

SOUTH DAKOTA BOARD OF EXAMINERS OF PSYCHOLOGISTS
BOARD MEETING MINUTES
Teleconference/Video Conference
May 5, 2023

Members Present: Thomas Stanage, Ph.D., (President); Trisha Miller, Ph.D., (Secretary); Rosalie Ball, Ph.D., Member; Brian Roegiers, Lay Member; Jeffrey Ellison, Psy.D. (entered meeting at 9:52am CDT)

Members Absent: Matthew Christiansen, Ph.D. (Vice President); Robert Overturf, Lay Member

Others Present: Carol Tellinghuisen, Executive Administrator; Brooke Tellinghuisen-Geddes, Executive Assistant; Katie Funke, Administrative Assistant; Greg Tishkoff, DSS Legal Counsel

Call to Order/Welcome and Introductions: Stanage called the meeting to order at 9:30 am CDT.

Roll Call: Tellinghuisen-Geddes called the roll. A quorum was present (Stanage, Miller, Ball, and Roegiers). Christiansen and Overturf absent; Ellison was absent, having technical issues in attempting to join meeting.

Corrections or Additions to the Agenda: None.

Approval of the Agenda: Roegiers motioned to approve the agenda as presented; Ball seconded the motion. Motion carried on unanimous vote of members present.

Public Testimony/Public Comment Period (9:35am CDT / 8:35am MDT): None.

Approval of Minutes from January 13, 2023 Meeting: Ball moved, Roegiers seconded, to approve meeting minutes as written. Motion passed unanimously amongst those present.

FY Financial Update: Tellinghuisen-Geddes reported on the most recent financial report (financials as of April 30, 2023). Tellinghuisen-Geddes reported that as of April 30, 2023, revenue was at \$9,631.92, year-to-date expenditures were at \$47,703.70, and cash balance was at \$91,366.14. Tellinghuisen-Geddes also provided a financial comparison to a year ago, making the group aware the current cash balance is similar to last year at this same time with slightly more cash balance this year. Miller motioned to accept the financial report as read; Ball seconded. Motion passed unanimously amongst those present.

Legislative Updates: Tellinghuisen-Geddes made the group aware that the passing of SB76, a bill expanding the licensure by endorsement law to all professions, has brought questions. Tishkoff stated further examination of current Rules regarding wording about requirements for an oral examination as well as changes the requirement of EPPP, Part 2 completion will bring. After quick examination, Tishkoff stated it may be possible for a couple of current Rules to be repealed to remove the oral examination requirement. Stanage stated the EPPP, Part 2 examination will be mandatory beginning January 2026 and it could be an option to replace the current oral examination requirement with the EPPP, Part 2. There was discussion amongst board members and Tishkoff about whether or not SB76 would supersede current statute licensure requirements. Tishkoff agreed to examine both current statutes as well as SB76 and advise further upon thorough examination.

EPPP- Part 2: Administrative Rules Update: Stanage made the group aware that the board is faced with a decision to make with regard as to whether to remove the oral examination requirement. If the decision is made to remove the oral examination requirement, as numerous other states have already done or are in the process of doing (both due to the subjectiveness/liability concerns and the arduousness of the requirement), then the board would need to determine whether to replace it with the EPPP Part 2 or another examination. Stanage stated the timeframe would also need to be determined, citing that there may need to be a timeframe left in statute for oral examinations to continue for individuals between timeframes. Miller suggested the option of a “grandfather” clause for any licensees graduating prior to a certain date.

Tishkoff exited the meeting at 9:51am CDT for other business but stated he would attend to his aforementioned agreement to examine statutes and rules as well as SB76 and get back to the board with his findings and recommendations.

Stanage assessed other board members’ agreement about implementation of the EPPP Part 2 as soon as the oral examination wording is removed from Statute/Rules. No board members present stated disagreement with doing so.

Ellison joined the teleconference meeting at 9:52am CDT.

Stanage continued discussion, with Ellison inquiring about details missed and receiving clarification from Stanage, about potential elimination of the oral examination requirement for state licensure and instead beginning requirement of passing of the EPPP Part 2 at the very time the orals examination was eliminated and begin requiring the EPPP Part 2 for that year’s graduating class and grandfather in any graduates prior to that date. Board office staff agreed to stay in touch with Tishkoff about these options and what steps would need to be taken to make them effective so the board can make informed decisions.

Some board discussion ensued about the option of pursuing involvement in PsyPACT. Stanage stated perception that some issues involved in this determination are guild issues. Roegiers cited concern that involvement in PsyPACT could deprive citizens of quality face-to-face mental health care. Miller explained some are desiring the state’s involvement in PsyPACT because of concerns about waitlist lengths and limited numbers of specialists in some areas of mental health treatment available to South Dakotans.

Complaint Dismissals: Tellinghuisen-Geddes asked the Board for standing authority to dismiss complaints and report to the board via e-mail as statute allows. She explained that other boards have granted this authority which helps streamline the dismissal process. Miller provided input stating the perception that the current procedure of waiting may create undue prolonged stress and anxiety on psychologists and other involved parties involved in these complaints. Miller motioned the board adopt the new dismissal procedure, allowing the investigative committee to dismiss complaints and report to the board via e-mail, but that notification of these continue to be made to the board at the following board meeting; Roegiers seconded the motion. Motion passed unanimously amongst those present.

