State Board of Psychology June 12, 2023

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BOARD MEMBERS:

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Catherine S. Spayd, Ph.D., Chair Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs Steven K. Erickson, Ph.D., Vice Chair - Absent Katherine Bradley, Ph.D., Secretary LaJewel Harrison, MBA, Public Member

Dean C. Maynard, Ed.D., Public Member Richard F. Small, Ph.D. - Absent

BUREAU PERSONNEL:

Carole Clarke Smith, Esquire, Senior Board Counsel Tyesha C. Miley, Esquire, Board Counsel Heather J. McCarthy, Esquire, Senior Board Prosecutor Nathan C. Giunta, Esquire, Board Prosecution Liaison Jonelle Harter Eshbach, Esquire, Board Prosecutor Kelsey B. Ashworth, Esquire, Board Prosecutor Lindsay Szymanski, Esquire, Board Prosecutor Thomas Leech II, Board Administrator Cynthia K. Montgomery, Esquire, Deputy Chief Counsel, Counsel Division, Department of State Carolyn A. DeLaurentis, Esquire, Executive Deputy Chief Counsel, Department of State Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State Holly Hoffman, Law Clerk, Department of State

ALSO PRESENT:

Carl Feldman, Director of Policy, Office of Income Maintenance, Pennsylvania Department of Human Services

Alexis Deisenroth, Executive Assistant/Communications Coordinator, Office of Income Maintenance, Pennsylvania Department of Human Services

Ali Fogarty, Communications Director, Pennsylvania Department of Human Services, Office of Press & Communications

Scott Yeager, Outreach Manager, Pennie Vito J. DonGiovanni, Psy.D.

Adam Batchelder

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ALSO PRESENT: (cont.)

Molly Cowan, Psy.D., Director of Professional Affairs,

Pennsylvania Psychological Association

Rachael Baturin, MHP, JD, Pennsylvania Psychological Association

Nicole Sidle, Republican Executive Director, House Professional Licensure Committee

Donald McAleer, Psy.D., Northshore Neurosciences Thomas Olino, Ph.D., Associate Professor, Department of Psychology, Temple University

Michael F. Pogue-Geile, Ph.D., Professor and Clinical Program Chair, Department of Psychology, University of Pittsburgh

Patricia Gills, PhD, NCSP, School Psychologist, Devereaux Advanced Behavioral Health Derek Richmond

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2 State Board of Psychology

June 12, 2023

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5 [Pursuant to Section 708(a)(5) of the Sunshine Act, 6 at 9:30 a.m. the Board entered into Executive Session 7 with Tyesha C. Miley, Esquire, Board Counsel, for the 8 purpose of conducting quasi-judicial deliberations on 9 a number of matters that are currently pending before 10 the Board and to receive the advice of counsel. The 11 Board returned to open session at 10:30 a.m.]

* * *

The regularly scheduled meeting of the State
Board of Psychology was held on Monday, June 12,
2023. Catherine S. Spayd, Ph.D., Chair, called the
meeting to order at 10:31 a.m.

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[Tyesha C. Miley, Esquire, Board Counsel, advised everyone that the meeting was being held in a hybrid format pursuant to Act 100 of 2021 where virtual meetings are permitted and taking place in a public forum to effectuate the business of the Board.

She noted the meeting was being recorded, and those who continued to participate were giving their consent to be recorded.

