states where they are licensed;

3. The provisions of Neb. Rev. Stats. § 38-130, § 38-132, § 38-136, § 38-142, § 38-144 though § 38-147, § 38-151 though § 38-157, § 38-616, § 38-708, § 38-2026, § 38-2032, § 38-2061, § 38-1217, § 38-2223, § 38-2227, § 38-23 18, § 38-2859, § 38-2873, § 38-3211, § 38-3212, § 38-3213, and § 38-1,116 and their implementing regulations, are temporarily suspended, in part, in order to defer continuing competency requirements and license renewal fees for the following practice areas: medicine and surgery (MDs), advanced practice nursing, emergency medical services, mental health, nursing, osteopathy, pharmacy, perfusion, psychology, respiratory care, and surgical assistance and to permit applications for initial licenses for physicians, nurses, and pharmacy-related professions to be processed electronically prior to receipt of the license fee by the Department;

There is an extension to renew the license until 12.31.20 or once the State of Emergency is over. At that time, the renewal notice will be sent out and they have 90 days to renew their license.

4. The provisions of Neb. Rev. Stats. § 38-130, § 38-132, § 38-136, § 38-142 though § 38-147, § 38-151 though § 38-157, § 38-616, § 38-708, § 38-2026, § 38-2032, § 38-2061, § 38-1217, § 38-2223, § 38-2227, § 38-23 18, § 38-2859, § 38-2873, § 38-3211, § 38-3212, § 38-3213, and § 38-1,116 and their implementing regulations, are temporarily suspended, in part, to permit applicants for an initial license to practice as registered nurses, licensed practical nurses, physical therapists, psychologists, emergency medical technicians, emergency care providers licensed under the Emergency Medical Services Practice Act, or to practice a profession which is authorized to prescribe controlled substances to receive a license pending the completion of a national criminal history record information check, with submission of fingerprints to the Federal Bureau of Investigation, so long as the professional meets other requirements for licensure and has passed Department-conducted checks of the Nebraska Data Exchange Network for a criminal history in Nebraska;

The department has issued 1 Provisional Executive Order psychology license.

5. The requirements of Neb. Rev. Stats. § 38-2026, § 38-2222, and § 38-2851, and their implementing regulations, are suspended, in part, to exempt applicants for licensure as physicians, nurses, and pharmacists from the requirement to submit test scores prior to licensure and permit them to be issued time-limited provisional licenses pending successful examination results or the duration of the emergency, whichever is shorter.

Summary of Executive Order 20-27: <https://dhhs.ne.gov/Documents/EO-20-27-Credentialing-of-the-COVID-19-Workforce.pdf>

This executive order expires on 12.31.2020. The two following changes relate to the Psychology profession.

#3. The provisions of the UCA and its implementing regulations requiring that credential holders or students seeking credentials complete courses or training, or take examinations, in person are temporarily deferred until December 31, 2020, solely in order to permit education, training, and testing to continue using electronic or remote technology whenever possible;

#4. The provisions of the UCA and its implementing regulations requiring that persons seeking credentials complete work or training with an onsite supervisor, with face-to-face or direct supervision, or under any type of practice agreement are temporarily deferred until December 31, 2020, solely in order to permit supervisors to provide remote supervision if the supervisor determines this is appropriate;

The Executive Order 20-27 also states the following:

Neb. Rev. Stat. § 38-146(2) authorizes the Department of Health and Human Services (DHHS) to waive continuing competency requirements for credential holders under the Uniform Credentialing Act (UCA) upon the credential holder's request when "circumstances beyond his or her control have prevented completion of such requirements."

The Department will not enforce any limit on the number of continuing education hours obtained online or by home study for renewal or reinstatement of any type of license during the State Declaration of Public Health Emergency. The Department will be as flexible as possible for renewals that take place following the emergency. If licensees obtained online or home study CE hours during the emergency because in-person courses were not available, the Department will accept those CE hours even if the renewal (expiration date) for that profession takes place after the emergency has ended. Communication will be sent to licensees once any subsequent renewal period begins so that licensees know when the limits for online or home study CE are back in place.

b. Association Correspondence

- Association of State Provincial Psychology Boards (ASPPB) <http://www.asppb.org>
- Chiles stated there are changes to the examination – now utilizing Certemy
- 60th Annual Meeting will be virtual, October 16-17, 2020 – Dreibelbis and Waldron are attending, Waldron suggested all board members attend, ASPPB would cover the costs, contact scamp@asppb.org for financial assistance to attend
- PsyPact <https://www.asppb.net/page/PSYPACT>
- Chiles – additional states have been added, haven't seen any applications in Nebraska yet
- American Psychological Association (APA) <http://www.apa.org> - no new information
- Nebraska Psychological Association (NPA) <http://www.nebpsych.org> - no new information

10. UPDATES AND REPORTS

a. Justice Behavioral Health Committee

Lukin – exited meeting - nothing to report at this time

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

Examination Results 1.1.2020 to current date

EPPP Examination: 8 pass, 5 fail

Jurisprudence Examination: 8 pass

Statistics:

30 Days Temporary Practice: 5

Provisional Executive Order Licensed Psychologist: 1

Provisionally Licensed Psychologist: 53

Psychological Assistant: 111

Psychologist: 563

Psychologist Associate: 5

Special Psychologist: 6

Chiles reported that Psychology license renewals are being deferred at this time due to EO 20-10, possible extension of the expiration date is forthcoming.

11. ADJOURNMENT

Bruhn was appointed to the board for another 5 years. The next meeting of the Board is scheduled for 11.20.20.

There being no further business, the Chair, declared the meeting adjourned at 3:07 p.m.

Submitted,

Mark Lukin, PhD, Secretary
Board of Psychology

Summarized by: Heidi Weiland, Health Licensing Coordinator, Licensure Unit