

SOUTH DAKOTA BOARD OF EXAMINERS OF PSYCHOLOGISTS
BOARD MEETING MINUTES
Sioux Falls, SD
January 10, 2020
Holiday Inn City Centre, 100 W. 8th St., Sioux Falls, SD

Members Present: Thomas Stange, Ph.D., (President); Matthew Christiansen, Ph.D. (Vice President); Trisha Miller, Ph.D., (Secretary; via conference call); Jeffrey Ellison, Psy.D., Member; Chuck Sherman, Ph.D., Member; Robert Overturf, Lay Member (via conference call, entered meeting at 9:03am CST)

Members Absent: Brian Roegiers, newly appointed lay member.

Others Present: Carol Tellinghuisen, Executive Administrator; Jill Lesselyoung, Administrative Assistant (via conference call, entered meeting at 9:21am CST); Brooke Tellinghuisen Geddes, Administrative Assistant; Marilyn Kinsman, Senior Policy Analyst for South Dakota DSS (via conference call, entered meeting at 9:22am CST); Trevor Thielen, Legal Counsel for the Board (via conference call; entered meeting at 9:22am CST); Kristin Bennett, Executive Director for South Dakota Psychological Association (via conference call; entered meeting at 9:24am CST).

Stange called the meeting to order at 8:33am CST.

Executive Session: The Board entered executive session at 8:34 am CST on a unanimous roll call vote based on a motion by Sherman and a second by Christiansen for the purpose of administering Oral Examination to Applicants #590 and #596. Stange, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes. Overturf entered meeting via conference call between the two applicants' oral examinations. The Board exited executive session at 9:20am CST following a unanimous roll call vote based on a motion by Christiansen and a second by Ellison. Stange, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

Stange called the meeting back to order at 9:21am CST.

Welcome and Introductions: All were welcomed by Stange and introductions were made. During this time, Lesselyoung, Kinsman, Thielen, and Bennett joined the meeting via conference call.

Roll Call: Lesselyoung called the roll. A quorum was present.

Conflicts to Declare: None.

Corrections or Additions to the Agenda: None.

Approval of Agenda: Sherman motioned; Christiansen seconded to approve the agenda as written. Motion carried on unanimous roll call vote. Stange, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

Applicant Approvals: Miller initiated a motion, which was seconded by Sherman, to grant licensure to Applicants #595 and #596; motion carried on unanimous roll call vote. Stange, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

Election of Officers: Ellison made a motion to retain the current slate of officers with Stanage serving as President, Christiansen as Vice-President and Miller as secretary. Sherman seconded the motion. Motion carried on unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

Public Testimony/Public Comment Period (8:30am MDT / 9:30am CST): There were no persons from the public present for comment. Bennett was present but stated she was present to listen but had no desire to comment.

Approval of Minutes from September 27, 2019: Ellison moved, Christiansen seconded, to approve the minutes as written. Motion passed unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

FY Financial Update: Lesselyoung reported on both the fiscal year-to-date as of June 30, 2019 as well as the year-to-date finances as of November 30, 2019. Lesselyoung reported that as of June 30, 2019, revenue was at \$64,536.76, year-to-date expenditures were at \$56,690.31, and Cash Balance was at \$110,945.19. Lesselyoung reported that as of November 30, 2019, revenue was at \$9,493.56, expenditures were at \$29,585.35, and Cash Balance was at \$90,853.40. Lesselyoung also reminded Board members that the bulk of revenue is prior to July due to annual licensure renewal timeframes. Sherman questioned what the line item for "management consultant" was referring to. Tellinghuisen explained that the executive office staff (Tellinghuisen, Lesselyoung, and Tellinghuisen Geddes) are not state employees, but are instead independently contracted by the Board and that is the contract to be discussed later this meeting agenda. Sherman moved and Ellison seconded motion to accept the financial report. Motion carried via unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

