

Draft Meeting Agenda
South Dakota Board of Examiners of Psychologists
Holiday Inn City Centre, 100 W. 8th St., Sioux Falls, SD
January 10, 2020
8:30AM CST

Persons wishing to join the business meeting via teleconference will need to contact the Board Office at (605) 642-1600 by January 8, 2020 to arrange for a call-in number.

Member Listing:

1. Thomas Stanage, Ph.D., President
2. Matthew Christiansen, Ph.D., Vice-President
3. Trisha Miller, Ph.D., Secretary
4. Jeffrey Ellison, Psy.D., Member
5. Charles Sherman, Ph.D., Member
6. Robert Overturf, Lay Member
7. Brian Roegiers, Lay Member

Purpose: The Board protects the health and safety of the consumer public by licensure of qualified persons, enforcement of the statutes, rules and regulations governing the practice of psychology, including the appropriate resolution of complaints.

8:30AM CST-Oral Examination Applicant #595
Applicant #596

The Business Meeting will convene following the oral examination.

1. Applicant approvals
2. Call to Order/Welcome and Introductions-Stanage
3. Roll Call-Stanage
4. Conflicts to declare
5. Corrections or additions to the agenda
6. Approval of the agenda
7. Election of Officers
8. Public Testimony/Public Comment Period-9:30 a.m.
9. Approval of Minutes from September 27, 2019
10. FY Financial Update
11. ASPPB Annual Meeting Summary
12. ASPPB Mid-year meeting April 23-26, 2020, Montreal, Annual Meeting 10/14-18, 2020-New York
13. CEU Update
14. Complaint procedure update
15. Revisions to website-frequently asked questions
16. Enhanced Boards and Commissions portal
17. Executive Session-Pursuant to SDCL 1-25-2
 - a. Complaints/investigations
 - a. #217-I
 - b. #218-I
 - c. #220-I

- d. #221
- b. Executive Secretary Contract
- c. Discussion of Oral Examination/Confidential Questions/EPPP II

- 18. Any other business coming in between date of mailing and date of meeting
- 19. Schedule next meeting
- 20. Adjourn

SOUTH DAKOTA BOARD OF EXAMINERS OF PSYCHOLOGISTS
BOARD MEETING MINUTES

Deadwood, SD

September 27, 2019

The Lodge at Deadwood, Deadwood, SD

Members Present: Thomas Stanage, Ph.D., (President); Matthew Christiansen, Ph.D. (Vice President; via conference call); Trisha Miller, Ph.D., (Secretary); Jeffrey Ellison, Psy.D., Member; Chuck Sherman, Ph.D., Member (1st meeting); Robert Overturf, Lay Member

Members Absent: None. There is currently one vacant lay member position.

Others Present: Carol Tellinghuisen, Executive Administrator; Jill Lesselyoung, Administrative Assistant (via conference call, entered meeting at 9:47am MDT); Brooke Tellinghuisen Geddes, Administrative Assistant; Marilyn Kinsman, Senior Policy Analyst for South Dakota DSS (via conference call, entered meeting at 9:47am MDT); Trevor Thielen, Legal Counsel for the Board (via conference call; entered meeting at 9:48am MDT)

Stanage called the meeting to order at 8:40am MDT.

Executive Session: The board entered executive session at 8:41am MDT on a unanimous roll call vote based on a motion by Overturf and a second by Ellison for the purpose of administering Orals Examination to Applicant #590. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes. The board exited executive session at 9:45am MDT following a unanimous roll call vote based on a motion by Sherman and a second by Overturf. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

Stanage called the meeting back to order at 9:46am MDT.

Welcome and Introductions: All were welcomed by Stanage and introductions to Sherman were made. During this time, Lesselyoung, Kinsman, and Thielen 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: Miller suggested adding applicant approvals as a regular agenda item.

Approval of Agenda: Overturf motioned, Ellison seconded to approve the meeting agenda with the addition. Motion carried unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

Applicant Approvals: Sherman initiated a motion, which was seconded by Miller, to grant licensure to Applicant #590; motion carried on unanimous roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

Public Testimony/Public Comment Period (9:48am MDT/10:48am CDT): There were no persons from the public present for comment.

Approval of Minutes from June 21, 2019: Lesselyoung noted one needed correction, wherein the last line of the third paragraph on the second page (within the meeting agenda item noted as Executive Session- Pursuant to SDCL-1-25-2) should read "Stanage reported #218-I and #217-I as pending." in lieu of "Stanage reported #218-I and #219-I as pending." Ellison moved, Overturf seconded, to approve the minutes with the noted correction. Motion passed unanimously via roll call vote. Stanage, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, abstain; Overturf, yes.

