

**PSYCHOLOGY EXAMINING BOARD
MEETING MINUTES
MARCH 10, 2010**

PRESENT: Cynthia Bagley; Bruce Erdmann, Ph.D.; Teresa Rose; Melissa Westendorf, Ph.D.

EXCUSED: Erica Serlin, Ph.D.

STAFF: Gail Sumi, Bureau Director; Michael Berndt, General Counsel; Kimberly Wood
Bureau Assistant and other DRL Staff

GUESTS: Sarah Bowen, Wisconsin Psychological Association (WPA)

CALL TO ORDER

Bruce Erdmann, Ph.D., Chair, called the meeting to order at 9:05 a.m. A quorum of four (4) members was present.

APPROVAL OF AGENDA

Amendments to Agenda

- After Item “C” (open session) Under the item titled “Review of Correspondence and Phone Inquiries by Legal Counsel” ADD:
 - Review of Practice Question Regarding Approval of Post Doctoral Experience

MOTION: Melissa Westendorf, Ph.D. moved, seconded by Cynthia Bagley, to approve the March 10, 2010 agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 10, 2010

Amendments to Minutes

- All Pages of the Minutes: Change the date listed on the footer from February 2, 2010 to February 10, 2010.

MOTION: Cynthia Bagley moved, seconded by Melissa Westendorf, Ph.D., to approve the minutes of February 10, 2010 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Gail Sumi, Bureau Director, advised the Board that she and Michael Berndt, General Counsel are filling in for Jeff Scanlan, Bureau Director and Colleen Baird, Legal Counsel, as they are attending a conference out of state.

Gail Sumi announced to the Board that Cynthia Bagley, Public Member, has tendered her resignation effective as of 7/1/2010 but has indicated that she may leave sooner if a replacement is appointed. The Board discussed its current membership, its ability to reach quorum and its voting requirements. The Board inquired about the appointment of a new professional member and requested an update at its next meeting.

Gail Sumi then advised the Board of the following staff changes:

- The Division of Board Services has recently hired Michele Miller Hayes to fill a current Legal Counsel vacancy. Michele Miller Hayes will assume her position beginning March 15, 2010.
- Angela Arrington, currently an Attorney in the Division of Enforcement, has been appointed to the Bureau Director vacancy in the Division of Board Services effective March 29, 2010. Attorney Arrington will take a leave of absence from her position in the Division of Enforcement.
- Yolanda McGowan, formerly a Bureau Director in the Division of Board Services, has filled an attorney vacancy in the Division of Board Services effective as of March 1, 2010.
- Charles Facktor has been hired as an Attorney Supervisor for the Health Team in the Division of Enforcement.
- Jim Parker has been appointed to the vacant Division of Enforcement Administrator position effective as of March 1, 2010. He is taking a leave of absence from his position as Budget Director from the Division of Management.

Michael Berndt addressed the status of attorney staffing within the Division of Enforcement and throughout the Department.

Gail Sumi informed the Board of that there will be a public hearing regarding the Office of the Commissioner of Insurance's Autism Treatment Bill (AB 789) tomorrow, March 11, 2010. This rule has a provision which incorporates a certification requirement for behavioral analysts. Sarah Bowen commented on the Wisconsin Psychological Association's involvement with this bill noting the complication of this matter based upon the overlap of professional duties and the realities of the workforce. She indicated that individuals without professional credentials may perform services under intense supervision.

DISCUSSION AND REVIEW OF APPLICATION FORMS FOR PSYCHOLOGY LICENSURE

Review of Proposed Nature-Of-Intended Practice Forms

Kris Hendrickson, Health Supervisor and Aaron Knautz, Credentialing Specialist, Division of Professional Credentialing were present for Board discussion and review. Bruce Erdmann reviewed the work that has been completed with reference to the proposed nature-of-intended practice forms and distributed two versions of the proposed nature of intended practice form to the Board. He discussed the intent of these forms and indicated that there is more work to be completed with respect to these documents. Bruce Erdmann and Erica Serlin will continue their work on the nature-of-intended practice forms and bring these materials back for future review.

Discussion on Nature of Intended Practice, Related Statute and Administrative Code

The Board discussed the nature-of-intended practice and related administrative code and statutes. In order to identify relevant application content Dr. Erdmann expressed that the Board should link each question to utility and stated that considerations should be made with reference to the application questions and their applicability to existing licensure requirements.

Dr. Erdmann referenced form # 2557, Verification of Supervised Experience, and noted that in the answers to questions number 13 and 24 frequently fall outside of the Board's expectations. Melissa Westendorf volunteered to compare the questions listed in form # 2557 to existing code and/or statutes and will work to identify any areas of code or statute that has not been addressed. Upon completion she will send her research to Colleen Baird for review.