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Ms. Miley also noted the Board met in Executive
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   Session to have attorney-client consultation and for
3
   the purpose of conducting quasi-judicial
4
   deliberations. 1
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                              * * *
   Introduction of Board Members
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   [Catherine S. Spayd, Ph.D., Chair, requested an
   introduction of Board members.]
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   Introduction of Attendees
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   [Thomas Leech II, Board Administrator, provided an
   introduction of attendees.]
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                              * * *
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   Approval of minutes of the April 3, 2023 meeting
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   CHAIR SPAYD:
                  We are going to go ahead and approve
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                  the minutes from our last meeting on
18
                  April 3.
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                       Any discussion or any concerns
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                  about the draft minutes as written?
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                       Is there a motion to approve the
22
                  minutes?
23
   DR. BRADLEY:
24
                  I'll make a motion to approve.
25
   MS. HARRISON:
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6 1 Second. 2 CHAIR SPAYD: 3 Thomas, can you do a roll call, please? 4 5 Dr. Spayd, aye; Commissioner Claggett, 6 aye; Dr. Bradley, aye; Ms. Harrison, 7 aye; Dr. Maynard, abstain. 8 [The motion carried. Dean Maynard abstained from 9 voting on the motion.] 10 Report of Board Prosecution - No Report 11 12 13 Report of Board Counsel 14 [Tyesha C. Miley, Esquire, Board Counsel, noted Board 15 Counsel had nothing to report.] 16 17 Report of Regulatory Counsel 18 [Cynthia K. Montgomery, Esquire, Deputy Chief 19 Counsel, Counsel Division, Department of State, noted 20 the Board voted to promulgate the proposed rulemaking 21 for 16A-6322 regarding child abuse reporting 22 requirements on August 3, 2020. She provided the 23 proposed rulemaking as published in the Pennsylvania 24 Bulletin on October 22, 2022, for public comment. 25 She informed Board members that no public comments

were received during the 30-day public comment

period, after which the Independent Regulatory Review

Commission provided their letter 30 days later

indicating that they had no comments on the proposed

rulemaking.

Ms. Montgomery also mentioned that no comments were received from the House Professional Licensure Committee or Senate Consumer Protection and Professional Licensure Committee. She informed Board members that the regulation would be deemed approved if they redeliver the regulation unchanged under the Regulatory Review Act, noting there have been no changes made to the rulemaking after it was published as proposed.

Ms. Montgomery presented the final rulemaking adopting the final regulations updating the Board's child abuse reporting requirements regulations and requested the Board vote to promulgate the final rulemaking.

Chair Spayd asked Ms. Montgomery to provide a summary of the updates.

Ms. Montgomery informed Board members that an overview of the updates was included in the preamble. She explained that beginning in 2014 and continuing through 2019 was the last amendment to the Child

Protective Services Law that impacted Board regulations. She informed everyone that Board regulations are being updated at § 41.1 under definitions to include updated definitions from the Child Protective Services Law to be consistent with the amendments to the Child Protective Services Law.

Ms. Montgomery informed everyone that sections of the Board's regulations regarding licensure, reactivation, obtaining a license, and continuing education are being updated to incorporate the 3 hours of training in child abuse recognition and reporting that is required as a condition of licensure and to include at least 2 hours of continuing education as a condition of licensure renewal.

Ms. Montgomery stated all of the regulations regarding mandated reporting requirements § 41.71 through § 41.76 were all updated to incorporate the changes to the Child Protective Services Law. She noted the law used to say that anyone who came across a child in the performance of their profession that they suspected was a victim of child abuse had to be reported.

Ms. Montgomery explained that the law now says that just by virtue of holding a license that it must

be reported, not only if they come into contact with someone they suspect was a victim of child abuse in their profession but also if they come in contact with someone through a regular program, activity, or service. She mentioned that it also pertains to someone who is directly responsible for the care, supervision, guidance, or training of a child or an agency or institution they are affiliated with and would be directly responsible for the care of the child as a mandated reporter.

Ms. Montgomery noted that if a person makes a specific disclosure to someone that an identifiable child is the victim of child abuse, where someone just tells them they think there may be child abuse that they have the duty to make the report if they can identify the children.

Ms. Montgomery also noted they have a duty to report if an individual 14 years of age or older tells them that they have committed child abuse against a child. She stated the regulations are being codified and is really for notice and enforcement to let everybody know and to be consistent with the Child Protective Services Law, so the Board could enforce the regulations if a licensee were to willfully fail to report suspected child

1 abuse.

Ms. Montgomery addressed changes regarding members of an institution or organization, where they used to report it to the organization and the organization was responsible for reporting it to ChildLine or to Department of Human Services, noting they now have a personal duty to report and then tell the institution or organization that they made the report.

Ms. Montgomery referred to updates regarding the requirement to provide medical summaries of any photos, X-rays, or medical tests to law enforcement and to the immunity from liability section to clarify that if they make a report, they are immune from liability, civil liability, and the board will also uphold the same good faith presumption in making a report.