FY Financial Update: Lesselyoung reported on both the fiscal year-end as of June 30, 2019 as well as the year-to-date finances as of July 31, 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 July 31, 2019, revenue was at \$5,700.00, expenditures were at \$9,533.79, and Cash Balance was at \$107,111.40. Stanage reminded board members that the bulk of revenue is prior to July due to annual licensure renewal timeframes. Ellison moved and Christiansen 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 October 16-20, 2019, Minneapolis: No board members are able to attend. Tellinghuisen stated she will attempt to go, as pending topics warrant representation in attendance. Tellinghuisen made board members aware the upcoming ASPPB meetings are set for Montreal, Canada (Spring 2020) and New York, NY (Fall 2020). Miller voiced desire to attend one of upcoming meetings. The dates of the upcoming meetings will be forwarded by the board office in October for advanced planning.

Complaint Procedure Update: Overturf provided board members with an initial rough framework draft of proposed steps and wording for a revised complaint procedure. Overturf stated that in reviewing other psychology boards, as well as some dentistry, pharmacy, and medical boards, in our region, it appears strong consideration should be given to: 1) adding an online link to a complaint form, 2) add a link for Frequently Asked Questions (FAQ's) specific to our board complaint process, 3) determine whether to require notarization of the complaint form before submission, 4) makeup of the complaint committee, and 5) expansion of the committee recommendations to the board following their initial investigation of the complaint. Overturf noted that other boards have the notarization requirement; he noted this does add an additional step to the complainant, but it also adds formality to their complaint. With regard to committee makeup, Overturf suggested one psychologist from the board, one board executive staff member, and one other member of the board. Overturf suggested letter of reprimand and other possible options be added to the expanded committee recommendations list. Thielen advised the creation of a small committee versus a single investigator makes sense and would be appropriate as long as quorum numbers of unbiased board members were not impacted as SDCL specifies members of an investigatory committee cannot participate in final decision-making. Miller noted desire for revised process to include specified documentation required of the investigatory committee, as this is not specified in the current process. Thielen agreed to help create wording for the documentation requirement aspect. Miller noted desire to create a visual flow chart of the revised process as well and agreed to work with Overturf prior to next meeting on creating the flow chart as well as working with Overturf on a form as well. There was unanimous consensus in support of continuing to receive updates on the progress of this.

Update on CEU Rules: Lesselyoung made board members aware that Teresa Schulte/DSS had formatted our draft of Article 20:60. However, there is a state committee on best practices and standardization currently reviewing aspects of continuing education requirements across all state boards so nothing further can occur until that committee has completed their review.

Licensure Endorsement: Tellinghuisen suggested this item be tabled until the next meeting. Miller requested an explanation of this concept; Stange explained this to mean that if an applicant is already licensed in another state wherein the licensure requirements are similar to South Dakota's, that the applicant could be automatically licensed by endorsement to expedite licensure mobility. Tellinghuisen agreed to find out what other states' psychology boards are currently using as policy regarding this and report back.

Revisions to Website – Frequently Asked Questions: Executive staff provided an initial draft of these questions for board members to review and make suggestions for additions, corrections, or deletions. As board members considered this, members suggested adding FAQ's to answer inquiries to clarify SD licensure with regard to if someone is applying with a degree obtained exclusively online, if the applicant has diplomat status, if the applicant has ABPP status, as well as if an applicant is registered with CPQ or the National Register. Additionally, including FAQ's to clarify when the EPPP can be taken, whether the EPPP2 will be required, and what our board does and does not regulate were all suggested. Kinsman suggested clarifying the licensure process on the website in such a way it would be clear to anyone looking at our board website, not just applicants, to make the site more user-friendly. Overturf inquired about the maintenance of the board website; Kinsman clarified DSS does this and will continue to. Board members will continue to review the FAQ document provided; Stange suggested board members forward suggestions to board executive staff.

Update on Training and Education Events for Professionals around Opioid Abuse/Misuse in South Dakota: No further update since last meeting. Lesselyoung again made board aware SDPA Executive Director Kristin Bennett is continuing to pursue possible funding options to offer such training. Overturf stated desire that methamphetamine use would also see recognition as a significant problem in SD and receive more intense prevention and intervention; Thielen agreed. Stange made the group aware there are some grants for this.

Kinsman and Thielen left the meeting at 10:30am MDT.

Executive Session- Pursuant to SDCL-1-25-2: Sherman motioned and Overturf seconded to enter executive session at 10:31am MDT for purpose of discussing two complaints/investigations, #217-I and #218-I. Motion carried unanimously via roll call vote. Stange, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes.

Overturf moved, Miller seconded to exit executive session at 10:42am MDT; motion carried unanimously via roll call vote. Stange, yes; Christiansen, yes; Miller, yes; Ellison, yes; Sherman, yes; Overturf, yes. Stange reported #217-I and #218-I as pending.

Other Business: Ellison inquired about a colleague who approached him about whether telepsychology could be offered by a psychologist to NE residents if the psychologist lives in SD and is licensed in NE but not licensed in SD. Some discussion was held; Stange advised Ellison to have the individual send a formal letter to the board with the details involved.