Sarah Bowen, WPA, provided comments to the Board regarding information for that she thought would be helpful for psychology applicants.

Kris Hendrickson and Aaron Knautz discussed the application process with the Board. Aaron Knautz and the Board discussed the possibility of stopping applications in the future if certain items are not included or if certain questions are answered in a manner which would cause concern. In the future the Board may adopt a policy that allows Aaron Knautz to stop the application and ask applicant for clarification. The Board will work to identify certain answers to application questions which would result in the stop of the application process.

Criteria for a Go/No Go Decision on the Quality of Supervision

The Board noted that discussion of this issue was tied into discussion of last sub topic.

REVIEW OF ORAL INTERVIEW EXAMINATION PROCESS REQUIRED FOR PSYCHOLOGY LICENSURE

Dr. Erdmann indicated that the majority of the Board's focus on this issue will occur in closed session due to the nature of the review and to maintain confidentiality of examination content. He went on to indicate that in the past years the applicants participating in oral examinations have experience with less focus on the practice world and more individuals with institutional practice or unique practice such as hospital based practice and counseling practice.

Gail Pizarro, Office of Education and Examinations, was present for this topic and participated in discussion. The Board discussed what steps would be involved in discontinuing the oral examination and noted that a decision to drop oral exams as criteria for licensure may result in a breach of the existing reciprocity agreement through ASPPB with several other jurisdictions. The Board indicated that it would need to review and discuss the positive and negative consequences of withdrawing from the ASPPB reciprocity agreement prior to making a decision of this nature.

The Board discussed how to establish if appropriate training has been obtained for those individuals with either experience in institutional or unique practices and discussed how to structure interview questions that could help to address the adequacy of experience presented by applicants. Gail Pizarro noted that the test should be standardized so that it is fair and unbiased. The Board discussed the need to form a sub-committee that could address the oral examination process and determined that such an option should be pursued once the Board has had existing vacancies filled.

REVIEW OF APPLICATION FOR PSYCHOLOGY LICENSURE BY COMITY

Aaron Knautz and Kris Hendrickson, Division of Professional Credentialing were present for discussion regarding licensure by comity and the inability of certain applicants to gather or collect documentation. Aaron Knautz led this discussion by indicating that it is common for applicants from other jurisdictions with several years of practice to have difficulties in obtaining required supervision documentation. In some situations a supervisor may have moved or the applicant fails to locate their supervisors or in some cases, the supervisor has passed away. He inquired if the Board would accept documentation from another jurisdiction in scenarios where the original supervisor of an applicant is not able to be located or is deceased. Further, Mr. Knautz inquired if another acceptable option would be to have the applicant obtain and submit the rules & statutes which were relevant when they obtained their original credential, from the jurisdiction where their licensure originated. Kris Hendrickson opined that perhaps an attestation could be included in the application, for the original jurisdiction to complete, indicating that their requirements for supervision meet the requirements for Wisconsin licensure.

During discussion Sarah Bowen, WPA, inquired about requests for licensure from individuals coming from states that do not require post doctoral supervision and inquired of their eligibility for licensure. The Board indicated that the law states that the standards in place in another jurisdiction, at the time of licensure, must be comparable to Wisconsin's in order to be eligible for a Wisconsin license.

Following Board discussion of the inquiry posed by Aaron Knautz and Kris Hendrickson the Board stated that it would be appropriate to have an applicant request the rules and statutes that were in place at the time the applicant obtained their licensure. However the Board stated that this information would still need to be presented to the Board for its consideration on a case-by-case basis and for a determination regarding the acceptability of the information provided. The Board requested that a draft of the application by comity be provided at its next meeting.

PRESENTATION OF PROPOSED STIPULATIONS

None.

PRESENTATION OF PROPOSED STIPULATIONS SIGNED AFTER MAILING OF THE AGENDA

None.

STATUS OF RULES AND STATUTES FOR ALL PENDING LEGISLATION

The Board inquired of the progress of the scope statement requested at its last meeting relating to the use of titles. Gail Sumi informed the Board that she did not have this information but would request that an update be provided at a future meeting.

ASPPB REPORT

Bruce Erdmann indicated that there was nothing to report with respect to ASPPB except that the 25th Annual Midyear Meeting will occur April 22-25, 2010 in Seattle, WA.

