

**TENNESSEE BOARD OF EXAMINERS IN PSYCHOLOGY
MINUTES**

DATE: January 30-31, 2007

TIME: 9:00 a.m., CST

LOCATION: Video Conference Room
220 Athens Way, Suite 104
Plaza 1, Metro Center
Nashville, TN

BOARD MEMBERS

PRESENT: Carl Gilleylen, Psy.D., Chair
Robert Kores, Ph.D., Vice-Chair
Patrick Lavin, Ph.D.
Susan Strickler, Ph.D.
Evelyn Kemp, Psy.D.
David Caye, MS, Sr. PE
Mark Sigler, Ph.D., Sr. PE
Brenda Hunter, Consumer Member

BOARD MEMBERS

ABSENT: Janice Martin, Ph.D.

BOARD STAFF

PRESENT: Melody Spitznas, Board Administrator
Nicole Armstrong, Advisory Attorney
Barbara S. Maxwell, Administrative Director

Dr. Gilleylen, Psy.D., chair, called the meeting to order at 9:21 a.m. A sufficient number of members were present to constitute a quorum.

Conflict of Interest Policy Statement

Ms. Armstrong, advisory attorney, reviewed the conflict of interest policy statement with the board asking all members to disclose any potential conflicts of interest to determine if the board member should recuse him/herself from the proceeding and leave the board room.

Ms. Armstrong asked the two new board members, Evelyn Kemp, Psy.D. and Brenda Hunter, to review the conflict of interest policy, sign the form where indicated and return it to Ms. Spitznas for their files.

Office of General Counsel Report

Ms. Armstrong reviewed the Office of General Counsel Report stating there are five (5) cases in OGC; one (1) pertaining to a senior psychological examiner; and, four (4) pertaining to psychologists.

Ms. Armstrong said the rule amendment regarding ethics and jurisprudence exam administration, exam retake fee, petitions for stays and reconsiderations, and the deletion of obsolete psychological examiner licensure process language went to rulemaking hearing June 21, 2006, adopted by the board at the July 19-20, 2006 meeting, and sent to the Attorney General August 18, 2006, where it remains.

Jerry Kosten, Regulations Manager

Mr. Kosten has no new rules or rule amendments to report at this meeting.

Continuation of interview with Kimbra L. Gill, Ph.D.

Dr. Gill and her attorney, Mr. Mill, appeared before the board again. At the board's October 18, 2006, meeting, Dr. Gill asked the board to designate Dr. Gill's Ph.D. in Psychology from Capella University, an online program, as equivalent to a doctoral psychology program approved by the American Psychological Association ("A.P.A.") or listed by the American Association of State Psychology Boards ("A.A.S.P.B."). Dr. Gill had provided the board with information from Capella University about the Ph.D. program at the board's October 18, 2006 meeting. Dr. Gill asked the board to grant her licensure as a Psychologist HSP, pursuant to Tenn. Code Ann. § 63-11-208(c)(7).

Dr. Robert Schnedler, chair of the Clinical Specialization program in Psychology at Capella University, addressed the board about the Capella University program. He stated that the program is relatively new and has had twenty-eight (28) graduates who have been approved for some level of licensure in approximately twelve jurisdictions. Dr. Schnedler said Capella applied for A.P.A. accreditation but was deferred in a paper review. Dr. Schnedler said Capella could either appeal or withdraw the application and decided to withdraw without prejudice.

Mr. Caye told the board about his attendance at the ASPPB meeting he attended in San Diego last fall. Mr. Caye said online doctoral psychology programs was a topic of general discussion, both in terms of the need to allow alternative methods of learning as well as the difficulty in ensuring online programs are equivalent to APA and ASPPB programs. Mr. Caye gave examples of the issue being addressed by other state psychology licensing boards. The Iowa Psychology Board denied a psychology applicant licensure who obtained a degree from an online program. Mr. Caye said the applicant appealed the denial in appellant court and the court upheld the board's decision stating the board has the right to interpret their own law.

