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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF PSYCHOLOGY

TIME: 9:02 A.M.

BOARD ROOM C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

December 2, 2019

State Board of Psychology
December 2, 2019

BOARD MEMBERS:

Vito J. DonGiovanni, Psy.D., Chairman
K. Kalonji Johnson, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Catherine S. Spayd, Ph.D., Vice Chair
Katherine Bradley, Ph.D., Secretary
Steven K. Erickson, Ph.D.
Donald McAleer, Psy.D.
Richard F. Small, Ph.D.

BUREAU PERSONNEL:

Jackie Wiest Lutz, Esquire, Board Counsel
Bridget K. Guilfoyle, Esquire, Board Prosecution
Liaison
Nathan C. Giunta, Esquire, Board Prosecution Liaison
Chris Stuckey, Board Administrator
Kimberly A. Mattis, Director, Bureau of Finance and
Operations, Department of State
Julie Snader, Deputy Director, Bureau of Finance and
Operations, Department of State

1 ***

2 State Board of Psychology

3 December 2, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Psychology was held on Monday, December 2,
7 2019. Vito J. DonGiovanni, Psy.D., Chairman, called
8 the meeting to order at 9:02 a.m.

9 K. Kalonji Johnson, Acting Commissioner, Bureau
10 of Professional and Occupational Affairs, was not
11 present at the commencement of the meeting.

12 ***

13 [Chris Stuckey, Board Administrator, reviewed the
14 emergency evacuation procedures for One Penn Center.]

15 ***

16 Approval of minutes of the October 7, 2019 meeting

17 CHAIRMAN DONGIOVANNI:

18 Did everybody have a chance to read the
19 minutes from October 7?

20 Any additions or corrections to the
21 minutes? Hearing none. I will
22 entertain a motion to accept.

23 DR. BRADLEY:

24 Motion.

25 CHAIRMAN DONGIOVANNI:

1 Dr. Bradley.

2 DR. MCALEER:

3 Second.

4 CHAIRMAN DONGIOVANNI:

5 Dr. McAleer second. All those in favor?

6 Those opposed?

7 [The motion carried unanimously.]

8 ***

9 Report of Board Prosecution

10 [Bridget K. Guilfoyle, Esquire, Board Prosecutor,
11 presented the Consent Agreement for Case No. 17-63-
12 010560.]

13 ***

14 [Nathan C. Giunta, Esquire, Board Prosecutor,
15 presented the Consent Agreements for File No. 18-63-
16 005363 and File No. 19-63-007342.]

17 ***

18 Report of Board Counsel

19 [Jackie Wiest Lutz, Esquire, Board Counsel, addressed
20 status of cases, which is a compilation of the cases
21 that are currently open pertaining to the Psychology
22 Board. She noted files from 2013, 2015, and 2017 with
23 many requests for continuances and rescheduled
24 hearings. She mentioned, once an Order to Show Cause
25 is received, it is put on the list to be tracked until

1 it is seen by the Board. She explained that
2 complaints are reviewed and investigated, which may
3 eventually go to the prosecution division for review.

4 Ms. Lutz stated, once an Order to Show Cause is
5 filed, the next step would be the answer. Then the
6 Order gets delegated and goes through the hearing
7 process. Once the matter goes to a hearing and the
8 record closes, a recommendation will be made by the
9 Hearing Examiner within 60 days.]

10 ***

11 Appointment - Bureau of Finance and Operations Budget
12 Presentation

13 [Julie Snader, Deputy Director, Bureau of Finance and
14 Operations introduced herself and Kimberly A. Mattis,
15 Director, Bureau of Finance and Operations.

16 Ms. Snader provided information regarding the
17 Board's licensee population. Ms. Snader noted 6,359
18 licensees for FY19-20 with a steady increase in
19 licensees since FY14-15.

20 Ms. Snader referred to sources of revenue, noting
21 the biennial total for FY18-19. She noted the
22 majority of revenue was from renewals and applications
23 at 98 percent. She stated the last fee increase was
24 in 2005. The current psychologist fee was \$300
25 biennially.

1 Ms. Snader mentioned expenses can be incurred
2 from direct charges, timesheet charges, and license-
3 based charges. She referred to administrative and
4 legal expenses. She noted the expenses for FY17-18,
5 FY18-19, as well as the budget for FY19-20 and the
6 expenses as of 11/20/2019. She had no concern for the
7 Board going over budget based on the numbers.