ASPPB Annual Meeting Summary October 16-20, 2019, Minneapolis: No Board members were able to attend the October 16-20, 2019 ASPPB meeting held in Minneapolis. Miller questioned concept of "uniformity" noted in the meeting summary. All agreed this to signify interest in creating uniformity nationwide with regard to licensure regulation through development of a uniform Model Act. Miller also made the group aware that although PSYPACT was not mentioned in the ASPPB meeting summary, PSYPACT has now been enacted and numerous other states are making legislative proposals to join during the current legislative session and the topic of PSYPACT has resurfaced in South Dakota as well. Miller made Board members aware that new Representative Linda Duba (Sioux Falls) had contacted SDPA to learn more about PSYPACT and where SD stood. Miller was included on communications at that point and Miller made Duba aware of the Board's previous concerns with regard to the high annual cost predicted as well as the issue of there being no requirement of psychologists from other states serving our underserved populations (e.g., those on Medicaid, Medicare). Miller has been made aware by ASPPB representatives that the cost issue may no longer be an issue; Miller will forward the information to the Board office for distribution to Board members at a later date. Stanage requested PSYPACT be put on the next meeting agenda so the new information can be reviewed and discussed.

ASPPB Mid-year Meeting April 23-26, 2020, Montreal and Annual Meeting October 14-18, 2020, New York City: Stanage stated and Tellinghuisen voiced agreement that due to the topics about psychology regulation and the EPPP-2 currently at the forefront, it will be important to have representation at the next meetings. Both Stanage and Miller stated desire to attend as did Tellinghuisen. Tellinghuisen

requested Kinsman to look into whether the state will make the allowance for attendance in Montreal, as in the past the state has declined out-of-country meeting allowances.

CEU Update: Lesselyoung made Board members aware that Teresa Schulte, DSS Administrative Law Judge, had formatted the CEU information into Article 20:60:10 and it will now proceed forward, as the state workgroup examining best practices for Boards and commissions determined they are not going to make all rules the same across Boards. Kinsman explained that although the workgroup's final report has not yet been received, the most recent proposed report from them stated nothing in regard to CEU's. Kinsman explained this means this Spring, the Article 20:60:10 proposal will go before the Interim Rules Committee. Stanage inquired about timeframes. Tellinghuisen and Kinsman together explained that Article 20:60:10 will have to go before the Department of Social Services for approval, then it will be presented to a legislative committee, and if approved, Tellinghuisen stated that because it is a change to Administrative Rules, she believed it would go into effect provisionally twenty days following filing but will not be effective fully until July 1. She asked Kinsman if this was accurate and Kinsman stated she would follow up on the questions and get back to the Board office. Thus, if approved, the current year's licensure renewal will be the last renewal period without needing to follow Article 20:60:10. Sherman inquired, as he was not on the Board while the proposed changes were being discussed, what the changes are from what is in place at present. Tellinghuisen explained the proposed changes specify a required amount of CEU whereas current wording specifies the maximum amount of hours the Board can require but does not state a minimum number of hours. Miller clarified the Board decided upon proposing 15 hours, as this seemed reasonable given some states require 6-10 hours and some states are requiring 20 hours.