The board discussed the Capella University materials, and the presentations from Dr. Gill, Mr. Mill and Dr. Schnedler. It was the determination of the board that Capella University did not demonstrate that it was substantially equivalent to a doctoral psychology program approved by

the APA or listed by the ASPPB. Mr. Caye made a motion, seconded by Dr. Kores, to deny Dr. Gill's request. The motion carried.

Order of Compliance for Mark Kleiman, Ph.D.

Ms. Armstrong presented an order of compliance for Mark Kleiman, Ph.D. to the board stating she has an affidavit from Ms. Phelps stating Dr. Kleiman completed the requirements of the order.

Dr. Kleiman addressed the board stating he entered in a contract with the Tennessee Medical Foundation (TMF) with the assistance of a committee of the Tennessee Psychological Association (TPA) and has complied with the terms of the contract. Dr. Kleiman said his contract with TMF will continue for several more years.

Upon conclusion of the interview with Dr. Kleiman, Dr. Kores made a motion, seconded by Dr. Lavin, that Dr. Kleiman is absolved from any further responsibilities under the previously issued Agreed Order. The motion carried.

Review/Ratify October 18, 2006 Board Meeting Minutes

Upon review of the October 18, 2006 board meeting minutes, Dr. Kores made a motion, seconded by Mr. Caye to approve the minutes as corrected. The motion carried.

Administrative Report

Ms. Spitznas reviewed the Administrative Report stating there are 1276 licensed psychologists and 613 licensed psychological examiners/senior psychological examiners.

Ms. Spitznas reviewed the CQI report, which gives the turnaround time from the date the application is received until licensure, stating the processing time is 423 days for psychologists and 619 days for psychological examiners.

Ms. Spitznas said the mileage rate for travel has increased to \$.46 per mile and the in-state lodging rate has increased to \$65 from \$60.

Financial Report

Ms. Spitznas reviewed the Financial Report stating the board has a cumulative carryover of \$191,598.98 as of June 30, 2006. Ms. Spitznas stated the carryover does not reflect the move to Metro Center which will be considerably lower than previous anticipated.

Disciplinary Report

Ms. Armstrong reviewed the Disciplinary Report stating there are seven (7) psychologists on probation and four (4) psychologists on suspension. Ms. Armstrong said failure to comply with

the probation or suspension requirements would result in another complaint being filed in Investigations.

Investigative Report

Ms. Armstrong reviewed the Investigative Report stating there are currently thirty-four (34) complaints against psychologists and four (4) complaints against psychological examiners.

Ms. Armstrong said thirty-five (35) psychologists complaints have been closed; nineteen (19) closed with no action; seven (7) closed with a letter of concern; seven (7) closed with a letter of warning and two (2) referred to OGC.

Ms. Armstrong said two (2) psychological examiners complaints have been closed with no action and three (3) referred to OGC.

Status Report

Upon review of the lists of newly licensed psychologists with health service provider designation and psychological examiners, Mr. Caye made a motion, seconded by Dr. Sigler, to accept the following applicants for licensure:

Psychological Examiner

Laura Lea Berrier, PE

Psychologist/HSP

Allison J. East, Ph.D./HSP

Stacy Ann Gore, Ph.D./HSP

Catherine M. Grello, Ph.D./HSP

Andrea Nicole Jurbergs, Ph.D./HSP

Christen Tomlinson Logue, Ph.D./HSP

Gina Paige Owens, Ph.D./HSP

Stacy Diane Sanford, Ph.D./HSP

Stephanie Jane Shapiro, Ph.D./HSP

The motion carried.

Reinstatements

Upon review of the list of reinstated psychologists, Mr. Caye made a motion, seconded by Dr. Kores, to accept the reinstatement of the following psychologists:

Steven Hollon, Ph.D.

Lucy Griffey, Ph.D.