8 Ms. Snader reviewed the revenue and expenses
9 together. She reviewed the balances for FY17-18,
10 FY18-19, and FY19-20, and the anticipated balance at
11 the end of this fiscal year, noting a very healthy
12 balance through FY22-23.

13 Ms. Snader addressed the Board's budget and Board
14 member expense categories. She reviewed FY17-18 and
15 FY18-19 expenses with the FY19-20 budget. She noted
16 FY19-20 expenses as of 11/20/19, noting the Board was
17 within budget. She noted the budgeted amount for
18 FY20-21. She mentioned that any money left over at
19 the end of the fiscal year would go into a restricted
20 account.]

21

22 Report of Board Counsel (Continued)

23 [Ms. Lutz noted items 8, 9, and 10 would be discussed
24 in Executive Session.

25 Ms. Lutz mentioned the Recusal Guidelines had not

1 changed but were available for the Board's review.

2 Ms. Lutz referred to Senate Bill 67 regarding the
3 Psychology Interjurisdictional Compact (PSYPACT).

4 Ms. Lutz updated the Board, stating the bill
5 passed the Senate and was now in the House of
6 Professional Licensure Committee.]

7 ***

8 Report of Board Chairman

9 [Vito J. DonGiovanni, Psy.D., Chairman, referred to
10 the Association of State and Provincial Psychology
11 Boards (ASPPB) memo regarding Examination for
12 Professional Practice in Psychology Part 2 (EPPP-2)
13 and the concerns that would be raised in the American
14 Psychological Association (APA) Monitor article. He
15 noted a study concerning EPPP-2 related to the
16 validity and reliability of the test.

17 Dr. McAleer addressed his attendance at the ASPPB
18 Meeting, noting that ASPPB did not mention the pending
19 article in the Monitor. He stated ASPPB made a very
20 strong case that this was the wave of the future, and
21 the Board should consider the test for use in
22 Pennsylvania. ASPPB stated the test was a
23 psychometrically sound, as well as a legally-
24 defensible measure of competence that would help
25 ensure the quality of licensure and licensees in

1 Pennsylvania.

2 Dr. Spayd expressed her concern for implications
3 to the Board if they ignored that article suggesting
4 Boards should not be adopting this test at this point
5 in time.

6 Chairman DonGiovanni commented that ASPPB was not
7 against the concept, according to Dr. Matt Turner, who
8 noted they are for the concept but do not think the
9 instrument itself was rigorously tested enough and
10 validated.

11 Dr. Spayd commented on the equally strong
12 judgments about the test, and she suggested someone
13 with more expertise should weigh in because of not
14 being ready and requiring additional validation. It
15 is proposed to be a substitute for EPPP-1, instead of
16 adding EPPP-2, where there would not be a Part 1 and
17 only Part 2. Dr. Small suggested hiring an
18 independent consultant to give the Board an opinion.

19 Dr. McAleer suggested there was an urgency to get
20 the test in under the early adoption plan, but there
21 are other jurisdictions holding back and waiting to
22 see where this goes. He volunteered to take the EPPP-
23 2, but it was not the full test and would not receive
24 a score.

25 Chairman DonGiovanni mentioned the Pennsylvania

1 Psychological Association's Annual Convention June
2 17-20, 2020, in Lancaster. He will not be attending.
3 He spoke with Judy Huntley from PPA but had not
4 submitted a formal presentation. Ms. Huntley offered
5 "Lunch with the State Board of Psychology," which went
6 well the last few years.

7 Chairman DonGiovanni expressed a concern with
8 having only one hour to present during the luncheon.
9 He noted Dr. McAleer offered to talk on the issues
10 that were brought up at ASPPB, particularly in terms
11 of threats to licensure. He stated Ms. Huntley also
12 would allow a mock hearing to be scheduled for a
13 couple hours.

14 Dr. McAleer mentioned the optics of the Board and
15 the governance of PPA can be misleading on the same
16 agenda at the same time.

17 Chairman DonGiovanni suggested keeping this on
18 the agenda for the next several meetings.

19 Dr. Small considered going through with it either
20 way but desired a separate presentation, rather than
21 during a luncheon.]

22 ***

23 Report of Board Administrator - No Report

24 ***

25 Report of Board Members

1 [Donald McAleer, Psy.D., Professional Member,
2 addressed his attendance at the Association of State
3 and Provincial Psychology Boards Meeting in October.
4 He discussed the first day with an hour-long
5 presentation for new attendees and the annual business
6 meeting.