Ms. Montgomery addressed the update to the confidentiality section to clarify that privileged communications under the Child Protective Services

Law do not apply if somebody tells them about suspected child abuse, so notwithstanding any other ethical provision to the contrary, a mandated reporter has to make a report of suspected child abuse.

1 Ms. Montgomery noted an update to the 2 noncompliance section, where criminal penalties have 3 increased for willful failure to report suspected 4 child abuse, along with the addition of § 41.71 to set 5 forth mandatory training requirements and § 41.78 to 6 set forth requirements for course providers to get 7 approved. She mentioned the course content is approved by the Department of Human Services because 9 they administer the Child Protective Services Law. 10 She noted the provider's report is sent electronically to the Bureau of Professional and 11 12 Occupational Affairs (BPOA) and is attached to the 13 licensee or applicant's record. 14 Ms. Montgomery apologized for the delay, noting 15 the Board would now be current with the requirements 16 of the Child Protective Services Law. 1 MS. MONTGOMERY: 17 18 If there are no other questions, it 19 would be appropriate for the Chair to 20 accept a motion from a member to 21 promulgate the final-form rulemaking 22 16A-6322 Child Abuse Reporting 23 Requirements. 24 DR. BRADLEY: 25 I'll make a motion.

MS. HARRISON:

2 I second.

3 CHAIR SPAYD:

4 Roll call, Thomas.

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6 Dr. Spayd, aye; Commissioner Claggett,

7 aye; Dr. Bradley, aye; Ms. Harrison,

aye; Dr. Maynard, aye.

9 [The motion carried unanimously.]

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11 | Appointment - Pennie & Medicaid Unwinding

12 | Presentation

13 [Scott Yeager, Outreach Manager, Pennie, presented to

14 | the Board to provide information about the

15 Pennsylvania Health Insurance Exchange Authority,

16 commonly known as Pennie, which is the official

17 | state-based replacement for the federal marketplace

18 at HealthCare.gov.

Mr. Yeager stated Pennie launched November 1,

20 2020, and is the only source for financial assistance

21 in the individual health insurance market to help

22 individuals and families who do not have access to

23 employer-sponsored coverage but make too much to

24 qualify for Medical Assistance in Pennsylvania. He

25 | noted it is also available for someone who retired a

1 couple of years early but do not have access to 2 Medicare options.

Mr. Yeager reported migrating about 280,000 customers over from HealthCare.gov and have steadily grown to about 371,000. He pointed out that 9/10 Pennie customers qualify for some form of financial assistance. He addressed the tax credit that helps reduce the monthly premium, along with cost-sharing reductions aligned with silver plans to reduce copays, deductibles, and coinsurance.

Mr. Yeager stated one out of four Pennie customers are paying less than \$1 a day and 40 percent pay less than \$75 a month. He mentioned that Pennie has done a lot to create an affordable insurance that provides choice by having a competitive marketplace.

Mr. Yeager addressed the reinsurance program regarding rates in Pennsylvania to help ensure affordability.

Mr. Yeager addressed Pennie's open enrollment period from November 1 to January 15, noting it also has a special enrollment period throughout the course of the year for individuals who have a qualifying life event and provided a list of qualifying events.

He noted creating a qualifying life event for

individuals and families at or below 150 percent of the federal poverty level not eligible for Medical Assistance.

Mr. Yeager addressed a program called the Path to Pennie, which is a partnership between Pennie and the Pennsylvania Department of Revenue to help uninsured tax filers in Pennsylvania. He explained that Form REV-1882 could be completed and attached to their state tax return and then the Pennsylvania Department of Revenue securely shares that individual or family's information with Pennie. He noted Pennie then sets up an account, informs the individual of their eligibility for financial assistance, and connects them with resources to help them get protected.

Mr. Yeager noted that individuals and families who may lose coverage through Medical Assistance can review options at Pennie to see if they qualify for financial assistance and alleviate that notion of not being able to afford insurance.

Mr. Yeager pointed out that the Department of Human Services and Pennie have put together communications and educational materials but also developed two resource sites, where individuals impacted by the end of continuous coverage could

learn about resources.