Review/Ratify EPPP Examination Results

Upon review of the EPPP examination results, Mr. Caye made a motion, seconded by Dr. Lavin, to ratify the passing scores for the following candidates:

Janice P. Pazar, Ph.D.
Carrie S. Booher, Ph.D.
John W. Mosier, III, Psy.D.
Nilufer E. Barbur, Ph.D.
Kiesa G. Kelly, Ph.D.

Debra J. Esterline, Psychological Examiner
Roman S. McPherson, Psychological Examiner

The motion carried.

Review/Ratify Oral Examination Results

Upon review of the oral examination results, Dr. Kores made a motion, seconded by Dr. Sigler, to ratify the passing scores for the following candidates:

Lucy G. Sweeney, Psy.D.
Janice Pazar, Ph.D.
Ohiana Torrealday, Ph.D.
Keisha Bean, Ph.D.
Vida Sobie, Ph.D.
Charles Ihrig, Ph.D.

Roman Sean McPherson, Psychological Examiner

The motion carried.

Review/Ratify Closure of Abandoned, Denied and Incomplete Applications

Upon review, Dr. Kores made a motion, seconded by Dr. Lavin, to ratify the closure of the following applications:

Steven Fultz, Ph.D.
Allen Berger, Ph.D.
Jennifer Hanket-Held, Ph.D.
Michael Breus, Ph.D.
Daniel T. Wick, Psy.D.
Sandra Brindamour, Psy.D.

The motion carried.

Review/Ratify Application Recommendations by Board Members

Mr. Caye made a motion, seconded by Dr. Kores, to approve the following recommendations:

Aimee Lyst, Ph.D./HSP – Issue Dr. Lyst a license, upon passing the ethics and jurisprudence examination.

Ellen S. Denny, Ph.D. – Issue Dr. Denny a provisional license and schedule her for the EPPP examination.

Shannon D. Beuscher, Psychological Assistant – Issue certification upon receipt of a non-discrepant criminal background check.

Laura B. Casey, Ph.D./HSP – Delay application. Request verification letter from the training director/supervisor and verification that the May South is a company of May Institute.

Ruth Chu-lien Chao, Ph.D. – (Dr. Chao is not applying for HSP designation). Issue Dr. Chao a temporary license and schedule her for the EPPP examination.

Robert Earl Cochrane, Psy.D./HSP – Issue Dr. Cochrane a license upon passing the ethics and jurisprudence examination.

Kristen Dean, Ph.D./HSP – Issue Dr. Dean a license upon passing the ethics and jurisprudence examination.

Mesha Ellis, Ph.D./HSP – Issue Dr. Ellis a temporary license and send the ethics and jurisprudence examination.

Kellie Ann Hilker, Ph.D./HSP – Send Dr. Hilker the ethics and jurisprudence examination.

Janetta Jamerson, Ph.D./HSP – Issue Dr. Jamerson a provisional license and schedule her to sit for the EPPP examination.

Jacob J. Levy, Ph.D./HSP – Issue Dr. Levy a temporary license and schedule him to sit for the EPPP examination.

Linda G. Manning, Ph.D./HSP – Issue Dr. Manning a temporary license and send her the ethics and jurisprudence examination.

Mark A. Tichon, Ph.D./HSP – Issue Dr. Tichon a provisional license and schedule him to sit for the EPPP examination.

Christina M. Warner, Ph.D./HSP – Issue Dr. Warner a provisional license and schedule her to sit for the EPPP examination.

Karen L. Weigle, Ph.D./HSP – Schedule Dr. Weigle to sit for the EPPP examination upon receipt of documentation that her internship was APA or APPIC accredited. If Dr. Weigle is unable to provide proof, she must appear before the board to determine if the internship is equivalent.

R. Jane Williams, Ph.D./HSP - Issue Dr. Williams a license upon passing the ethics and jurisprudence examination.

Michael L. Dimitroff, Ph.D./HSP – Issue Dr. Dimitroff a license upon passing the ethics and jurisprudence examination.