REVIEW OF CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

Michael Berndt informed the Board that the Department had received e-mail correspondence regarding what would count towards post doctoral education. He indicated that due to some of the information contained in the e-mail a paper copy would not be distributed. The correspondence details an individual's attempt to arrange 1,500 post doctoral hours at a college counseling center. The corresponding individual asks if teaching and outreach apply towards the requirement to accrue 25% of the 1,500 post doctoral hours on a face-to-face basis as these are typical responsibilities in a college counseling center.

Michael Berndt explained that this question has been discussed internally but indicated that the code did not allow an absolute yes or no answer. To this end the Board's interpretation was requested. Discussion of whether outreach and teaching would count towards the 25% of the 1,500 hour licensure requirement ensued.

The Board indicated that teaching experience used for the supervised practice requirement is typically not acceptable unless the individual plans to teach and the Board referred to the nature of intended practice. If this individual plans to become licensed and then to teach some of the hours obtained may count, however if an applicant does not plan to teach, teaching hours may not be accepted. The Board also noted that depending on the nature of the outreach being performed these hours may be accepted. The Board suggested that it would be prudent for this individual to accrue more than 1500 post doctoral training hours as there may be experience that may not be accepted and having additional hours means there would be an improved chance of Board acceptance. Sarah Bowen, WPA, provided comments and her knowledge of past practice relating to this issue during discussion of this question.

PUBLIC COMMENTS

Sarah Bowen, Wisconsin Psychological Association, addressed the Board regarding the status of AB 789, relating to insurance coverage of the services of behavior analysts for autism treatment. She indicated that the biggest issue with this bill was a letter that was circulated which equated applied behavior analysts to social workers and psychologists. She stated that the WPA does not oppose a professional group trying to gain greater recognition or attempting to gain insurance reimbursement but is concerned that psychologists are able to continue to provide the kinds of services that they already provide without having to gain additional certification.

Sarah Bowen, WPA, then addressed the Board on an informational basis concerning information she received from the National Register regarding its interest in having the national register in psychology be included as a part of psychology comity rules. She indicated that this request is likely coming to Wisconsin because of the role the state has taken with respect to the National Register. The Board asked that Jeff Scanlan review this inquiry to determine the need to add a discussion of this topic to the next agenda packet.

Sarah Bowen provided the following advocacy update:

The parity bill has been voted on favorably in both House and Senate committees and received a favorable vote on the Senate floor. Representative Sandy Pasch is working to obtain an Assembly floor vote prior to the end of this session.

The WPA prescriptive authority legislation may be taken up by a legislative committee for hearing in April. Sarah Bowen, WPA, did not expect a controversial bill such as this to pass the first time around; however Oregon recently passed their prescriptive authority bill. The WPA is looking at the methods utilized in Oregon and has been meeting with supporters and opponents to compromise and hammer out language. The Board asked questions pertaining to this legislation.

The Board asked if there is some parity coverage under federal law. Sarah Bowen indicated that after a 6-8 month delay federal parity rules have come through and are being analyzed. Many are attempting to align with what they interpret the federal parity rules say. The Board inquired about any comments or complaints received relating to the federal parity rule. Many became fearful because Woodman's opted out of the federal parity requirement by taking the position that it would not cover substance abuse and mental health. As a self insured company they are not subject to the state mandate. Based on expectations gathered from other jurisdictions that have implemented parity at the state level, other opt outs are expected. Sarah Bowen and the Board then discussed that some insurance companies are requiring co-pays for services such as mental health and substance abuse treatment. Sarah Bowen stated that the rule and intent of the law make it clear that these services should not be treated as specialty services. Although it is allowable for a co-pay to be charged it should be of a nominal nature. Individuals that have not previously been charged a co-pay may be charged but it is hoped that it will not occur at a level that would inhibit treatment.

CLOSED SESSION

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g), for the purpose of conducting oral interviews, reviewing monitoring requests, requests to extend practice, application reviews, consulting with Legal Counsel and Division of Enforcement case status reports. Roll Call Vote: Cynthia Bagley-yes; Bruce Erdmann, Ph.D.-yes; Teresa Rose-yes; Melissa Westendorf, Ph.D.-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:28 a.m.

RECONVENE TO OPEN SESSION

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:01 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

None.

REVIEW OF ORAL INTERVIEW PROCESS AND QUESTIONS ASKED IN ORAL INTERVIEW, BOARD DEVELOPMENT OF ADDITIONAL QUESTIONS FOR REVIEW

The Board continued discussion of the oral interview process and of the questions used during oral examination interviews. The Board will work on this topic in more detail once full Board membership has been established.

MONITORING

None.

DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA

None.