7 Dr. McAleer stated day two started off with Alex
8 Siegel talking about Board member training. He
9 brought up some materials about the way different
10 Boards run, and he used, as an example, that someone
11 here developed many years ago the 10 Board "thou shalt
12 nots."

13 Dr. McAleer mentioned the theme of the conference
14 revolved around threats to licensure from external
15 bodies looking at professional licensure as a
16 restriction of free market and free trade.

17 Dr. McAleer referred to a good exercise, where
18 everyone was asked to justify the existence of a
19 licensing Board without using the words "public
20 protection." He mentioned quality of education and
21 assurance of competency and skill of terms that should
22 be used, and operationally defining and developing
23 items that would assess that.

24 Dr. McAleer commented that there would not be a
25 Spanish version of EPPP, but a French version was

1 being drafted because of Canadian constituencies.

2 Dr. McAleer addressed how Arizona offers CEs for
3 attending Board meetings. He explained that Board
4 meetings are daylong affairs and completely open,
5 including deliberations and hearings. He stated
6 substantial CE credit is offered after a posttest.

7 Dr. McAleer noted the next ASPPB 35th Midyear
8 Meeting is April 23-26, 2020, in Montreal, and the
9 next ASPPB Annual Meeting is October 14-18, 2020, in
10 New York City.]

11

12 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
13 9:57 a.m. the Board entered into Executive Session
14 with Jackie Wiest Lutz, Esquire, Board Counsel, for
15 the purpose of conducting quasi-judicial deliberations
16 on a number of matters that are currently pending
17 before the Board and to receive advice of counsel.
18 The Board returned to open session at 11:45 a.m.]

19

20 [K. Kalonji Johnson, Acting Commissioner, Bureau of
21 Professional and Occupational Affairs, entered the
22 meeting during Executive Session.]

23

24 MOTIONS

25 MS. LUTZ:

1 I am going to entertain some motions on
2 matters that were discussed in Executive
3 Session with counsel.

4 May I have a motion to accept the
5 Consent Agreement and Order in File No.
6 18-63-005363?

7 DR. MCALEER:

8 So moved.

9 CHAIRMAN DONGIOVANNI:

10 So moved, Dr. McAleer.

11 MR. JOHNSON:

12 Second.

13 CHAIRMAN DONGIOVANNI:

14 Second, Mr. Johnson. All those in
15 favor?

16 [The motion carried unanimously. The Respondent's
17 name is Allen Harry Ryen, Ph.D.]

18 ***

19 MS. LUTZ:

20 May I have a motion in the matter
21 involving the Consent Agreement and
22 Order at Case No. 17-63-010560 to reject
23 the Consent Agreement on the grounds
24 that the facts as alleged do not
25 constitute a violation?

1 DR. ERICKSON:

2 So moved.

3 CHAIRMAN DONGIOVANNI:

4 Dr. Erickson moves.

5 DR. SMALL:

6 Second.

7 CHAIRMAN DONGIOVANNI:

8 Second, Dr. Small. All those in favor?

9 Those opposed?

10 [The motion carried unanimously.]

11 ***

12 MS. LUTZ:

13 May I have a motion with respect to the
14 Consent Agreement and Order at File No.
15 19-63-007342 to reject the Consent
16 Agreement on the grounds that the facts
17 as alleged do not constitute a
18 violation?

19 DR. ERICKSON:

20 So moved.

21 CHAIRMAN DONGIOVANNI:

22 So moved, Dr. Erickson.

23 MR. JOHNSON:

24 Second.

25 CHAIRMAN DONGIOVANNI:

1 Second, Mr. Johnson. All those in
2 favor? Those opposed, same sign?

3 [The motion carried unanimously.]

4 ***

5 MS. LUTZ:

6 May I have a motion to adopt the
7 Adjudication and Order as presented by
8 Board Counsel in the matter involving
9 James Dale Harrington, M.A., at Case
10 Nos. 11-63-05399 & 11-63-05413 and
11 authorize Board Counsel to serve the
12 Adjudication and Order on the parties?