Next Meeting: The next meeting was set for Friday, January 10, 2020 in Sioux Falls, SD. Any business that needs to be addressed prior to this date will take place via teleconference.

Motion to adjourn was made by Miller, seconded by Sherman. Stanage adjourned meeting at 10:50am MDT 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.

**BOARD OF PSYCHOLOGY EXAMINERS
 REVENUE SUMMARY
 FOR MONTH ENDING 06/30/19**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4920045			0892000	654		2019	12	\$ 886.76	\$ -
6503	4293000	0	0	0892000	654		2019	12	\$ 63,650.00	\$ 27,000.00
									\$ 64,536.76	\$ 27,000.00

BOARD OF PSYCHOLOGY EXAMINERS
 EXPENDITURE SUMMARY REPORT
 FOR MONTH ENDING 06/30/19

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5203030	0	0	AUTO-PRIV (IN-ST.) H/RTE	0892000	654		2019	12	\$ 1,925.70	\$ -
6503	5203100	0	0	LODGING/IN-STATE	0892000	654		2019	12	\$ 599.48	\$ -
6503	5203140	0	0	TAXABLE MEALS/IN-STATE	0892000	654		2019	12	\$ 105.00	\$ -
6503	5203150	0	0	NON-TAXABLE MEALS/IN-ST	0892000	654		2019	12	\$ 325.00	\$ -
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0892000	654		2019	12	\$ 350.00	\$ -
6503	5204030	0	0	LEGAL DOCUMENT FEES	0892000	654		2019	12	\$ 600.00	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0892000	654		2019	12	\$ 44,322.96	\$ 256.92
6503	5204180	0	0	COMPUTER SERVICES-STATE	0892000	654		2019	12	\$ 10.82	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0892000	654		2019	12	\$ 1,177.35	\$ -
6503	5204204	0	0	RECORDS MGMT SERVICES	0892000	654		2019	12	\$ 255.60	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0892000	654		2019	12	\$ 415.53	\$ -
6503	5204510	0	0	RENTS-OTHER	0892000	654		2019	12	\$ 2,837.70	\$ -
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0892000	654		2019	12	\$ 24.00	\$ -
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0892000	654		2019	12	\$ 90.00	\$ -
6503	5204590	0	0	INS PREMIUMS & SURETY BDS	0892000	654		2019	12	\$ 1,365.49	\$ -
6503	5101030	0	0	BOARD & COMM MBRS FEES	0892000	654		2019	12	\$ 1,140.00	\$ -
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0892000	654		2019	12	\$ 95.24	\$ -
6503	5205320	0	0	PRINTING-COMMERCIAL	0892000	654		2019	12	\$ 1,050.44	\$ 106.72
										\$ 56,690.31	\$ 363.64

BOARD OF PSYCHOLOGY EXAMINERS
 REVENUE SUMMARY
 FOR MONTH ENDING 11/30/19

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4293000	0	0	0892000	654		2020	05	\$ 7,750.00	\$ 150.00
6503	4920045			0892000	654		2020	05	\$ 1,743.56	\$ -
									\$ 9,493.56	\$ 150.00

BOARD OF PSYCHOLOGY EXAMINERS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 11/30/19

COMP	ACCOUNT	BDGT GRANT		ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
		YEAR	YEAR								
6503	5101030	0	0	BOARD & COMM MBRS FEES	0892000	654		2020	05	\$ 1,020.00	\$ 60.00
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0892000	654		2020	05	\$ 83.84	\$ 4.59
6503	5203030	0	0	AUTO-PRIV (IN-ST.) H/RTE	0892000	654		2020	05	\$ 1,693.86	\$ -
6503	5203100	0	0	LODGING/IN-STATE	0892000	654		2020	05	\$ 471.04	\$ -
6503	5203140	0	0	TAXABLE MEALS/IN-STATE	0892000	654		2020	05	\$ 76.00	\$ -
6503	5203150	0	0	NON-TAXABLE MEALS/IN-ST	0892000	654		2020	05	\$ 244.00	\$ -
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0892000	654		2020	05	\$ 350.00	\$ -
6503	5204030	0	0	LEGAL DOCUMENT FEES	0892000	654		2020	05	\$ 612.00	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0892000	654		2020	05	\$ 22,235.18	\$ 3,665.99
6503	5204201	0	0	BFM CENTRAL SERVICES	0892000	654		2020	05	\$ 726.67	\$ 321.68
6503	5204204	0	0	RECORDS MGMT SERVICES	0892000	654		2020	05	\$ 145.20	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0892000	654		2020	05	\$ 211.54	\$ 100.20
6503	5204510	0	0	RENTS-OTHER	0892000	654		2020	05	\$ 1,334.80	\$ 200.00
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0892000	654		2020	05	\$ 14.00	\$ -
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0892000	654		2020	05	\$ 22.00	\$ 22.00
6503	5205310	0	0	PRINTING-STATE	0892000	654		2020	05	\$ 69.00	\$ -
6503	5205320	0	0	PRINTING-COMMERCIAL	0892000	654		2020	05	\$ 276.22	\$ 37.15
										\$ 29,585.35	\$ 4,411.61



