

SOUTH DAKOTA BOARD OF EXAMINERS OF PSYCHOLOGISTS
BOARD MEETING MINUTES
Teleconference
May 15, 2020

Members Present: Thomas Stanage, Ph.D., (President); Matthew Christiansen, Ph.D. (Vice President); Trisha Miller, Ph.D., (Secretary); Chuck Sherman, Ph.D., Member; Robert Overturf, Lay Member; Brian Roegiers, Lay Member

Members Absent: Jeffrey Ellison, Psy.D., Member

Others Present: Carol Tellinghuisen, Executive Administrator; Jill Lesselyoung, Administrative Assistant; Brooke Tellinghuisen Geddes, Administrative Assistant; Marilyn Kinsman, Senior Policy Analyst for South Dakota DSS; Kristin Bennett, Executive Director for South Dakota Psychological Association; Trevor Thielen, Legal Counsel for the Board (entered meeting at 9:06am CDT).

Due to COVID-19, Stanage arranged for applicant #594 to complete her oral examination responses via video prior to today's meeting and board members viewed the video independently and provided ratings to Miller, who compiled results prior to today's meeting. Thus, Stanage suggested the agenda item "Applicant Approvals" be moved to following the later executive session to allow for discussion, if needed.

Call to Order/Welcome and Introductions: Stanage called the meeting to order at 9:02am CDT.

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

Conflicts to Declare: None.

Corrections or Additions to the Agenda: None other than the aforementioned.

Approval of the Agenda: Overturf motioned to approve the agenda as written, with the exception of moving the Applicant Approvals business item to following the Executive Session later in the agenda to avoid two executive sessions during this meeting; Christiansen seconded the motion. Motion carried on unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

Public Testimony/Public Comment Period (8:05am MDT / 9:05am CDT): There were no public comments.

Thielen joined teleconference at 9:06am CDT.

Approval of Minutes from January 10, 2020: Sherman moved, Christiansen seconded, to approve the minutes as written. Motion passed unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

FY Financial Update: Lesselyoung reported on the fiscal year-to-date as of March 31, 2020. Lesselyoung reported that as of March 31, 2020, revenue was at \$11,193.56, year-to-date expenditures were at \$48,092.49, and Cash Balance was at \$74,505.14. Lesselyoung reminded board members that the executive office is currently processing annual licensure renewals, which is when the bulk of the board's revenue is seen. Overturf moved and Miller seconded motion to accept the financial report. Motion

passed unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

ASPPB Mid-year Meeting April 23-26, 2020 (Cancelled) in Montreal and Upcoming Annual Meeting October 14-18, 2020 – New York City: ASPPB cancelled the mid-year meeting in Montreal due to COVID-19 concerns. Tellinghuisen stated the annual meeting scheduled for October has not yet been cancelled. Miller and Tellinghuisen are both planning to attend the meeting.

CEU Update/Legislation: Lesselyoung reminded board members that Teresa Schulte, DSS Administrative Law Judge, 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. A rules hearing will need to take place by August 25, 2020 in order to get the Article 20:60:10 proposal to go before the Legislative Interim Rules Committee on September 15, 2020. Tellinghuisen advised that this would be a good time for the Board to update to the 2018 ASPPB Code of Conduct to facilitate complaint processing. She advised the Board that we are not able to update to “current code of conduct” but must state a specific dated version. Christiansen inquired about the CEU information, specifically asking whether it is necessary for licensees to retain their original CEU documents for five years if the office stores this information. Tellinghuisen and Lesselyoung explained that while documentation for CEU info was turned in with re-licensure applications, once verified, it is not retained. Thus, it is important for licensees to retain their own CEU documents. Miller motioned, Sherman seconded, to accept the CEU Revision as written. Motion carried on a unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes. Miller then made a motion for the board to proceed with an administrative rules revision to allow for the 2018 revision of the ASPPB Code of Conduct to replace the 2005 ASPPB Code of Conduct currently being followed; Sherman seconded. Motion carried on a unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes. Lesselyoung then made board members aware of HB 1276, which concerned occupational regulation. The bill had been brought before the 2019-2020 SD Legislature, but was tabled by the House State Affairs committee. Tellinghuisen stated it is uncertain if this bill will be reintroduced in some form in the upcoming legislative session.