13 DR. BRADLEY:

14 So moved.

15 CHAIRMAN DONGIOVANNI:

16 So moved, Dr. Bradley.

17 DR. MCALEER:

18 Second.

19 CHAIRMAN DONGIOVANNI:

20 Second, Dr. McAleer. All those in
21 favor? Those opposed?

22 [The motion carried unanimously.]

23 ***

24 MS. LUTZ:

25 May I have a motion in the matter

1 involving the Adjudication and Order
2 that was prepared by Board Counsel
3 pertaining to Neal Houston at Case No.
4 17-63-012585 to adopt the Adjudication
5 and Order as presented and to authorize
6 Board Counsel to serve the Adjudication
7 and Order on the parties?

8 DR. SMALL:

9 So moved.

10 CHAIRMAN DONGIOVANNI:

11 So moved, Dr. Small.

12 DR. MCALEER:

13 Second.

14 CHAIRMAN DONGIOVANNI:

15 Second, Dr. McAleer. All those in
16 favor? Those opposed?

17 [The motion carried unanimously.]

18 ***

19 MS. LUTZ:

20 May I have a motion in the matter
21 involving the Adjudication and Order
22 prepared for Cynthia Ann Spanier, Ph.D.,
23 Case No. 19-63-001314 to adopt the
24 Adjudication and Order as presented and
25 to authorize Board Counsel to serve the

1 Adjudication and Order on the parties?

2 DR. BRADLEY:

3 So moved.

4 CHAIRMAN DONGIOVANNI:

5 So moved, Dr. Bradley.

6 DR. SPAYD:

7 Second.

8 CHAIRMAN DONGIOVANNI:

9 Second, Dr. Spayd. All those in favor?

10 Those opposed?

11 [The motion carried unanimously.]

12 ***

13 MS. LUTZ:

14 May I have a motion with respect to
15 Melissa Jane Granados, Psy.D., to
16 provisionally deny her application to
17 sit for the licensing examinations?

18 DR. MCALEER:

19 So moved.

20 CHAIRMAN DONGIOVANNI:

21 So moved, Dr. McAleer.

22 DR. ERICKSON:

23 Second.

24 CHAIRMAN DONGIOVANNI:

25 Second, Dr. Erickson. All those in

1 favor? Those opposed?

2 [The motion carried unanimously.]

3 ***

4 MS. LUTZ:

5 May I have a motion regarding the
6 application for approval to sit for the
7 psychology licensing examinations of
8 Jennifer Merriman, Ph.D., to
9 provisionally deny her application?

10 DR. SPAYD:

11 So moved.

12 CHAIRMAN DONGIOVANNI:

13 So moved, Dr. Spayd.

14 DR. SMALL:

15 Second.

16 CHAIRMAN DONGIOVANNI:

17 Second, Dr. Small. All those in favor?

18 Those opposed?

19 [The motion carried unanimously.]

20 ***

21 MS. LUTZ:

22 With respect to the request for approval
23 of supervised experience of Bridget E.
24 Smith, Psy.D., may I have a motion to
25 approve the supervised experience?

1 DR. MCALEER:

2 So moved.

3 CHAIRMAN DONGIOVANNI:

4 So moved, Dr. McAleer.

5 DR. BRADLEY:

6 Second.

7 CHAIRMAN DONGIOVANNI:

8 Second, Dr. Bradley. All those in
9 favor? Those opposed?

10 [The motion carried unanimously.]

11 ***

12 MS. LUTZ:

13 May I have a motion to approve the
14 supervised experience of Alison Rebecca
15 Cutler, Psy.D.?

16 DR. SPAYD:

17 So moved.

18 CHAIRMAN DONGIOVANNI:

19 So moved, Dr. Spayd.

20 DR. ERICKSON:

21 Second.

22 CHAIRMAN DONGIOVANNI:

23 Second, Dr. Erickson. All those in
24 favor? Those opposed?

25 [The motion carried unanimously.]

1 ***

2 MS. LUTZ:

3 May I have a motion to approve the
4 supervised experience requested by John
5 F. Duffy, Ph.D.?

6 DR. BRADLEY:

7 So moved.

8 CHAIRMAN DONGIOVANNI:

9 So moved, Dr. Bradley.

10 DR. MCALEER:

11 Second.

12 CHAIRMAN DONGIOVANNI:

13 Second, Dr. McAleer. All those in
14 favor? Opposed?

15 [The motion carried unanimously.]