Moving Forward Together: Protecting the Public by Safeguarding Regulation

ASPPB Annual Meeting Summary

As you all know, ASPPB is the alliance of state, provincial and territorial boards responsible for the regulation of psychology. Our mission is to enhance services and support member jurisdictions in fulfilling their goal of advancing public protection. One of the ways we accomplish our mission is by providing Midyear and Annual membership meetings. The 59th ASPPB Annual Meeting of Delegates, with the theme of “Moving Forward Together: Protecting the Public by Safeguarding Regulation,” welcomed 120 attendees from 40 jurisdictions, and liaisons from 10 groups, to Minneapolis, MN, October 14-20, 2019.

In describing the themes that would be addressed, Sharon Lightfoot, Chair of the meeting, asked attendees to consider whether there might be an agreed-upon standard of education, supervision and examinations that best assures the competence to practice independently; whether access to care is a public protection issue; and whether safeguarding psychology regulation is part of public protection. In focusing on these issues, the Annual Meeting looked in-depth at current governmental efforts that have been undermining to psychology regulation and to public protection. Strategies to respond to these efforts in order to safeguard regulation were explored. The meeting concluded with possible next steps to consider in our work of public protection.

With overall meeting goals to understand the concerns that have created this anti- or de-regulatory climate, to understand the breadth and depth of challenges to professional licensure, to review strategies that have successfully addressed the challenges to psychology regulation, and to develop consensus regarding the “best practices” to promote responsible psychology licensure that will protect the health and welfare of the public, the meeting began. Below is a summary of the Annual Meeting sessions and major “take aways” from those sessions. All PowerPoint slides can be found on the ASPPB website at www.asppb.net.

1) Current Legislative Efforts Regarding Professional Regulation

- a. Our keynote speaker, John Johnson, Director of Legislative and Governmental Affairs for the National Association of State Boards of Accountancy, reviewed the major strategic and concerted efforts aimed at reducing and/or eliminating all regulation, including the regulation of professions.
- b. By the end of 2018, all but 12 states had introduced and/or passed bills to reduce/eliminate professional licensure, and in 2019, 27 states have introduced and/or passed additional legislation to reduce or eliminate what key groups have termed “barriers to licensure.” The agenda and messaging of these key groups that drive deregulatory efforts were reviewed.

2) Effective Strategies to Respond to Efforts of Concern Include: Education

- a. It is important that the voices of those who support responsible regulation are heard. A number of stakeholders, including regulatory boards, professional associations, and The Alliance for

- Professional Regulation, are beginning to develop and promote materials aimed at educating the public and governmental entities about responsible regulation, especially for highly technical and skilled professions such as psychology.
- b. New Brunswick and Minnesota provided examples of their “one-pagers” that provide education about regulation and psychology. The Alliance for Responsible Professional Legislation also provided materials for all attendees. These materials will be available on the ASPPB website soon.
 - c. The importance of clear and concise materials (“with a lot of space on the page”) that provide factual information about how psychology regulation protects the public, and that explain what psychologists do, was highlighted again and again. Attendees worked in roundtable format during this session to provide their “first drafts” of elevator speeches and one-page educational products. ASPPB has gathered this information and will provide these resource materials on the ASPPB website for member jurisdictions to use.
 - d. The importance of ‘sharing’ the regulatory perspective was highlighted by all speakers. Attendees were strongly encouraged to educate our governments and stakeholders about psychology regulation, including the importance of government involvement, due process, and the public’s lack of ability to accurately assess the competence of highly technical and/or trained professionals. Other possible talking points for education about regulation included:
 - Freestanding (versus omnibus) boards provide a profession-specific expertise, which promotes efficiency in the regulatory process.
 - Professional regulation allows an affordable, efficient and uniform mechanism for all to have redress (versus a costly and lengthy process of litigation primarily available to those with resources).
 - Licensure provides a clear and transparent model for individuals to enter a professional field and to assure the public that those who are licensed meet a certain standard for practice.
 - e. The importance of language was discussed when explaining why regulation matters. There was some discussion about the term “advocate/advocacy” and whether or not regulators could “advocate” for regulation. In the broad sense, it was agreed that ‘advocacy’ *is* ‘education’. It was suggested that we, as a regulatory community, be prepared to justify (vs. defend) psychology regulation. The community that advocates for de-regulation stresses how regulation creates barriers. As regulators we should stress that education, experience and standardized exams are *standards* (vs. *barriers*). Regulators should also stress that certain legislation will *decrease public protection* (vs. *decrease regulation*). Finally, when we discuss the *freedom to do something* (e.g., earn a living) it must be balanced with the *freedom from something being done to us* (e.g., harmed by an incompetent professional).
 - f. The importance of identifying opportunities to share key information was discussed. Some boards consistently invite legislators to their board meetings. Engineers use “infrastructure failures” as opportunities to share key information with the public about why hiring certified engineers is important for public safety. ASPPB Annual Meeting attendees were encouraged to think about what a “psychology infrastructure failure” might be, and to be on the lookout for opportunities to educate various constituencies about the importance of licensure.