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Mr. Yeager informed Board members that he would follow up with copy of the presentation and educational resources for review. He mentioned that a toolkit is available at Pennie for anyone who wants to order educational materials free of charge. also offered to provide executive briefings to organizations and professional associations throughout Pennsylvania. He encouraged anyone who encounters someone who needs insurance to refer them to 844-844-8040. 11

Chair Spayd asked whether the individuals know when Medicare would possibly disenroll them over the course of the year.

Mr. Yeager noted that the Department of Human Services and the Insurance Department have been planning and communicating.]

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Appointment - Department of Human Services and Pennsylvania Health Insurance Exchange Authority - Pennie Insurance Presentation [Alexis Deisenroth, Executive Assistant/Communications Coordinator, Office of

24 Income Maintenance (OIM), Department of Human

25 Services, presented to the Board to provided information regarding the unwinding of continuous
coverage for Medicaid, communications associated with
the renewal process and outreach strategy, and how
everyone can help.

Ms. Deisenroth stated a Federal Public Health
Emergency was declared in 2020 as a result of the
coronavirus pandemic, and Congress passed a law for
states to receive additional Medicaid funding
regardless of status of eligibility known as the
continuous coverage requirement.

Ms. Deisenroth explained that the Department of Human Services (DHS) continued to communicate and send renewal paperwork to individuals, but individuals were not disenrolled if they did not meet eligibility criteria or provide information. She reported 3.6 million Pennsylvanians were enrolled in Medicaid as of March 31, 2023 and approximately 632,000 were ineligible based on their information.

Ms. Deisenroth noted Congress passed the Consolidated Appropriations Act of 2023 at the end of 2022, which separated the continuous coverage requirement from the public health emergency. She noted continuous covered ended on March 31, 2023, and the state returned to pre-pandemic renewal process.

Ms. Deisenroth stated all individuals who have

maintained their eligibility would have the opportunity to renew benefits and would be reviewed over a 12-month period until March 31, 2024, and not lose coverage. She mentioned that they have the ability to renew coverage based on information on file through exchanges with other programs and may be able to renew eligibility even before paperwork is issued.

- Ms. Deisenroth noted that Medicaid recipients receive a renewal every year and DHS added communications during the unwinding period to emphasize the importance of completing the renewal. She noted DHS sends communications about 90 days ahead of the renewal requesting updated information, 60 days ahead of renewal prompting individuals to start the renewal process early, a renewal packet 30 days before renewal, a text message reminding them the renewal is coming, and another text message 5 five days before the renewal is due. She stated noted the lists could be found at dhs.pa.gov/staycovered.
- Ms. Deisenroth addressed the renewal communications process following the renewal process, where the household receives an eligibility notice whether they are still eligible for coverage at their

current coverage level, as well as an appeal and reconsideration processes.

Ms. Deisenroth stated information would be securely and automatically transferred to Pennie for anyone found ineligible. She noted that anyone who does not complete the renewal would receive a mailing informing them that they have the ability to return the renewal late to avoid loss of coverage. She mentioned that the information would also be given to Pennie.

Mr. Yeager explained that anyone financially ineligible for Medical Assistance in the special enrollment period from January 1 to December 31 and in the process of being transferred from the Department of Human Services to Pennie would also have a communication cycle on Pennie's end that includes setting up an account, making sure they know their estimate of financial assistance, and enrollment deadlines to secure coverage without a gap in coverage.

Mr. Yeager stated the special enrollment period is typically 60 days for individuals who lost coverage through Medical Assistance. He noted Pennie's Board of Directors created a 120-day special enrollment period specifically for anyone impacted by

1 the end of continuous coverage and loss of Medical
2 Assistance.

Mr. Yeager mentioned that customers could receive help online, through Pennie's contact center, and through local assistance from Pennie brokers and assistors. He stated everything is part of their no wrong door policy to ensure individuals are aware of options. He stated the most important number for individuals impacted by the loss of health insurance is 844-844-8040 and through pennie.com/connect.

Ali Fogarty, Communications Director,
Pennsylvania Department of Human Services, Office of
Press & Communications, addressed the long-term
advertising campaign with Pennie and DHS through
commercials, radio, outdoor billboards, mass transit
ads, and social media in several languages. She also
mentioned they would be engaging in a grassroots
outreach effort and encouraged everyone to visit
their website at dhs.pa.gov/staycovered for a wealth
of resources.