Election of Officers: Board members briefly discussed current officer positions and Stanage and Miller were asked if they would continue in their positions if nominated; Stanage and Miller both agreed they would. Roegiers motioned nominations cease, such that Stanage should continue as Board President and Miller shall continue as Board Secretary; Ellison seconded. Motion passed unanimously amongst those present with Stanage and Miller abstaining.

ASPPB Mid-Year Meeting Update – Stanage: Stanage attended the most recent ASPPB meeting, held in Denver, CO in April 2023. Stanage made board members aware of several topics discussed at the meeting:

1) Telehealth – The keynote speaker, Jonathan Pearl, MD/PhD, made attendees aware telehealth regulations are very limited at present and that it is not clear what the certification process for telehealth should look like. Stanage stated jurisdictions such as AZ, GA, and LA are beginning to develop guidelines regulating telehealth on some seemingly obvious pitfalls (e.g., not allowing provision of services while traveling, while in bed, etc.). Stanage stated 38 states have now joined PsyPACT and there is a “big push” for the remaining states to do so. There was also discussion at the conference about regulation of Artificial Intelligence (AI)-related telehealth involvement (e.g., chatbots, regulating online therapy businesses, etc.).

2) APA’s new ethics code on telehealth to be released

3) EPPP-2

4) Regulation of Master’s level training and licensing – Stanage reported there was a “pretty convincing” presentation that moving forward with master’s level psychologist licensure is important from a protecting the public viewpoint, given projections of declining numbers of doctorate level psychologists to meet growing mental healthcare needs of the future. Many questions arose and were discussed at the conference with regard to the title the master’s level licensed individuals would have and what would their scope of practice be limited to or entail.

Board members discussed perceptions of PsyPACT involvement. Stanage cited desire to see the fiscal impact it would make on the board, given the number of out-of-state licensees that would likely no longer renew their SD licenses once they would have the option to provide services in SD via PsyPACT. Tellinghuisen-Geddes made the group aware Miller had requested this data in conversation last week, as well as the current expense to ASPPB for joining PsyPACT, and an e-mail was sent by Tellinghuisen-Geddes to ASPPB requesting this information last week but the information has not yet been received. C. Tellinghuisen did state the nursing board did lose a number of licensees when they joined a similar compact. Miller reiterated agreement that the information about number of out-of-state licensees as well as the overall cost to join PsyPACT is needed to be able to determine what is fiscally needed to continue to operate. Miller made the group aware she and Ball both attended the annual SDPA Conference in Sioux Falls recently, where approximately 20-25 individuals stated intent to pursue an e-Passport, should SD join PsyPACT. However, Miller stated desire to have numbers to present to SDPA to inform psychologists what ramifications would come if PsyPACT comes at an increased cost to SD Licensees. Miller also made the group aware that other states do not have the same concern about losing out-of-state licensees because their fiscal operations are not dependent solely on licensure fees, but that they receive a line-item budget from their state annually. Miller stated it may be necessary to inform our state of the need for this to be the case for our board as well and numbers will help to advocate for this. Ball agreed. Stanage stated all boards in SD operate independent of state funding, so he is skeptical this would be well received in the legislature. Roegiers stated desire to see the numbers and base future decisions on those. All agreed to secure the information necessary from ASPPB and look at our own licensee data and discuss further at next meeting.

Miller experienced a cutoff from the teleconference from 10:30am CDT.

ASPPB Annual Meeting – September 27-October 1st, 2023 (Cleveland, OH): Board staff made board members aware Miller intends to attend the meeting.

Miller rejoined teleconference at 10:34am CDT.

Schedule Next Meeting: After group discussion, the next board meeting was tentatively set for Friday, September 8, 2023 at 8:30am MDT.

Executive Session – Pursuant to SDCL 1 – 25 – 2:

Miller motioned and Ellison seconded to enter executive session at 10:25am CDT/9:25am MDT for purpose of discussing the one complaint/investigations (#226), and to complete the Orals Examinations of three applicants (#724, #725, and #726). Motion passed unanimously amongst those present.

Board members and executive staff transitioned to a secure private online conference room at this point.

A three-minute break was held, prior to beginning orals examinations, at 10:36am CDT/9:36am MDT. Miller left meeting after the first orals examination.

Stanage declared end of Executive Session at 12:11pm CDT/11:11am MDT.

Applicant Approvals: Ball recommended applicants #724, #725, and #726 be approved for licensure per passing of their oral examinations today, pending any outstanding licensure requirements that are applicable. Ball moved, Ellison seconded, to approve applicants #724, #725, and #726 for licensure, pending any outstanding licensure requirements to complete. Motion passed unanimously amongst those present.

Complaint/Investigations: Stanage reported status of Complaint #226 to be pending.

Other Business: None.

Adjourn: Motion to adjourn was made by Roegiers; seconded by Ellison. Stanage adjourned meeting at 12:13pm CDT / 11:13am MDT following unanimous vote (Overturf, Christiansen, and Miller absent) to do so.

Respectfully submitted,

Trisha T. Miller, Ph.D.
Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.