3) Working together with ASPPB and External Stakeholders to Support Psychology Regulation

- a. ASPPB’s efforts include information on our website in the “Regulatory Board Access” section that includes general information about ASPPB and its programs, as well as, resources for boards and colleges; board member training that can be requested at any time; and minutes from all ASPPB Board of Directors meetings. There are many more member services provided by

ASPPB to our jurisdictions. See the PowerPoint presentations by Janet Orwig and Alex Siegel from the Annual Meeting and visit the "Regulatory Board Access" section of ASPPB website.

- b. Canadian member jurisdictions have been dealing with governmental concerns about access to care and barriers to licensure for longer than our U.S. jurisdictions. As a result of the Canadian Agreement on Internal Trade, a psychologist in one province of Canada is a psychologist in any province of Canada. Psychology regulatory bodies in Canada originally formed ACPRO to facilitate information sharing among themselves. ACPRO has been working toward a national standard for licensure requirements that will ensure the best public protection and access to competent care and be responsive to governmental concerns.
- c. APA provides program accreditation that helps standardize doctoral-level training and works with state psychological associations to offer continuing education, work against legislation that could be harmful to the public (e.g., conversion therapy, "consumer choice" initiatives that allow the public to be treated by non-licensed individuals if they have been informed that the person is unlicensed, etc.), and work toward legislation that increases access to care (e.g., PSYPACT).

4) Effective Strategies to Respond to Efforts of Concern Include: Uniformity

- a. Our keynote speaker highlighted how the Boards of Accountancy have effectively countered legislation that would reduce public protection by creating more uniformity among their boards. The Accountancy Boards have adopted a standardized educational curriculum to qualify one to be an accountant and standardized criteria for the kind of experience that qualifies for licensure.
- b. Other presenters discussed how compacts and other mobility measures were important to ensure greater access to competent care and to maintain ongoing treatment.

5) Moving Forward Together: Should we Pursue Uniformity?

- a. Attendees discussed whether or not it is time for psychology regulators to move toward more uniformity among us. There was unanimous approval for moving toward uniformity as the best way to ensure public protection. The next question is how best to do this.
- b. Dale Atkinson introduced the idea of using formal resolutions to allow membership to charge the Association with carrying out specific tasks. This process will be further explored during the 2020 ASPPB Midyear Meeting in Montreal.
- c. Attendees discussed whether or not it was time to develop a uniform Model Act. Discussion ensued about developing a process which would include all member jurisdictions that would allow for review, debate, and eventually adoption of a set of uniform standards for psychology regulation.

6) Bringing to Your Attention...

This new part of our meetings is used to inform our jurisdictions about what's taking place around the U.S. and Canada, and what member boards might want to know. During the Annual Meeting we discussed further details about the Argosy closings, the impact of the closings on future candidates for licensure and the information that will be coming to licensing boards as a result; the new CoA *Standards of Accreditation* impact on training and transcripts (e.g., certain discipline-specific knowledge may be met in undergraduate training, and certain discipline specific knowledge and/or core competencies may be achieved through cross-cutting coursework versus specific coursework - and how the achievement of this knowledge and these competencies will be demonstrated on the transcript); legislation which bans the harmful practice of conversion therapy that has been introduced and passed in a number of our jurisdictions; a standardized taxonomy for specialties which could guide training and assist licensing boards in evaluating key issues such as scope of practice; etc. We hope that this new

feature of our meetings will be helpful to member jurisdictions in being able to anticipate what might be ahead.

Our 2020 Midyear Meeting in Montreal will build on the work that attendees began at the 2019 Annual Meeting. Hopefully this summary captures the highlights of the shared wisdom that occurred at the Annual Meeting in Minneapolis. For those who were not present, and for those who were, please contact Cindy Olvey, Chair of the 2020 Midyear Meeting or Gerald O'Brien, who will be Chair of the 2020 Annual Meeting, with further thoughts, suggestions or insights about these issues. The work that began in Minneapolis was extremely energizing, and we hope that this energy remains and carries us forward together in our critical work of public protection. ASPPB will be sending updates prior to the 2020 Midyear Meeting so that our jurisdictions will be prepared to "work" once we get to Montreal.

Again, please note that all Annual Meeting presentations are available on the ASPPB website. For assistance with logging on and accessing the information, please contact Stacey Camp (scamp@asppb.org).

