

These minutes were approved by the Board on November 15, 2019

**MINUTES OF THE MEETING OF THE
BOARD OF PSYCHOLOGY**
September 20, 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 10:06 a.m. in Lower Level Conference Room B, 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
Connie Petersen, PhD - Member
Stacy Waldron, PhD – Vice-Chair

MEMBERS ABSENT

Jennifer Dreibelbis – Member (entered meeting at 10:20 a.m.)

OTHERS PRESENT

Kris Chiles, Licensure Unit
Angela Andersen, Licensure Unit
Mindy Lester, Assistant Attorney General
1 member of the public

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

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

3. APPROVAL OF MINUTES (7-19-19)

Addition of the word psychologist on page 3 to the bullet point – “APA Code is what defines us.” The bullet point now reads “APA Code is what defines us (psychologists).” Substitution of “gender identity” for “gender orientation” on page 2, section 7. The sentence now reads “The Federal laws do not include sexual orientation and gender identity, which are both identified in the current APA Code of Ethics, and sexual orientation is included in current regulations (172 NAC 156 dated 1992).”

MOTION: Waldron moved, seconded by Billingsley, to approve the minutes of 7-19-19 as corrected. A voice vote was taken. Voting aye: Billingsley, Bruhn, Flood, Lukin, Petersen, Waldron (6). Voting nay: None (0). Absent: Dreibelbis (1). Motion carried.

10:20 a.m. Dreibelbis entered the meeting

3. APPROVAL OF MINUTES (5-17-19)

On page 2 of the minutes, the word Waldron University was changed to Walden University.

Board members discussed New Mexico State University online presentation on prescription training. They discussed scope of practice limitations and the need for clarification in language for practice during practicum in regards to the intern and prescribing privileges.

There was also general conversation about possible gray areas in the medical model.

Dr. Ullman will provide Chiles with a draft of his revised 407 application to be presented to the board, the board agreed to review the language in the draft.

Board members and Dr. Ullman discussed his 407 application for a certificate for licensed psychologists, which would enable them to prescribe medications when treating mental disorders. They also discussed telehealth, as it relates to this application, and some of the limitations when working concurrent with a primary care physician to prescribe; such as Medicare's requirement that the first visit must be a face to face primary care physician visit with a physical exam and vitals taken.

MOTION: Billingsley moved, seconded by Waldron, to approve the minutes of 5-17-19 as corrected. A voice vote was taken. Voting aye: Billingsley, Bruhn, Dreibelbis, Flood, Lukin, Petersen, Waldron (7). Voting nay: None (0). Absent: None (0). Motion carried.

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

There were no applications for review.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

There were no applications for review.

10:57 a.m. 1 member of the public entered the meeting
11:00 a.m. Meeting break
11:11 a.m. Meeting resumed

6. PSYPACT update

Chiles reported she was in Georgia July 22nd & 23rd for the meeting in which they spent 2 days reviewing by-laws and rules and regulations. She said all of the members of the meeting had a thorough knowledge of their state's statutes and regulations which made it easier to progress through the agenda. Discussion and agenda items included:

- Reduce barriers to license portability
- Compacts for a variety of different professions, set requirements at minimum standards and uniform for entry into practice, foster cooperation, and provide greater access to care.
- By laws
- Implementation and Adoption timeline
- MOU with ASPPB (staffing, location, etc)
- Establishment of compact commission and election of officers
- E.Pass \$400; ICP \$200 + PSYPACT Fee
- Rulemaking Process review of draft rules for: PSYPACT Commission Dues, E.Passport and IPC requirements, Coordinated License Information System
 - Fee option suggested (charged to the state where the compact licensee resides): \$10 per authorization holder up to \$6000
- Extended and deferred discussion relating to requirements, internships, on-line verses in-person programs, APA accredited programs, etc

Next steps is to post the hearing notice for the rules, follow-up with conference call meeting in August to review and Adopt. Next in person meeting November 21-22, 2019.

10:57 a.m. 1 member of the public entered the meeting

Draft rules and regulations has no final decision and review of them was tabled for November meeting. Nebraska is 1 of 7 states to introduce PSYPACT legislation and that Senator Carol Blood is a strong advocator of this type of access to care.

11:00 a.m. Meeting break

11:11 a.m. Meeting resumed, Billingsley absent

7. Regulation Review, Discussion, and Recommendations (172 NAC 155, 156, and 157)

172 NAC 155

Chiles stated the public hearing is scheduled for October 9, 2019 at the Gold's Building Room 134.

Next Steps in the Regulation Process: The Next steps following the public hearing are:

1. Board's review of hearing comments (purpose is to recommend changes or no changes to the regulations based on the hearing comments)
2. Board of Health review
3. Director of Public Health review
4. Attorney General review
5. Governor review
6. File with Secretary of State
7. 5 days following filing with the Secretary of State, the regulations are effective

Note: If during any of the above reviews, the reviewer does not approve, the process may need to start over.