Stephen C. Smith, Psy.D./HSP – Issue Dr. Smith a provisional license and schedule him for the EPPP examination upon receipt of a non-discrepant criminal background check.

Patricia Caldwell, Potter, Ph.D./HSP – Issue Dr. Potter a license upon passing the ethics and jurisprudence exam and receipt of a non-discrepant criminal background check.

The motion carried.

Ratify Ethics and Jurisprudence Examination Results

Upon review of the following ethics and jurisprudence examination results, Mr. Caye made a motion, seconded by Dr. Sigler, to approve the following applicants for licensure as Psychologists/HSP:

Nancy Keesee, Ph.D.
Tammy Dukewich, Ph.D.
Zachard Eli Warren, Ph.D.
Sara Dillon Shepherd, Ph.D.
Caitlin Allen, Ph.D.
Andrew Gross, Psy.D.
Nicole Falvo Swain, Psy.D.
Gauri Jaboin, Ph.D.
Jon Roger Webb, Ph.D.
Elizabeth C. Cates, Ph.D.
Mirella Auchus, Ph.D.
John W. Mosier, III, Psy.D.

The motion carried.

Review Correspondence

The board reviewed an e-mail from **Norman Stephenson, Ph.D.** regarding whether there are any possible ethical/legal problems with a colleague/supervisor providing consultation to an applicant completing the jurisprudence examination. The board was of the opinion that colleagues/supervisors were encouraged to provide general advice to applicants as well as

licensees on an ongoing basis, but that the intent of the jurisprudence examination was for the applicant to learn to utilize the board's law and rules. In response to the Tennessee Psychological Association's request that the board comment on the TPA's planned survey of new licensees regarding the board's application process, the board stated that it would appreciate being informed of the results of the survey, but that it could not design or conduct the survey with TPA.

The board reviewed a letter from **Willard D. Sims, Sr. P.E.** who was granted a psychological examiner license in 1998 and upgraded to senior psychological in 2004. Mr. Sims stated that the board in 1998 required him to participate in a formal practicum experience in psychological testing; he was requesting that the board accept documentation of practicum completed in 2006 and allow him to perform psychological testing and assessment. Ms. Armstrong said there was no record of a conditioned or restricted license being issued to Mr. Sims in 1998; as a result, he had not been prohibited from full use of his psychological examiner or senior psychological examiner license.

The board reviewed an e-mail from **Kamla Mangar**, Professional Examination Service, regarding a pilot test of the module that will control uploading eligibility information and requested volunteers to participate in the test.

Report from David Caye of the ASPPB Meeting

Mr. Caye discussed the October 2007 ASPPB meeting he attended in San Diego, CA stating the agenda contained issues regarding the assessment of graduate student performance, allowing psychologists to prescribe and the encouragement by APA to eliminate the postdoctoral supervised experience.

Mr. Caye said someone is pushing the elimination of the postdoctoral supervised experience in state legislation and the board should anticipate a bill to eliminate the postdoctoral supervised experience in Tennessee. Mr. Caye said Washington State no longer requires the postdoctoral supervised experience and a similar bill was introduced in North Carolina. Mr. Caye said this is due, in part, to students being unable to find qualified supervision.

Dr. Kores asked what the National Register had to say on this issue as that is part of their requirements for membership.

Dr. Gilleylen said if the postdoctoral supervised experience is eliminated, the board could require two-year internships.

Dr. Kemp said she was involved with the Tennessee Psychological Association and would get their position on this issue.

Mr. Caye said they also discussed the idea that the EPPP measures academics and not professional experience and having applicants sit for the EPPP after completion of the academic class work.

Mr. Caye stated they discussed foreign applicants and offered to research what other states are doing.

Mr. Caye said they also discussed NPI numbers, which are going to be required for insurance billing, instead of social security numbers, and said there is no category for senior psychological examiners.