Ms. Fogarty noted the helper portal could be accessed through dhs.pa.gov/staycovered and explained it to be a Listserv ran through DHS in partnership with Pennie and encouraged everyone to sign up as a helper.

Chair Spayed thanked the Department of Human
Services for their presentation.

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4 Report of Regulatory Counsel

5 [Tyesha C. Miley, Esquire, Board Counsel, addressed

6 | questions Dr. Erickson presented at the last meeting

7 regarding regulations. She provided the most recent

8 | annex for 16A-6317 pertaining to continuing

9 education, noting no change from the prior

10 submission. She noted the last documentation

11 reviewed indicated the preamble and annex had been

12 moving forward in the process but has not been

13 published. She explained that the Board would be

14 able to present for purposes of action at the next

15 meeting regarding the proposed rulemakings, which

16 | would be on the next agenda.

Ms. Miley noted no changes have been made to 16A-18 6320 pertaining to general revisions and would also

19 be on the next agenda for action.

Ms. Miley addressed 16A-6324 Code of Ethics, also noting no change because the regulation would not be changed unless the American Psychological Association

23 (APA) changes their Code of Ethics.

Ms. Miley referred to 16A-6327 regarding the

25 Psychological Clinical Science Accreditation System

1 (PCSAS) parity. She mentioned that the annex is

2 currently in the internal review process and is

3 hopeful that action could be taken at the next

4 meeting.]

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6 Report of Board Chairperson - No Report

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8 Report of Acting Commissioner - No Report

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10 Report of Board Administrator - Review of Supervised

11 Experience

12 MS. MILEY:

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With regard to agenda item 9 for Lisa

Diane Yankowitz, Ph.D., I believe the

15 Chair would entertain a motion to

approve the Application of for the

17 Review of Supervised Experience.

Is there such a motion?

19 DR. BRADLEY:

20 So moved.

21 MS. MILEY:

Is there a second?

23 ACTING COMMISSIONER:

24 Second.

25 MS. MILEY:

22 Is there any discussion on the matter? 1 2 Seeing none. 3 4 Dr. Spayd, aye; Commissioner Claggett, 5 aye; Dr. Bradley, aye; Ms. Harrison, 6 aye; Dr. Maynard, aye. 7 [The motion carried unanimously.] * * * 8 9 MS. MILEY: 10 Item 10 for the Review of Supervision 11 for Sabrina Marie Pasparage Polischak, 12 Psy.D., I believe the Chair would 13 entertain a motion to provisionally 14 deny this Application for Review of 15 Supervision. 16 Is there such a motion? 17 DR. BRADLEY: 18 So moved. 19 MS. HARRISON: 20 Second. 21 MS. MILEY: 22 Is there any discussion on the matter? 23 Hearing none. Please do the roll call 24 vote. 25

2.3 1 Dr. Spayd, aye; Commissioner Claggett, 2 aye; Dr. Bradley, aye; Ms. Harrison, 3 aye; Dr. Maynard, aye. 4 [The motion carried unanimously.] * * * 5 6 Report of Board Administrator - Applications for 7 Approval of Corporate or Fictitious Name 8 MS. MILEY: At this time, I believe the Chair would 9 10 entertain a motion to approve the 11 Applications identified at agenda items 12 11 through 17 to be read individually 13 as follows: Number 11, Infinite 14 Wellbeing LLC; number 12, Sweet Springs 15 Consultation and Assessment PLLC; 16 number 13, Christine Trainer Haas and Associates; number 14, Empowered 17 18 Counseling and Wellness LLC; number 15; 19 Malec and Associates, Inc.; number 16, 20 Resilient Minds Behavioral Health LLC; 21 number 17, Forensic Psychology 22 Consultants. 23 Is there such a motion to approve 24 the above Applications for Fictitious 25 or Corporate Name?