11:17 a.m. Billingsley entered the meeting

11:29 a.m. Teresa Hampton, DHHS Attorney, entered the meeting

172 NAC 156 and 157

When there are philosophical differences, such as the language relating to the unprofessional conduct regulations (156 and 157), the Department's task is to work towards compromise in order to move the regulations forward. The Department is asking the Board to move forward the revised regulations as drafted (copy available upon request).

The draft includes adoption of the American Psychological Association (APA) Code of Ethics, with the exception of 3 specific citations, and the draft includes 2 new sections: discrimination and referral.

Discrimination Section: The discrimination classifications in the draft, are those set out by Federal law. There was discussion relating to the difference between marital status and familial status and whether the discrimination classifications needed to be stated in regulations given they are already in a statute. Hampton indicated the classifications are a combination of several Federal laws, therefore, not duplication of statute, but rather an affirmation that Nebraska regulations agree with policy. The Federal laws do not include sexual orientation and gender identity, which are both identified in the current APA Code of Ethics, and sexual orientation is included in current regulations (172 NAC 156 dated 1992).

Members expressed concern that failure to refer could be a standard of care issue. Flood advocated for adopting the APA Code of Conduct as a whole; the Board has spent 11+ years trying to move forward the regulations.

Additional Discussion Points:

- Members discussed using a different strategy to incorporate APA code, which is copyrighted, into the regulations by putting changes in their own words.
- Members were not against a conversations but they believed additional things needed to be in regulations such as respecting people's rights and protected classes.
- A way to move forward might be adding acceptable code back in but in broader terms.

- Lukin volunteered to reach out to the APA for clarification on their stance.
- Dreibelbis volunteered to search the regulations on sexual orientation.
- Members discussed cutting ethical code for the sole reason of simplifying it doesn't make sense.
- Dr. Ullman commented that APA guide is making an ethical decision by taking the all or nothing route.

Chiles suggested tabling the discussion until the next meeting.

172 NAC 158

Chapter 158 of the Nebraska Administrative Code is being repealed as the fees are established in 172 NAC 2. A hearing was held September 16th. Members supported moving the repeal of chapter 158 forward to the Board of Health.

11:58 a.m. Lester departed the meeting
12:10 p.m. Lester reentered the meeting
12:05 p.m. Petersen departed the meeting
12:11 p.m. Meeting Break
12:11 p.m. 1 public (Venzor) departed the meeting
12:15 p.m. Ullman departed the meeting
12:24 p.m. Meeting resumed, Lukin absent

8. NEW BUSINESS

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

Board discussed new recommendations for per diem. The board agreed they would like the per diem reimbursement for one (1) day of preparation time for each meeting, original meeting as a board member, any time they are representing the board at a national meeting, a day of travel where overnight arrangements need to be made or if a state employee requested vacation leave to be present at the board meeting. Per diem would not apply if the board member is a state employee and is either making up his or her time and/or if attending the board meeting is considered a part of their normal job duties.

12:34 p.m. Lukin reentered meeting

b. Association Correspondence

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

ASPPB – Dreibelbis will be attending the ASPPB 59th Annual Meeting of Delegates in Minneapolis, MN from October 16 to October 20, 2019. She requested any questions the board had so she could get the answers from other members in attendance.

APA – no correspondence

NPA

- Pharmacology Series on September 27, 2019, presenter Dr. Peter Smith
- NPA's Fall Conference is scheduled for October 18, 2019 and will be live streamed; Ethics and Risk Management in Complex clinical Conundrums, presenter Daniel Taube, JD, PhD.

9. UPDATES/REPORTS

a. Justice Behavioral Health Committee

Lukin reported the following meetings:

- Corrections is hosting a presentation; Dr. Reid Meloy, Substance Use, Mental Disorder, and Threat

Assessment: Evolving Community Standards

- Great Plains Chapter is hosting a meeting October 8-9, 2019

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

Examination Results 1.1.2019 to current date

EPPP Examination: 19 pass, 12 fail

Jurisprudence Examination: 2 pass, 0 fail

Statistics:

30 Days Temporary Practice: 5

Provisionally Licensed Psychologist: 49

Psychological Assistant: 109

Psychologist: 540

Psychologist Associate: 5

Special Psychologist: 6

10. ADJOURNMENT

There being no further business, Bruhn (Chair), declared the meeting adjourned at 12:55 p.m.

Respectfully submitted,

Mary Fran Flood, PhD, Secretary
Board of Psychology

Summarized by: Angela Andersen, Health Licensing Coordinator, Licensure Unit