ARTICLE 20:60

PSYCHOLOGISTS

Chapter

20:60:01 to 20:60:04	Void.
20:60:05	Application procedure.
20:60:06	Eligibility.
20:60:07	Standards of behavior.
20:60:08	Internships.
20:60:09	Special assessment.
<u>20:60:10</u>	<u>Continuing education.</u>

Code Commission Note: Chs 20:60:01 to 20:60:04, inclusive, were voided when the authority of the board of examiners of psychologists to promulgate rules was repealed by SL 1978, ch 4, § 2(3). See SDCL 1-26-8.1.

CHAPTER 20:60:10
CONTINUING EDUCATION

Section

- 20:60:10:01 Definitions.
- 20:60:10:02 Courses eligible for continuing education.
- 20:60:10:03 Amount of continuing education required.
- 20:60:10:04 Request for exemption.

20:60:10:01 Definitions. Terms used in the chapter mean:

- (1) "Contact hour," one contact hour of continuing education will be granted for each hour of participation in a continuing education activity.
- (2) "Continuing education," quality programs or activities that contribute to their professional knowledge and competence.
- (3) "Continuing education unit," One continuing education unit equals 10 contact hours.
- (4) "Academic credit," one academic credit of psychology relevant coursework equals 15 contact hours of continuing education or 1.5 continuing education units.

Source:

General Authority: SDCL 36-27A-26.

Law Implemented: SDCL 36-27A-26.

20:60:10:02 Courses eligible for continuing education. It is the responsibility of the licensee to select quality programs or activities that contribute to their professional knowledge and competence. The activity must deal primarily with practice relevant psychology issues, psychological skills or laws or rules and ethical standards related to one's role as a psychologist. No more than five contact hours of continuing education can be achieved via independent professional book reading.

Source:

General Authority: SDCL 36-27A-26.

Law Implemented: SDCL 36-27A-26.

20:60:10:03 Amount of continuing education required. As a condition for licensure renewal, every licensed psychologist shall complete a minimum of 15 contact hours of continuing education relevant to the practice of psychology during the 12 months prior to renewal date. Reporting cycles shall coincide with annual re-licensure, wherein the year commences with July first of the year in which the licensee obtained a South Dakota license. No continuing education is required for licensees licensed less than one full calendar year on their first renewal date. They shall begin submission of the full required continuing education upon their second renewal date. The Board may not renew a license for any person who has failed to comply with the requirements of this chapter. The licensee must provide dates, course or activity titles, and number of continuing education credits for a permanent record of individual participation. All licensees submitting application for license renewal must include a copy of the third-party documentation of successful completion.

It is the responsibility of the licensee to establish and maintain detailed records of continuing education compliance following submission of one's annual continuing education. Each licensee is responsible for retaining the original certificate, third-party documentation, or other record of credit from continuing education programs or activities for a minimum of five years

Source:

General Authority: SDCL 36-27A-26.

Law Implemented: SDCL 36-27A-26.

20:60:10:04 Request for exemption. If a licensee is unable to acquire sufficient hours of continuing education to meet the requirements, the licensee may submit a written request for an exemption. All requests for exemptions will be considered by the Board of Examiners of Psychologists and evaluated on an individual basis.

Source:

General Authority: SDCL 36-27A-26.

Law Implemented: SDCL 36-27A-26.

Complaint Procedures:

Complaints about a psychologist can be filed with the Board using the complaint form which can be downloaded from the Board website, or requested from the Board office (office address and tel #)

The complaint form and release of information form must be completed and signed by the complaining party.

The Board generally does not accept third party complaints unless they are from a parent or legal guardian.

Once the complaint is received by the Board office it will be logged and assigned a complaint number.

The complainant will be notified in writing by the Board that the complaint has been received (within __ days).

The psychologist referred to in the complaint will be notified in writing by the board within __ days of receipt of the complaint.

The Board will assign an investigator to each complaint.

After conducting an investigation, which may include review of records, interviewing the complainant, other witnesses, and the psychologist, the investigator will present their findings to the complaint committee. The complaint committee shall consist of one member of the board and the Executive Secretary of the board office. After review by the complaint committee, the committee will recommend to the full board one of the following:

1. A hearing by the board is warranted. ***
2. Dismissal for lack of sufficient evidence.

3. Agreed disposition between the board and the psychologist.

ADD? Suspension, letter of reprimand, revocation prior to full board hearing?***

Both the complainant and the psychologist will be notified in writing of the findings of the board.

COMPLAINT FORM:

Section 1

Complainant's name, address, phone number, e-mail address, best time to contact.

Section 2

Name, address and phone number of psychologist complained about.

Section 3

Statement of complaint.

Section 4

Dates of incident(s)

Have you had contact with other psychologists, law enforcement, or any other agency regarding the complaint?

Have you communicated your concern to the psychologist?