Dr. Gilleylen asked that this discussion be tabled until the April 25, 2007 meeting to obtain a list of NPI categories.

Dr. Kores asked if serving as a member of the board equals ten (10) Type III continuing education hours annually as 30% of the meeting time covers ethics.

Ms. Armstrong said this is a housekeeping change that could be changed with a rule amendment.

Discuss/Consider Renewal of Contract with the Professional Examination Service (PES)

Ms. Armstrong stated the boards five (5) year no-cost contract with PES to administer the EPPP examination will expire in July 2007 and the board needs to draft a new contract.

Ms. Spitznas stated the current contract stipulates the board cover the cost for Tennessee applicants who need special accommodations.

Dr. Gilleylen asked Ms. Spitznas to find out if other states cover the cost of the special accommodations and stated this could be an ADA issue.

Contested Case Hearing for Stephen Collins, Senior Psychological Examiner

Joyce Safley, Administrative Law Judge, presided over the hearing against Steven E. Collins, Senior Psychological Examiner. Shiva Bozarth was the litigating attorney for the State. Mr. Collins represented himself.

Mr. Bozarth stated Mr. Collins signed an agreed order which was ratified by the board June 9, 2004 for unprofessional, dishonorable or unethical conduct, making false statements or representations or being guilty of fraud or deceit in the course of professional practice.

Mr. Bozarth stated the 2004 agreed order required Mr. Collins to have his license placed on probation for two years, obtain supervision by a board approved psychologist, have the supervisor sign a statement to be submitted to the board as evidence of having read and understood the agreed order and serve as respondent's supervisor, meet face to face quarterly with the supervisor, submit a written report signed by the supervisor within twenty (20) days following the quarterly meeting, obtain six (6) hours of Type I continuing education, appear before the board to petition the board to terminate the probation and pay all costs in this matter.

Mr. Bozarth read a deposition from Lea Phelps, Disciplinary Coordinator for Investigations regarding Ms. Collins' failure to comply with the order.

Mr. Collins, who represented himself, addressed the board by stating he sent a letter to the board in June of 2006 requesting he be allowed to retire his senior psychological examiner license without the stigma of revocation, as he was unable to secure employment and obtain supervision based on the conditions placed on him by the board.

Upon discussion, Dr. Lavin made a motion, seconded by Mr. Caye, to accept the findings of facts that Mr. Collins was notified via certified mail that he was not in compliance with the June 9, 2004 Agreed Order for failure to provide the name and curriculum vitae of a supervising psychologist and failure to pay the \$725.96 court costs; that Mr. Collins failed to submit a written statement that he was unable to secure employment; and that as of June 2006 Mr. Collins had not fulfilled the requirements of the Agreed Order. The motion carried.

Dr. Kores made a motion, seconded by Dr. Strickler, that Mr. Collins violated T.C.A. §63-11-101 et seq., T.C.A. §63-1-101, et seq.; T.C.A. §63-11-215(b)(1) which prohibit unprofessional, dishonorable or unethical conduct; and T.C.A. §63-11-215(b)(2) which prohibits violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the State of Tennessee. The motion carried.

Dr. Kores made a motion, seconded by Mr. Caye, to revoke Mr. Collins' license as a Senior Psychological Examiner. The motion carried.

Dr. Kores made a motion, seconded by Mr. Caye, to impose a Type A civil penalty of \$1,000 against Mr. Collins for failure to obtain the continuing education required by the June 9, 2004 Agreed Order. The motion carried.

Mr. Caye made a motion, seconded by Dr. Lavin, to assess Mr. Collins reasonable costs of the prosecution of the matter by the Office of General Counsel, including all attorney and paralegal time, costs incurred by the Office of Investigations and all costs incurred by the administrative law judge, court reporter and witnesses including, but not limited to, travel and lodging during the prosecution of this matter. The motion carried.

The board agreed it took this action to protect the health, safety and welfare of the citizens of the State of Tennessee.