Complaint Procedure Update: Overturf made board members aware of progress he and Miller have made on this since last meeting, presenting a flowchart of the Complaint Procedure as well as a Complaint Form. In examining the flowchart, Sherman inquired about whether adding wording to specify that more than one board member could be involved would be wise. Stanage suggested adding the wording “and consults” to the box in which the procedure would be, for the investigator to present findings to the rest of the complaint committee. Christiansen motioned to accept the flow chart with the modification of adding the “and consults” wording; Miller seconded. Motion carried on a unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes. In reviewing the complaint form, Sherman commented about liking the form’s look, as well as the simplicity of the form. Sherman motioned for the board to accept the form as designed and implement use of the form as of the current date; Roegiers seconded. Motion carried on a unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

Revisions to Website – Frequently Asked Questions: Lesselyoung reminded board members of the need to revise information on the board website to replace currently outdated information. Miller, Stanage, and the executive staff compiled two potential FAQ lists for board review – one of questions specific to the complaint procedure and one of more general questions. Miller researched FAQ’s listed on several other state psychology board websites. Stanage initiated discussion concerning accepting the submission

of an anonymous complaint, stating he could think of some situations a board would be remiss not to act on an anonymous complaint. Miller explained this item was included because in researching other state board FAQ lists, no other state declines anonymous complaints, though they do make the public aware submission of an anonymous complaint may limit the board's ability to process the complaint as thoroughly. Tellinghuisen expressed concern about accepting anonymous complaints because our procedure states the complaint must be in writing and signed. Thielen reported that, per SDCL 36-27A-34, the board "shall investigate every alleged violation of this chapter," so even if a complaint is not signed, the board would need to investigate an anonymous complaint. In response to Tellinghuisen, Overturf explained that individuals would be able to see they could submit anonymously if this FAQ wording is posted; Stanage agreed this makes sense. Lesselyoung inquired if the board office can require the complaint be in writing, though. Tellinghuisen stated she checked with the medical board and many of their specific procedures are in statutes and rules rather than by policy. Thielen stated requesting complaints in writing is a reasonable request. Thielen advised that if they do not sign, the board would need to follow up on the information according to procedure. Overturf motioned, Sherman seconded, to integrate both the FAQ lists together to list on the board website. During discussion, Overturf suggested perhaps listing the FAQ's on the website by those that are pertinent to the public versus those that are specific to professionals/licensees. Overturf amended his motion to instead list the FAQ's on the website into the categories of public versus professional inquiries; Sherman seconded. Motion carried on a unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes. Stanage brought up that one FAQ about the content of the oral examination should be revised, with removal of the words "South Dakota law governing psychology licensure" and also should later be revised once the revision updating the version of the ASPPB Code of Conduct being used is final. Overturf motioned that the wording citing that the South Dakota law governing psychology licensure included in the oral examination be removed from the FAQ item about what the oral examination consists of; Christiansen seconded. Motion carried on a unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

Records Retention: Tellinghuisen made the board aware their office had decided it was time to update the Records Retention and Destruction Policy and began preparing a draft for the board to approve. The executive office staff is wondering if the board would like to consider shortening the time period that is currently specified for retaining certain licensee records. Overturf inquired about current electronic records in the board office and whether or not the electronic database is searchable by complaint. Miller asked more specifically if the complaints themselves are searchable. Tellinghuisen stated that the full records are paper records, that minimal demographic and contact information is entered into electronic database, but that the complaints are searchable according to licensee. Miller inquired to Thielen for input about whether there is a certain requirement for retention for our board. Thielen explained there is no statutory requirement but that when in question, it is advisable to retain records. Tellinghuisen reiterated the executive office is bringing this issue up in an effort to be consistent with what other boards do. Lesselyoung stated that currently, some other boards are proposing licensee files are destroyed ten years after the licensee's most recent license has expired. Kinsman explained that the board can and should review the records retention policy annually, but any revision desired must be submitted by June 5 to allow time for the DSS legal team to review the desired change. Through discussion, the board considered tabling this issue but then it was discussed that the DSS legal board may make a recommendation after their review. Stanage made a recommendation to authorize the executive board office staff to make changes to the records retention policy consistent with best practices. Sherman made the motion to do so; Miller seconded. Motion carried on a unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

