

These minutes were approved by the Board on 1.15.2021

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

November 20, 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 10:03 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 11.10.20.

The following members answered the roll call:

MEMBERS PRESENT (5)

Stephanie Bruhn, PhD, Vice Chair
Tomeka Johnson, Member
Connie Petersen, PhD, Member
Rebecca Schroeder, Member
Stacy Waldron, PhD, Chair (present in room)

MEMBERS ABSENT (2)

Jennifer Dreibelbis, Member
Mark Lukin, PhD, Secretary

OTHERS PRESENT

Kris Chiles, Program Manager, Licensure Unit (present in room)
Mindy Lester, Assistant Attorney General (present in room)
Teresa Hampton, DHHS Attorney
Anna Harrison, DHHS Compliance Monitor
Kathleen Krueger, DHHS Investigation
Public Member

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

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

3. NPA - Training for a Psychologist to Serve as a PLADC Practical Training Supervisor

NPA is requesting approval to provide training but did not send an outline.

Two options)

1. Entire Board review – mail ballot
2. Appoint 1 member to review annually if need assistance in review, can reach out to the board via dept.

Waldron and Petersen volunteered, Waldron will reach out to NPA for an outline
In January, set out how to approve in the future or 1 time only, see if changes need to be made
Post approvals on Psychology Website

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

Suggestions for educating licensees of the changes in chapter 155:

- Summary of changes & notice that statutes are not repeated in regulations
- Send outline to members, request they provide comments.

Discussion relating to chapters 156 and 157: NPA provided an outline of the regulation process through the years, starting in 2007-2008. Currently the 1992 regulations are in effect

Question: With new Supreme Court decision, might they review differently?

Response: Hampton, we can only advise that gender and sex is acceptable in regulations (Supreme Court, sexual orientation....is for employment cases, not sure how it would apply to other cases. There are 7 classifications in law, if we use only these 7 classes in the regulations, the regulations will move forward.

Bruhn stated she isn't confident that the Supreme Court will filter down to the Psychology regulations and she does not support the exclusion of the APA ethical code.

Question: Petersen, what are our next steps?

Response: The 1992 regulations will remain in effect until revised and approved through the regulation process.

5. 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>

The following summarizes some of the sections in 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;

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.

The following summarizes some of the sections in EO 20-27:

#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;

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>
Dreibelbis questioned how to practice due to covid – defer to January meeting
- PsyPact <https://www.asppb.net/page/PSYPACT> - no new information
- American Psychological Association (APA) <http://www.apa.org> - no new information
- Nebraska Psychological Association (NPA) <http://www.nebpsych.org> - Dr. Wall sent timeline to all members to give a historical perspective

6. UPDATES AND REPORTS

- a. **Justice Behavioral Health Committee** – none
- b. **Reports: Licensure and Examination Statistics, Administrative Penalties, and Disciplinary and**

Non-Disciplinary Action Reports – continue to send stats prior to meeting dates

11:01 a.m. Krueger entered the call

7. INVESTIGATIVE AND CONFIDENTIAL INFORMATION – Closed Session

MOTION: Bruhn moved, seconded by Schroeder, to enter into closed session at 11:17 a.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, Petersen, Schroeder, Waldron (6). Voting nay: None (0). Absent: Lukin (1). Motion carried.

11:17 a.m. Hampton and public members off call

11:18 a.m. Waldron exited the room

11:23 a.m. Waldron entered the room

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

Verbal agreement to return to open session by all board members at 11:26 a.m.

9. 2021 MEETING DATES

Suggested meeting dates: January 15, March 12, May 21 – changed to May 28, July 16, September 17 – changed to September 24, November 19

10. ADJOURNMENT

The following meeting is scheduled for 1.15.21. Bruhn reapplied for place on the board for another 5 years. There being no further business, the Chair, declared the meeting adjourned at 11:32 a.m.

Submitted,

Mark Lukin, PhD, Secretary
Board of Psychology

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