16 ***

17 MS. LUTZ:

18 With respect to the application for
19 approval of the corporate name of
20 Philadelphia Concussion Specialists,
21 PLLC, may I have a motion to approve the
22 application for the corporate name?

23 DR. BRADLEY:

24 So moved.

25 CHAIRMAN DONGIOVANNI:

1 So moved, Dr. Bradley.

2 DR. MCALEER:

3 Second.

4 CHAIRMAN DONGIOVANNI:

5 Second, Dr. McAleer. All those in
6 favor? Opposed?

7 [The motion carried. Dr. Small recused himself from
8 deliberations and voting on the motion.]

9 ***

10 MS. LUTZ:

11 May I have a motion to approve the
12 corporate or fictitious name
13 applications listed on the agenda at
14 items 21 through 27—specifically, The
15 Neurodiversity Collective LLC;
16 Professional Consultation Services,
17 Inc.; Anchor Psychological Associates,
18 LLC; Center for Psychological Wellness
19 and Change, LLC; Developmental
20 Neuropsychology Associates, PC;
21 Pittsburgh Psychological Wellness LLC;
22 and Carla Renae Arlien, Ph.D., LLC d/b/a
23 Apex Neuropsychology Center?

24 DR. SMALL:

25 So moved.

1 CHAIRMAN DONGIOVANNI:

2 So moved, Dr. Small.

3 MR. JOHNSON:

4 Second.

5 CHAIRMAN DONGIOVANNI:

6 Second, Mr. Johnson. All those in
7 favor? Opposed?

8 [The motion carried unanimously.]

9 ***

10 MS. LUTZ:

11 With respect to the sponsor provider
12 renewal applications, may I have a
13 motion to approve the renewal
14 applications of those sponsors/providers
15 listed at items 29 through 34 of the
16 agenda—specifically, Pennsylvania
17 Association for Play Therapy; Center for
18 Anxiety & Behavior Therapy; Greater
19 Philadelphia Chapter of the Employee
20 Assistance Professionals Association;
21 Gestalt Therapy Institute of
22 Philadelphia; Institute for Natural
23 Resources (INR); and Cognitive Health
24 Solutions, LLC?

25 DR. BRADLEY:

1 So moved.

2 CHAIRMAN DONGIOVANNI:

3 So moved, Dr. Bradley.

4 MR. JOHNSON:

5 Second.

6 CHAIRMAN DONGIOVANNI:

7 Second, Mr. Johnson. All those in
8 favor? Opposed?

9 [The motion carried unanimously.]

10 ***

11 MS. LUTZ:

12 With respect to the application form for
13 sponsor/provider approval for national
14 and regional associations submitted by
15 the Lancaster School of Psychodrama &
16 Experiential Psychotherapies, may I have
17 a motion to table this matter pending
18 receipt of additional information from
19 the applicant?

20 MR. JOHNSON:

21 So moved.

22 CHAIRMAN DONGIOVANNI:

23 Mr. Johnson moved.

24 DR. SPAYD:

25 Second.

1 CHAIRMAN DONGIOVANNI:

2 Second, Dr. Spayd. All those in favor?

3 Opposed?

4 [The motion carried unanimously.]

5 ***

6 Report of Acting Commissioner

7 [K. Kalonji Johnson, Acting Commissioner, Bureau of
8 Professional and Occupational Affairs, informed the
9 Board that voicemail had been instituted into the
10 phone system to assist with wait times and to ensure a
11 more expeditious application processing time.

12 Acting Commissioner Johnson wished everyone a
13 joyous holiday season.]

14 ***

15 Discussion Items

16 [Vito J. DonGiovanni, Psy.D., Chairman, noted the
17 Association of State and Provincial Psychology Boards
18 35th Midyear Meeting April 23-26, 2020, in Montreal.]

19 ***

20 CHAIRMAN DONGIOVANNI:

21 Can we have a vote on that? We will
22 attempt to send three, and if two, it
23 would just be myself and Dr. Small.

24 DR. ERICKSON:

25 So moved.

1 CHAIRMAN DONGIOVANNI:

2 So moved, Dr. Erickson.

3 DR. SPAYD:

4 Second.

5 CHAIRMAN DONGIOVANNI:

6 Second, Dr. Spayd. All those in favor?

7 Those opposed?

8 [The motion carried unanimously.]

9

10 [Chairman DonGiovanni also mentioned the Association
11 of State and Provincial Psychology Boards Annual
12 Meeting October 14-18, 2020, in New York City to be
13 voted on later in the year.