Discuss Contract for Peer Assistance

Ms. Armstrong presented the board a copy of the draft peer assistance grant contract, draft budget and letter that were mailed to the groups who previously made presentations to the board about peer assistance programs.

Ms. Armstrong said she received two letters expressing an interest in regarding the grant contract; one from Tennessee Peer Assistant Program (TNPAP) and one from Tennessee Colleague Assistance Foundation (TCAF). The TCAF submitted several questions to the board about the grant contract, which the board reviewed. Ms. Armstrong was instructed to provide the board's response to the questions in writing, to be sent to both TNPAP and TCAF.

The board reviewed the draft grant contract and made a few substantive changes to the scope of services. The board clarified the scope of evaluations and the required qualifications for the health care professionals performing evaluations or providing treatment. The board also clarified the types of licensees who would receive services through the grant. The board is also requiring the peer assistance program to maintain a website. Finally, the board also requested language in the draft grant contract to require the peer assistance program to send a representative to appear at a scheduled board meeting every six months to provide a progress report on the operation of the peer assistance program.

Review/Approve Senior Psychological Examiner Upgrades

Upon review of the senior psychological examiner upgrade for **Susan Pruitt**, Mr. Caye made a motion, seconded by Dr. Sigler to approve Ms. Pruitt's upgrade. The motion carried.

Upon review of the senior psychological examiner upgrade for **Jeffrey T. Davis**, Dr. Kores made a motion, seconded by Dr. Lavin, to delay the upgrade of Mr. Davis to a senior psychological examiner until receipt of an explanation of 125 hours of his continuing education. The motion carried.

Upon review of the senior psychological examiner upgrade for **Deborah S. Schuh**, Dr. Strickler made a motion, seconded by Dr. Lavin, to delay the upgrade of Ms. Schuh until receipt of verification of her 254 hours of continuing education and clarification of which are Type II and Type III. The motion carried.

Upon review of the senior psychological examiner upgrade application for **Sherlean Lybolt**, Dr. Lavin made a motion, seconded by Dr. Sigler, to approve the upgrade of Ms. Lybolt's license to a senior psychological examiner. The motion carried.

Upon review of the reinstatement application for **Steve Hollon, Ph.D./HSP**, which included proof of continuing education and \$1,300 in penalties, Mr. Caye, made a motion, seconded by Dr. Kores, to approve the reinstatement of Dr. Hollon's license. The motion carried.

Upon review of the reinstatement application for **Bobby Rouse, Ph.D./HSP**, Mr. Caye, made a motion, seconded by Dr. Kores, to approve the reinstatement of Dr. Rouse's license. The motion carried

Dr. Denise Davis, former board member, addressed the board stating she brought her students from Vanderbilt to the board meeting to see how a meeting is conducted. Dr. Davis asked the board if they would answer a few questions for her students.

Dr. Gilleylen agreed to have the board answer any questions the students had and the board members introduced themselves as follows:

David Caye, Senior Psychological Examiner - in private practice with his wife.

Mark Sigler, Senior Psychological Examiner - employed by local school district and in private practice and does consultation work with adolescents.

Susan Strickler, Psychologist/HSP - independent practice, affiliated with an internal medicine group, and is a provider of integrated health care.

Pat Lavin, Psychologist/HSP – private practice, adult clinical psychology, occupational consultant and behavioral sleep medicine.

Carl Gilleylen, Psychologist/HSP - Board Chair and Director of the Counseling Center at the University of Memphis.

Robert Kores, Ph.D./HSP - Board Vice Chair and psychologist at UT Memphis in the Psychiatric Department.

Evelyn Kemp, Psy.D./HSP - Clinical psychologist at East Tennessee State University and independent practice.

Brenda Hunter, citizen member - Management consultant in resources development.

The board answered several questions from the students and with no other board business to conduct, adjourned at 1:45 p.m.

Ratified by the Tennessee Board of Examiners in Psychology on April 25, 2007