What was the response?

What is the difference between the Board of Examiners of Psychologists and the South Dakota Psychological Association?

The Board of Examiners of Psychologists has as its main goal protection of the public by regulating the professionals it licenses.

The South Dakota Psychological Association is an organization that promotes the profession of psychology.

How do I obtain a list of licensed psychologists?

Please send a request to the board office at proflic@rushmore.com. Mailing labels are not available. View the list at <https://dss.sd.gov/docs/licensing/psych-licensed-list.pdf>

Where do I find the Association of State and Provincial Psychology Boards (ASPPB)?

P.O. Box 849
Tyrone, GA 30290
(678) 216-1175

- <http://www.asppb.net>

What do I need to use to prepare for the oral examination?

The oral examination consists of questions on ethical issues as they relate to the clinical practice of Psychology. A thorough knowledge of the South Dakota licensing law, (SDCL 36-27A), the administrative rules pursuant to the licensing law, (Article 20:60), and regulations regarding the reporting of child abuse are essential in responding to questions on the ethical practice of Psychology.

The ethical code adopted by South Dakota is the 2005 version of the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct. You may access the code at the following link [http://ethics.iit.edu/codes/ASPPB%20Code%20of%20Conduct%202005%20\(1\).pdf](http://ethics.iit.edu/codes/ASPPB%20Code%20of%20Conduct%202005%20(1).pdf)

The Board office will forward the study packet materials to applicants when scheduled to sit for the oral examination.

DO WE STILL WANT ALL THE FOLLOWING?

SUBJECT: Guidelines for postdoctoral psychological experience in preparation for licensure.

Effective July 1, 1995, Chapter 36-27A, as amended by the seventeenth legislative assembly from a title act to a practice act, was adopted as the psychology licensing law. Section 36-27 A-10 of the amended act limits the practice of psychology and use of the title "psychologist" to persons licensed under Chapter 36-27A.

The South Dakota Board of Examiners of Psychologists has determined that persons completing

their postdoctoral year of supervised psychological experience in preparation for licensure are exempt from the limitation on practice under Section 36-27A-2(3), of Chapter 36-27A, and are approved to engage in the practice of psychology, and to hold themselves out to the public as practicing psychology, but are limited to a title that clearly identifies their training status. Acceptable title designations include "psychology resident, psychology trainee," "psychological associate," and "psychological assistant." Any other title which uses the term psychology, psychological, psychometrist, or any variations on these terms must be approved by the board.

SUBJECT: These are additional laws and regulations psychologists need to be aware of for their practice and licensing.

26-10-10 Certain professionals to report child abuse and neglect cases -- Failure as misdemeanor -- Reports by other persons. Any physician, surgeon, pathologist, dentist, doctor of osteopathy, chiropractor, optometrist, mental health professional, podiatrist, psychologist, religious healing practitioner, social worker, hospital intern or resident, parole or probation officer, law enforcement officer, teacher, school counselor, school official, nurse, licensed or registered child welfare provider, chemical dependency counselor or coroner, having reasonable cause to suspect that any child under the age of eighteen years, has been starved, neglected as defined in {26-8-6, has had physical injury or injuries inflicted upon him by abuse or intentional neglect other than by accidental means, or has been subjected to circumstances or conditions which would reasonably result in abuse or neglect, by any person, including a parent or other person responsible for his care, shall report or cause reports to be made in accordance with {26-10-11, 26-10-11.1 and 26-10-12. Any person who intentionally fails to make a report required of him is guilty of a Class 1 misdemeanor. Any person who knows, suspects, or has reason to believe that a child has received physical or emotional injury or injuries as the result of abuse or intentional neglect may make a report as provided by law.

26-10-14. Immunity from liability. Anyone participating in good faith in the making of a report pursuant to 26-10-10 to 26-10-12, inclusive, or under any other provision of this chapter, shall have immunity from any liability, civil or criminal that might otherwise be incurred or imposed, and shall have the same immunity with respect to participation in any judicial proceeding resulting from such report. Immunity shall also extend in like manner to persons requesting the taking of photographs and X-rays pursuant to action 26-10-18, to persons taking the photographs, and X-rays and to child protection teams established by the secretary of social services, public officials or employees involved in the investigation and treatment of child abuse and neglect or who make a temporary placement of children pursuant to this chapter, or to any person who in good faith cooperates with a child protection team or the department of social services in an investigation, placement or treatment plan. The provisions of this section or any other section granting or allowing the grant of immunity may not be extended to any person alleged to have committed an act or acts of child abuse.

Under South Dakota Codified Law (SDCL) the confidential nature of the psychologist/patient relationship is legally protected by privilege. SDCL 36-27A-38 states:

The confidential relations and communications between a licensed psychologist and a person consulting him in his professional capacity are confidential. Nothing in this chapter may be construed as to require those privileged communications to be disclosed; nor may a psychologist's secretary, stenographer or clerk be examined without the consent of his employer concerning any fact, the knowledge of which he has acquired in such capacity.