14 Chairman DonGiovanni addressed the ASPPB Meeting
15 dispatch from Dr. Small regarding Boards using the
16 EPPP as part of a disciplinary action.

17 Dr. McAleer noted it to be EPPP-2, the practical
18 applications and clinical judgement version,
19 suggesting more discussion concerning the overall
20 validity and reliability of the test. He advised
21 revisiting this matter once there was a new version of
22 the test or one that is defensible.

23 Ms. Stuckey addressed a continuing education
24 question received from a psychologist for the Board's
25 opinion, where during the renewal period, he attended

1 a 6-hour ethics course and then taught that same
2 course several months later. The psychologist
3 questioned whether he could receive credit for
4 teaching and taking the course. Ms. Stuckey noted
5 that Dr. DonGiovanni approved the request, and the
6 Board agreed.

7 Chairman DonGiovanni referred to the Psychology
8 License Universal System (PLUS), noting the discussion
9 by Dr. Siegel at the last meeting. He suggested
10 keeping the matter on the agenda for the Board's
11 consideration given the Pennsylvania Licensing System
12 (PALS) and computer-generated applications.

13 Acting Commissioner Johnson commented that there
14 had been discussion internally regarding the
15 applications in order to understand some of the
16 precepts, as well as to reach out to ASPPB and to
17 individuals who understand the technical requirements
18 to recognize the required specifications in terms of
19 finding ways to automate the process so the transfer
20 of information can be seamlessly integrated with PALS,
21 if the Board desired to proceed.]

22

23 DR. SMALL:

24 I would like to move that we have the
25 Bureau investigate PLUS and whether it

1 is practical for us to use that.

2 DR. MCALEER:

3 Second.

4 CHAIRMAN DONGIOVANNI:

5 Dr. Small made the motion. Dr. McAleer
6 seconded. All those in favor? Opposed?

7 [The motion carried unanimously.]

8 ***

9 [Chairman DonGiovanni noted discussion regarding the
10 Grossman decision in Executive Session.

11 Dr. Erickson expressed his opinion and
12 understanding of the Grossman decision, stating that
13 it was decided before the Minors' Consent Statute was
14 amended. He noted the current version of the Minors'
15 Consent Statute expressly authorizes a parent to
16 provide consent for a minor to receive and evaluation
17 or treatment, mental health treatment specifically.

18 Dr. Erickson stated the position of the Board in
19 the past had been where there is an order of custody
20 that both parents' consents are necessary for the
21 treatment for a child, which is inconsistent with the
22 Minors' Consent Statute.

23 Dr. Erickson noted there was no expressed
24 language within the APA ethics code requiring both
25 parents' consents in order for a child to receive

1 treatment. He commented that this was inconsistent
2 with the Board's position in terms of a minor
3 receiving treatment requiring both parents' consents
4 if there is an order of custody.

5 Dr. Erickson stated APA Specialty Guidelines on
6 child custody evaluations do not require both parents'
7 consents. He commented, in terms of a child custody
8 evaluation, it would be below the standard of care to
9 perform a child custody evaluation without obtaining
10 both parents' consents, which is different than
11 assessment and treatment.

12 Dr. Small commented that the Board does not give
13 advisory opinions and that is Dr. Erickson's take on
14 Grossman and what kind of consent is required. He
15 questioned whether there was some mechanism of
16 communicating that, including just that the discussion
17 was in the minutes.

18 Dr. Erickson mentioned that there is an attorney
19 who frequently appears before the Board and is an avid
20 reader of the minutes, which would help to alert this
21 issue.

22 Acting Commissioner Johnson commented that a
23 notification of this discussion in the minutes is a
24 good start in terms of notifying the public about the
25 Board and ensuring its decisions are consistent with

1 Pennsylvania law. He questioned if it would be
2 advisable to have discussions at some point about
3 possible regulatory changes in order to clarify the
4 Board's scope of authority and discretion, that its
5 authority is consistent with the scope of the Minors'
6 Consent Act.

7 Dr. Erickson clarified that the Board adjudicates
8 facts, and this would be an adjudication of law. He
9 stated the amended statute abrogated the Grossman
10 opinion as it applies to treatment and custody, and
11 the reliance on the APA ethics code in terms of
12 informed consent was misplaced because there is no
13 requirement within the APA ethics code for both
14 parents' consents for the treatment of minors. He saw
15 no need to change the regulations, and if it were
16 litigated, ultimately a court would decide.