ADDITIONAL INFORMATION REQUESTED OF APPLICANTS FOR LICENSURE

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to accept the additional information submitted by Laura Cowan, Ph.D.; Terri DeRoos-Cassini, Ph.D.; Amber Richgels, Psy.D.; and Caroline Schmidt, Ph.D. Motion carried unanimously.

MOTION: Cynthia Bagley, moved, seconded by Melissa Westendorf, Ph.D., to accept the additional information submitted by Daniel Huneke, Psy.D. and Jennifer Spotts, Ph.D. Motion carried. Abstained: Bruce Erdmann, Ph.D.

ADDITIONAL INFORMATION SUBMITTED AFTER THE MAILING OF THE AGENDA

None.

ORAL INTERVIEWS OF APPLICANTS – FINAL APPROVAL FOR LICENSURE

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to grant licensure to practice psychology to Nina Albanese-Kotar, Ph.D.; Laura Cowan, Ph.D.; Terri DeRoos-Cassini, Ph.D.; William Hoyt, Ph.D.; Amber Richgels, Psy.D.; and Caroline Schmidt, Ph.D. Motion carried unanimously.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Cynthia Bagley, to grant licensure to practice psychology to Jesse Frey, Psy.D.; Daniel Huneke, Psy.D.; and Jennifer Spotts, Ph.D. Motion carried. Abstained: Bruce Erdmann, Ph.D.

(Shannon Huff, School Psychologist, was not present for oral interviews.)

SUPERVISION REVIEWS THAT CAME IN AFTER MAILING OF AGENDA

None.

REVIEW OF APPLICATIONS FOR LICENSURE:

JEAN BANKS, PH.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Cynthia Bagley, to admit to Ethics, Jurisprudence Exam and Oral Interview Jean Banks, Ph.D. Motion carried unanimously.

MONICA DELUHERY, PSY.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Cynthia Bagley, to admit to Ethics, Jurisprudence Exam and Oral Interview Monica Deluhery, Psy.D., with a request to send a letter indicating that the Board expressed concerns about competence in the area(s) of Adults, Family Therapy and requested information identifying settings of experience and submission of a new nature-of-intended practice form reflecting hours only from pre-doctoral internship and post-doctoral experience. This information must be submitted no later than April 1, 2010 in order to be eligible for admission to the ethics examination on April 28, 2010 and reminds the applicant of the requirement to limit practice to those areas in which competence is established by adequate education, training, and experience. Motion carried unanimously.

MERCEDES DICKINSON, PH.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Cynthia Bagley, to admit to Ethics, Jurisprudence Exam and Oral Interview Mercedes Dickinson, Ph.D. Motion carried unanimously.

AMANDA HARRELL, PSY.D.

MOTION: Cynthia Bagley, moved, seconded by Melissa Westendorf, Ph.D., to admit to Ethics, Jurisprudence Exam and Oral Interview Amanda Harrell, Psy.D. Motion carried unanimously.

LAURA MATHIS, PSY.D.

MOTION: Cynthia Bagley, moved, seconded by Melissa Westendorf, Ph.D., to admit to Ethics, Jurisprudence Exam and Oral Interview Laura Mathis, Psy.D., with a request to send a letter indicating that the Board the requested documentation of continuing education completion prior to April 1, 2010 in order to obtain admission to the ethics examination on April 28, 2010 with a reminder of the requirement to limit practice to those areas in which competence is established by adequate education, training, and experience. Motion carried unanimously.

MATTHEW MYRVIK, PH.D.

MOTION: Teresa Rose, moved, seconded by Melissa Westendorf, Ph.D., to admit to Ethics, Jurisprudence Exam and Oral Interview Matthew Myrvik, Ph.D., with a request to send a letter indicating that the Board expressed concerns about competence in the area(s) of group therapy and supervision with a reminder of the requirement to limit practice to those areas in which competence is established by adequate education, training, and experience. Motion carried unanimously.

JUNE RESTREPO, PH.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to admit to Ethics, Jurisprudence Exam and Oral Interview June Restrepo, Ph.D. Motion carried unanimously.

APPLICATION REVIEWS RECEIVED AFTER MAILING OF AGENDA

None.

DELIBERATION OF PROPOSED STIPULATIONS SIGNED AFTER MAILING OF AGENDA

None.

DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS SIGNED AFTER MAILING OF AGENDA

None.

DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS RECEIVED AFTER THE MAILING OF THE AGENDA

None.

DELIBERATION OF PETITIONS FOR REHEARINGS SIGNED AFTER MAILING OF AGENDA

None.

**DIVISION OF ENFORCEMENT
CASE STATUS REPORT & CASE CLOSINGS**

None.

DOE – Signatures for Orders

None.

OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:07 p.m.