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   DR. BRADLEY:
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                  So moved.
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   MS. HARRISON:
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                  Second.
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   MS. MILEY:
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                  Is there any discussion on these
7
                  applications? Hearing none. Please do
                  the roll call vote.
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10
                  Dr. Spayd, aye; Commissioner Claggett,
11
                  aye; Dr. Bradley, aye; Ms. Harrison,
12
                  aye; Dr. Maynard, aye.
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    [The motion carried unanimously.]
                               * * *
14
15
   Correspondence
   MS. MILEY:
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                  At this time, I believe Chair Spayd
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                  would entertain a motion to deny the
19
                  Waiver Request for the EPPP of Patricia
20
                  Y. Gills, identified at number 18 on
21
                  today's agenda.
22
                       Is there such a motion?
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   DR. BRADLEY:
24
                  So moved.
25
   MS. HARRISON:
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25 Second. 1 2 MS. MILEY: 3 Is there any discussion? Hearing none. Please call the roll. 4 5 6 Dr. Spayd, aye; Commissioner Claggett, 7 aye; Dr. Bradley, aye; Ms. Harrison, 8 aye; Dr. Maynard, aye. 9 [The motion carried unanimously.] 10 11 MS. MILEY: 12 For agenda item 19, Laura Damico, the 13 Chair would entertain a motion to deny the Waiver Request of the PPLE 14 15 Examination. Is there such a motion? 16 17 DR. BRADLEY: 18 I'll make a motion. MS. HARRISON: 19 20 Second. 21 MS. MILEY: 22 Is there any discussion on the matter? 23 Hearing none. At this time, Mr. 24 Leech, please provide the roll call 25 vote.

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Dr. Spayd, aye; Commissioner Claggett,

3 aye; Dr. Bradley, aye; Ms. Harrison,

4 aye; Dr. Maynard, aye.

5 [The motion carried unanimously.]

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7 FYI Items

8 [Catherine S. Spayd, Ph.D., Chair, noted all but one

9 of the FYI items involves the Association of State

10 and Provincial Psychology Boards (ASPPB) summarizing

11 the minutes from their midyear meeting, newsletter,

12 request for possible nominations to their Long-Range

13 Planning Committee, and the Psychology

14 Interjurisdictional Compact (PSYPACT) Quarterly

15 report indicating Pennsylvania has been fully

16 | compliant.

17 Chair Spayd also noted the BPOA Annual Report

18 regarding disciplinary cases for the State Board of

19 Psychology. She reported 2 disciplinary cases with

20 about 80 cases mostly unfounded or dismissed.]

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22 Upcoming Meeting Dates

23 [Catherine S. Spayd, Ph.D., Chair, noted upcoming

24 2023 meeting dates are August 7, October 2, and

25 December 18. She also noted 2024 meeting dates are

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   February 5, Aril 1, June 3, August 5, October 7, and
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2
   December 2.
3
        Ms. Miley asked whether upcoming meetings are
4
   hybrid or in person for clarification.
5
        Acting Commissioner Claggett informed everyone
6
   that all upcoming meetings would be hybrid unless
7
   changes are made by the General Assembly.]
8
9
   Adjournment
   CHAIR SPAYD:
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11
                  Is there a motion to end the meeting?
   DR. BRADLEY:
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13
                  I will move to end the meeting.
14
   MS. HARRISON:
15
                  Second.
16
   CHAIR SPAYD:
17
                  We will see you August 7.
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19
   [There being no further business, the State Board of
20
   Psychology Meeting adjourned at 11:41 a.m.]
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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Psychology meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Psychology meeting.

Derek Richmond,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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12345678901234567890123222222222333333333344444444495		STATE BOARD OF PSYCHOLOGY REFERENCE INDEX	23
		June 12, 2023	
	TIME	AGENDA	
	9:30 10:30	Executive Session Return to Open Session	
	10:31	Official Call to Order	
	10:32	Introduction of Board Members	
	10:33	Introduction of Attendees	
	10:35	Approval of Minutes	
	10:35	Report of Regulatory Counsel	
	10:48	Appointment - Pennsylvania Insurance Department - Pennie Health Insurance Presentation	Э
	11:03	Appointment - Department of Human Services Presentation	
	11:25	Report of Regulatory Counsel (cont.)	
	11:30	Report of Board Administrator	
	11:35	Correspondence	
	11:37	FYI Items	
	11:40	Upcoming Meeting Dates	
	11:41	Adjournment	