17 Dr. Small commented that nobody disagreed with
18 Dr. Erickson's interpretation and requested this
19 statement be placed in the minutes.

20 Acting Commissioner Johnson clarified that the
21 Grossman decision was a decision based on policy that
22 was inconsistent with existing law.]

23 ***

24 Correspondence

25 [Vito J. DonGiovanni, Psy.D., Chairman, referred to

1 correspondence from Leslie Browning regarding the
2 ASPPB Mobility Committee, noting the committee
3 requested a volunteer to review applications
4 electronically for the Certificate of Professional
5 Qualification (CPQ), Interjurisdictional Practice
6 Certificate (IPC), and E. Passport programs.

7 Chairman DonGiovanni referred to correspondence
8 from Sam Knapp and Rachael Baturin with the
9 Pennsylvania Psychological Association regarding their
10 request for the Board to support a regulation change
11 concerning Intensive Behavioral Health Services
12 (IBHS). He mentioned the new regulations to IBHS,
13 which will go into effect in January 2020, had changed
14 the supervision requirements for mobile therapists,
15 behavioral consultants, and behavioral health
16 technicians.

17 Chairman DonGiovanni commented that the
18 behavioral health clinicians must receive far more
19 supervision than they were required to receive in the
20 past, and psychologists, as clinical directors, may
21 provide direct supervision to behavioral health
22 clinicians.

23 Chairman DonGiovanni stated the Board policy of
24 three full-time equivalents may not provide the
25 flexibility needed for psychologists to supervise

1 under IBHS. He noted that PPA suggested changing the
2 wording of §41.58 regarding the number of full-time
3 equivalents to accept as designated the "supervisors
4 shall simultaneously supervise no more than three
5 full-time or equivalent part-time employees." The
6 designation of full-time and part-time shall be made
7 in accordance with the employer's own personnel
8 policy.

9 Chairman DonGiovanni noted that PPA wants to
10 change, "supervisors in Intensive Behavioral Health
11 Services shall be exempt from the limitation on the
12 number of supervisees as found in the above regulation
13 but shall be responsible for no more than 180
14 patients." He questioned whether the Board would
15 consider amending §41.58 to adopt this requirement.

16 Dr. McAleer questioned such a change would have
17 to go through the regulatory process. Ms. Lutz stated
18 the amendment could be added to the package of updated
19 amendments discussed at September's meeting.

20 Acting Commissioner Johnson questioned whether
21 regulations right now discuss supervisory requirements
22 for therapeutic service staff (TSS) workers and
23 behavioral health clinicians. He believed the act
24 itself does not provide any scope of authority, and
25 the governance for those is generally found in some of

1 the regulations governed by Behavioral Health Services
2 (BHS).

3 Acting Commissioner Johnson commented that TSS or
4 paraprofessionals fall outside the scope of the
5 regulation. He provided context in terms of the
6 current frustration that the Department of Health
7 (DOH) and Department of Human Services (DHS) were
8 having with finding a way to wrap services around
9 behavioral health specialists tending to minors.

10 Acting Commissioner Johnson noted this to be a
11 big problem. He mentioned creative solutions that had
12 been proposed and starting to bleed into the other
13 health professions. He cautioned against being pulled
14 into the war that exists with the other agencies and
15 other professions, especially when there were no
16 expressed statutory or regulatory provisions that deal
17 with those clinical care workers.

18 Acting Commissioner Johnson further explained
19 what the current Pennsylvania law requires for a
20 behavioral health specialist license to get reimbursed
21 for treatment for children on the spectrum. He stated
22 there are not enough behavioral health specialists to
23 supply the demand, so paraprofessionals are working
24 with children one-on-one with no real regulations
25 governing the supervisory requirements, the hourly

1 requirements, or whether or not there is a certain
2 course of conduct or standard of care for those
3 individuals.

4 Acting Commissioner Johnson noted this to be a
5 creative way to corral them in under a licensed
6 professional who at least would provide structure to
7 that program. He also noted a real struggle with
8 developing ways to help parents pay for these services
9 and the current scheme was not working. He noted this
10 to be a well-intentioned attempt to provide quality
11 care but was not certain if it slightly contravenes
12 existing law with regard to the practice act.