Privilege resides with the patient, and under ordinary circumstances only the patient can waive privilege.

There are instances in which confidentiality and privilege do not apply:

1. Known or suspected child abuse. Reporting is mandatory.
2. Substantial risk of imminent serious harm to another person by the patient. Reporting is not mandatory but should be considered in light of the Tarasoff decision.
3. Substantial risk of imminent self-harm by the patient. Reporting is not mandatory, but should be considered to protect the patient, and the potential liability of the psychologist for failing to take appropriate action to protect the patient.
4. A court order (which is different from a subpoena) mandating the disclosure of otherwise privileged information.

The psychologist may appeal to the court to not force disclosure of confidential information. Should the court deny the appeal, failure to comply with the court order could result in the psychologist being found in contempt of court. If disclosure would result in grave concerns about the welfare of the patient the psychologist is advised to seek legal advice in deciding whether or not to comply.

SUBJECT: *Persons exempt from psychology licensing law.

The Board of Examiners of Psychologists has received an official opinion from the Attorney General on criteria to be utilized in identifying persons who are exempt from the psychology licensing law, as codified under South Dakota Codified Law (SDCL), Chapter 36-27A. SDCL 36-27A-2 states:

The provisions of this chapter do not apply to the following persons:

(2) Employees working in public or private nonprofit organizations or institutions if they are being supervised by a licensed psychologist. The nature of an acceptable supervisory relationship shall be specified by the Board of Examiners of Psychologists and rules promulgated pursuant to 1-26.

According to the Attorney General, "public or private nonprofit organizations or institutions" include:

1. All federal, state and local governmental entities.
2. Nonprofit organizations exempt from taxation pursuant to 501(c) of the Internal Revenue Codes, 26 U.S.C. Section 501(c).
3. Nonprofit corporations organized pursuant to SDCL ch. 47-22 or organized under SDCL ch. 47-27.
4. Other nonprofit organizations and institutions.

Employees of such public or private nonprofit organizations or institutions are exempt from psychology licensure if they are supervised by a licensed psychologist.

What is a provisional License?

A provisional license is a time-limited license to practice psychology, not to exceed 12 consecutive months in duration from the date of issuance.

persons satisfying the stipulation of employment by public or private nonprofit organizations as defined, and are being supervised by a licensed psychologist may do the following:

1. Hold the title psychologist.
2. Engage in the practice of psychology.

Supervision of persons exempt from psychology licensure must consist of a minimum of 2 hours of face-to-face supervision per month as specified in the administrative rules of South Dakota (ARSD) Chapter 20:60:06. The supervising psychologist need not be employed by the same organization or

institution as the person being supervised.

A person who is exempt from licensure under SDCL 36-27A-2(2), and is using that exemption to hold the title of psychologist and practice psychology under appropriate supervision, may not supervise other persons who are also exempt from licensure under SDCL 36-27A-2(2).

Employees of public or private nonprofit organizations or institutions may not function under position titles or position description titles psychologist, psychology, or any variation thereof, or practice psychology, unless they are supervised by a licensed psychologist as specified under Chapter 20:60:06, of the ARSD, pursuant to SDCL 36-27A-2(2).

Licensed professional in discipline other than psychology may not hold the title psychologist or practice psychology unless they satisfy criteria for exemption under SDCL 36-27A-2(2), to include supervision by a licensed psychologist, as delineated in the ARSD, Chapter 20:60:06.

The Board of Examiners of Psychologists is empowered to define an acceptable supervisory relationship, to include establishing qualifications for persons to be supervised, and specifying the nature of an acceptable supervisory relationship.

*This memorandum does not apply to persons in their postdoctoral year of supervised psychological experience in preparation for licensure.

Who is eligible for a provisional license?

Applicants for regular South Dakota licensure may request a provisional license to practice psychology after passing the EPPP and an oral examination administered by the Board during the required postdoctoral year of psychological work experience under the supervision of a doctoral level South Dakota licensed psychologist.

How do I obtain a provisional license?

You may request a provisional license by sending a letter requesting provisional licensure along with your completed application form.

What do I do with my provisional license after obtaining a regular license?

A provisional license automatically expires upon issuance of a regular license to practice psychology.

What happens if I reach the 12-month duration of provisional license and I have not yet obtained a regular license?

A provisional license is not to exceed a period of 12 consecutive months and cannot be renewed.

Are there any limitations while practicing under a provisional license?

Yes. The applicant must be in the process of completing the requirements for regular South Dakota licensure. Applicants in that process are prohibited from using the title "psychologist". An acceptable title is one that clearly identifies the training status of the applicant, such as "psychological

associate", "psychological assistant", or "psychology trainee". Any other title using the term "psychology" or "psychometrist", or any variations of those terms, must be approved by the Board.