PsyPACT: In follow up to last meeting's discussion, Miller provided information that had been obtained from ASPPB with regard to final financial information determined once PsyPACT became official. Miller noted the financial information is significantly different from what the original amounts were so advised board members to read the updated information received from ASPPB.

Online Renewal Discussion: Lesselyoung explained the board office has been tasked by the state to research the cost involved in providing an online mechanism for licensure renewals and credit card renewal payments. Lesselyoung stated an initial bid by one company was an estimate of \$20,485 and this could potentially be split with the Social Work Board of Examiners, wherein the cost may be split by number of licensees under each board. Lesselyoung stated intention to discuss this with the Social Work Board at their meeting in June. A second quote from a competitive vendor is in process and she stated it would be a positive to be able to accept credit cards online. Stange encouraged finding out what the processing fees are for the considerations, as there are numerous processing options to consider. Once both bids have been obtained, board will discuss and determine action to take.

Kinsman and Bennett left the conference call at 10:18am CDT.

Executive Session- Pursuant to SDCL-1-25-2: Christiansen motioned and Miller seconded to enter executive session at 10:19am CDT for purpose of discussing three complaints/investigations (#217-I, #218-I, and #221), RFP#1967, and Oral Examination results. Motion carried on a unanimous roll call vote. Stange, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes. Overturf moved, Christiansen seconded to exit executive session at 10:44am CDT; motion carried on a unanimous roll call vote. Stange, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

Stange called the general meeting back to order at 10:46am CDT. Lesselyoung provided roll call. Stange, present; Christiansen, present; Miller, present; Sherman, present; Overturf, present; Roegiers, present.

In regard to complaint #221, Miller made a recommendation for the board to dismiss the complaint due to lack of substantive evidence. Christiansen motioned to accept Miller's recommendation; Roegiers seconded. Motion carried on a roll call vote. Stange, yes; Christiansen, yes; Miller, abstained; Sherman, yes; Overturf, yes; Roegiers, yes.

In regard to RFP#1967, Stange recommended, based on a competitive bidding process, that the board accept the contract with Professional Licensing. The contract would be valid for one year, with the option to renew for up to four years. Overturf motioned, Sherman seconded, to accept Stange's recommendation. Motion carried on a unanimous roll call vote. Stange, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

Applicant Approvals: Miller recommended the board grant licensure to Applicant #594 upon the applicant's completion of postdoctoral supervision hours. Sherman motioned, seconded by Overturf, to accept Miller's recommendation; motion carried on a unanimous roll call vote. Stange, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes. Stange recommended waiving the oral examination requirement for applicant #601 based on the applicant having taken and passed the oral examination previously and also based on the current COVID-19 issue. Christiansen motioned to accept Stange's recommendation. Miller seconded the motion. Motion carried on a unanimous roll call vote. Stange, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, yes.

Other Business: None.

Schedule Next Meeting/Conference Systems: The next meeting was tentatively set for Friday, August 21, 2020 in Pierre, SD. Any business that needs to be addressed prior to this date will take place via teleconference. Lesselyoung made the group aware of state requirements to record upcoming meetings and that meetings can be audio-visual or teleconference.

Motion to adjourn was made by Roegiers, seconded by Christiansen. Stanage adjourned meeting at 10:55am CDT following unanimous vote to do so. Stanage, yes; Christiansen, yes; Miller, yes; Sherman, yes; Overturf, yes; Roegiers, 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.