13 Dr. McAleer stated one of the concerns in the
14 regulation refers to supervising graduate training,
15 and many of those individuals do not have their
16 Bachelors degree or some type of training. He
17 questioned whether that means, in the spectrum of
18 psychology supervising these individuals, they cannot
19 do it because they do not have graduate training as
20 indicated in the regulations.

21 Dr. McAleer noted a concern with the way
22 psychology is practiced today with the increasing use
23 of technicians to provide support to the licensed
24 practitioner under their supervision, which may cause
25 for restructuring of the regulation as well.

1 CHAIRMAN DONGIOVANNI:

2 We need to vote on a letter from
3 Elizabeth Ann Merryfield, Psy.D.

4 MS. STUCKEY:

5 The Board is granting her a waiver of
6 the regulation that requires completion
7 of the required supervised experience
8 within 10 years of the award of the
9 degree, and requiring her to complete
10 her supervised experience by December
11 2020.

12 MR. JOHNSON:

13 So moved.

14 DR. SPAYD:

15 Second.

16 CHAIRMAN DONGIOVANNI:

17 Mr. Johnson moved. Dr. Spayd seconded.

18 All those in favor? Opposed?

19 [The motion carried. Dr. Small recused himself from
20 deliberations and voting on the motion.]

21 ***

22 FYI Items

23 [Vito J. DonGiovanni, Psy.D., Chairman, noted the
24 ASPPB October 2019 Newsletter and the summary of the
25 ASPPB Annual Meeting.]

1 ***

2 Discussion Items (Continued)

3 [Vito J. DonGiovanni, Psy.D., Chairman, noted the need
4 for the election of officers. Dr. Spayd prefers to
5 remain Vice Chair. Dr. Bradley will continue as
6 Secretary.]

7 ***

8 DR. SPAYD:

9 I would like to nominate Dr. Small to be
10 Chair.

11 CHAIRMAN DONGIOVANNI:

12 I will move the nominations be closed.
13 All those in favor of the slate of
14 officers, please signify by saying aye.
15 Those opposed?

16 [The motion carried unanimously.]

17 ***

18 Old Business

19 [Vito J. DonGiovanni, Psy.D., Chairman, addressed the
20 Probable Cause Committee, where Dr. Erickson will be
21 the primary member and Dr. Spayd the secondary member
22 for the committee.

23 Chairman DonGiovanni commented that the new Board
24 member, Dean Maynard from Spartansburg, works for
25 Northwest Tri-County Intermediate Unit and is in

1 education. He noted that Dr. Maynard sent his
2 apologies for not attending the meeting due to a
3 conflict.

4 Dr. Small thanked Chairman DonGiovanni for two
5 years of excellent leadership.]

6 ***

7 Adjournment

8 CHAIRMAN DONGIOVANNI:

9 I entertain a motion to adjourn.

10 DR. MCALEER:

11 So moved.

12 CHAIRMAN DONGIOVANNI:

13 So moved, Dr. McAleer.

14 DR. SPAYD:

15 Second.

16 CHAIRMAN DONGIOVANNI:

17 Second, Dr. Spayd. All those in favor?

18 [The motion carried unanimously.]

19 ***

20 [There being no further business, the State Board of
21 Psychology Meeting adjourned at 12:42 p.m.]

22 ***

23

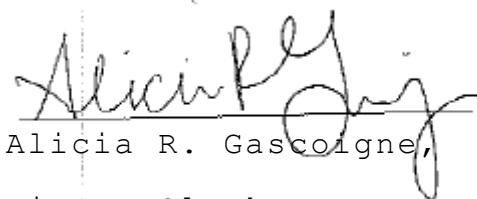
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CERTIFICATE

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.



Alicia R. Gascoigne,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PSYCHOLOGY
REFERENCE INDEX

December 2, 2019

TIME	AGENDA
9:02	Official Call to Order
9:03	Approval of Minutes
9:04	Report of Prosecutorial Division
9:14	Report of Board Counsel
9:21	Appointment - Bureau of Finance and Operations - Annual Budget Presentation
9:30	Report of Board Counsel (Continued)
9:31	Report of Board Chairman
9:57	Executive Session
11:45	Return to Open Session
11:45	Motions
11:55	Report of Acting Commissioner
11:58	Discussion Items
12:19	Correspondence
12:34	FYI Items
12:36	Discussion Items (Continued)
12:37	Old Business
12:42	Adjournment