Complaint Procedure Update: Overturf provided Board members with reminder of why the complaint procedure is being reviewed and why amendments are being proposed. An initial rough framework draft of proposed steps and wording for a revised complaint procedure was provided, though questions have surfaced. Overturf questioned the number of days to be specified for the executive staff to have a letter mailed out to the complainant, stating the complaint was received and an investigator will be assigned. Overturf initially suggested five days and C. Tellinghuisen suggested fifteen. Upon further discussion, it was realized that the current process involves a letter not being sent until an investigator is assigned. This is because in the current procedure, the assigned investigator reviews the complaint and determines the general subject matter of the complaint and then a letter (stating the complaint about that particular subject matter has been received) is sent to both the complainant and the psychologist in question, signed by the investigator. Stanage voiced feeling it is important that the subject matter of the complaint be determined by the investigator rather than executive staff. It was discussed, however, that the initial letter notifying a complainant that their complaint was received would not need to state that information, however. Tellinghuisen then suggested ten days would suffice; Miller clarified this as "business" days and there was no opposition. Tellinghuisen clarified this would be ten business days from the date the written complaint was actually received in the office, not from when the complaint was mailed. Miller noted that another item in the proposed procedure changes that lies in question is whether Board members agree that the options for response to a complaint should be expanded to include options such as a private letter of reprimand, public letter of reprimand, agreed disposition be sought between the Board and the psychologist (e.g., this could include a supervision requirement, additional specific CEU's, etc.), etc. Stanage voiced his agreement to including these options; no opposition was voiced. Miller had provided Overturf with a visual flow chart of the proposed procedure, but this did not get distributed to the Board so after today's discussion, the flow chart will be amended and then forwarded to the Board office so it may be sent to all Board members and discussed in next meeting. Miller will be creating a draft of a complaint form and do the same. Stanage again voiced his gratitude for the work being done on this and there was unanimous consensus in support of continuing to receive updates on the progress of this.

Revisions to Website – Frequently Asked Questions: Lesselyoung made the group aware that upon reviewing the FAQ's that were on the website, the Board office notified Kinsman and DSS that they recommended to remove the FAQ's for now because so much of the content was outdated. Executive staff provided an initial draft of a limited number of FAQ questions for Board members to review and make suggestions for additions, corrections, or deletions to complete the list desired for placement on the Board website. Stanage stated willingness to be involved in helping with the development of this list. Lesselyoung stated inquiries about qualifications for licensure concerning online university degrees are frequent so this area would certainly be a matter to include. Miller stated messages with these inquiries in them have been saved, so those can be compiled to be included. Miller also suggested that other state Board websites be reviewed as many of them have FAQ's posted that would be relevant for our site as well. Board members will consider this a "work in progress" and continue to review an updated FAQ document at the next meeting.

Enhanced Boards and Commissions Portal: Lesselyoung explained that there is certain information we as a Board are required to be publicly accessible. Our agendas and meeting minutes are required to be posted online for public access. Each of our meeting agendas must be posted at least 72 hours prior to meeting. There is also information for Board members regarding board compensation and the Boards and Commissions Manual. Kinsman explained that the Boards and Commissions Portal was an outcome of the Best Practices for Boards and Commissions workgroup. All licensing and occupational Boards' consumers will have accessibility to the updated, standardized resource of the Boards and Commissions Portal.

Stanage initiated the Board taking a break at 11:15am CST.
Kinsman and Bennett left the conference call at 11:15am CST.

Executive Session- Pursuant to SDCL-1-25-2: Sherman motioned and Christiansen seconded to enter executive session at 11:26am CST for purpose of discussing four complaints/investigations (#217-I, #218-I, #220-I, and #221), Executive Secretary Contract, and Oral Examination/Confidential Questions/EPPP II. Motion carried unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

Sherman moved; Christiansen seconded to exit executive session at 12:02pm CST; motion carried unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

Ellison motioned; Christiansen seconded to approve the Executive Secretary Contract as presented. Motion carried unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

In regard to complaint #220-I, Stanage made a recommendation for the Board to incorporate findings and conclusions from the prior psychological Board involved and add a link to that Board's findings on our website. The licensee will be informed that in order to protect the public it will be noted publicly that he was reprimanded by the state of Colorado. The South Dakota's Board Orders web page will list the applicant as having been reprimanded by Colorado.

Christiansen motioned to accept Stanage's recommendation, Miller seconded. Motion passed via roll call vote. Stanage, abstained; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes. Stanage reported #217-I, #218-I as pending. Miller reported #221 as pending.

Other Business: There was no other business.

Next Meeting: The next meeting was tentatively set for Friday, May 15, 2020 in Pierre, SD. Any business that needs to be addressed prior to this date will take place via teleconference.

Motion to adjourn was made by Christiansen, seconded by Ellison. Stanage adjourned meeting at 12:10 pm CST following unanimous vote to do so. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

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.