

BOARD OF PSYCHOLOGY

MEETING MINUTES

MARCH 9, 2021

2:30 PM

Virtual Meeting Notice

Due to the COVID-19 pandemic, all board meetings will be held virtually during the declared public health emergency.

Information on how to access the public portion of the meeting is listed below:

Join by Web

<https://dcnet.webex.com/dcnet/j.php?MTID=m932fe6e3781980eb2c70dd15bed4e894>

Join by Phone

Call in Number: 1-650-479-3208 Call-in number (US/Canada)

Access Code: 473 220 621

OPEN SESSION AGENDA MARCH 9, 2021

Call to Order: 2:39 PM and a quorum was established.

	<p><u>Roll Call:</u></p> <p><u>Board Members:</u> Anthony Jimenez, PhD – Chairperson Eric Jones, PhD- Board Member L. Hamilton Ferguson, MSA- Board Member Teresa Grant, PhD- Board Member Joette James, PhD- Board Member</p> <p><u>HRLA Staff</u> Aisha Nixon, Executive Director Fatima Abby, Health Licensing Specialist Carla Williams, Interim Board Attorney Christopher Boone, Board Attorney Deb Moss, Board Investigator Gregory Scurlock, Compliance Officer</p> <p><u>Visitor</u> Matt Turner, PhD, Senior Director of Examination Services</p>	
<p>OS-0309-01</p>	<p><u>Approval of the Agenda</u></p> <p><u>Board Action:</u> Acceptance of the March 9, 2021 Open Session Agenda.</p> <p><u>Motion:</u> Motion made by Dr. Eric Jones to accept the March 9, 2021 Open Session Agenda. Seconded by Dr. Teresa Grant.</p> <p><u>Vote:</u> Dr. Anthony Jimenez, Dr. Teresa Grant, Mr. L. Hamilton Ferguson and Dr. Eric Jones voted in favor of the motion. The motion passed unanimously.</p> <p>Ms. Joette James was not present during this matter.</p>	
<p>OS-0309-02</p>	<p><u>BOARD/DEPARTMENT’S REPORT</u></p> <ul style="list-style-type: none"> • EXECUTIVE DIRECTOR’S REPORT <ul style="list-style-type: none"> ○ DC Health/HRLA Operational status still remains in teleworks posture due to COVID-19. ○ Online licensure portal may be available to the 	

	<p>public in April 2021.</p> <ul style="list-style-type: none"> ○ <u>Licensure Census</u>: There are 1455 licensed psychologists and 196 licensed psychology associates. ○ Subcommittee will resume and a scheduling poll will be sent to the subcommittee members. ○ Updates on vaccination were provided. ○ EPPP2 Beta Testing will be discuss during the agenda. ○ The Council granted the Mayor authority to extend D.C.'s public health emergency to May 20, 2021. At this time the Mayor has not extended the waiver. <ul style="list-style-type: none"> ● BOARD ATTORNEY'S REPORT <ul style="list-style-type: none"> ○ Additional update was provided on the Mayor's Licensure Waiver which included an Administrative Order 2021-004 that clarifies and excludes health professionals who are not in good standing in the District of Columbia from obtaining a waiver of licensure requirement pursuant to Administrative Order 2020-02. ○ PsyPact is currently under Congressional Review which may end on March 15, 2021. ● CHAIRPERSON'S REPORT <p>Dr. Jimenez followed up with ASPPB regarding the meeting which addressed the continuing education.</p> 	
<p>OS-0309-03</p>	<p><u>Open Session Minutes</u></p> <p><u>Board Action:</u> Consideration of the Open Session minutes from January 12, 2021 meeting.</p> <p><u>Motion:</u> Motion made by Dr. Anthony Jimenez to accept the January 12, 2021 Open Session minutes. Seconded by Mr. Hamilton Ferguson.</p> <p><u>Vote:</u> Dr. Anthony Jimenez, Dr. Joette James, Dr. Teresa Grant, Mr. L. Hamilton Ferguson and Dr. Eric Jones voted in favor of the motion. The motion passed unanimously.</p>	

<p>OS-0309-04</p>	<p><u>Board Delegations:</u></p> <p><u>Board Action:</u> The Board is to continue to review the outlined delegated authorities and determine whether to accept.</p> <p><u>Background:</u> As the Board of Psychology (“the Board”) is limited in how often it can meet, the Board has delegated various authorities to Board staff to help accomplish the goal of public safety. These delegated authorities are limited in nature and are intended to facilitate the business of the Board in an efficient and expedient manner, while at the same time ensuring public safety is maintained.</p> <p><u>Motion:</u> Motion made by Dr. Joette James to approve the board delegation. Seconded by Dr. Eric Jones.</p> <p><u>Vote:</u> Dr. Anthony Jimenez, Dr. Joette James, Dr. Teresa Grant, Mr. L. Hamilton Ferguson and Dr. Eric Jones voted in favor of the motion. The motion passed unanimously.</p>	
<p>OS-0309-05</p>	<p><u>Health Occupation Revision Act (HORA) Revision</u></p> <p><u>Board Action:</u> The Board is to review and revise the HORA related to the professionals’ scope of practices for psychology and psychology associates.</p> <p><u>Background:</u> (16) (A) (i) "Practice of psychology" means the development and application, with or without compensation, of scientific concepts, theories, methods, techniques, procedures, and principles of psychology to aid in the understanding, measuring, explaining, predicting, preventing, fostering, and treating of abilities, disabilities, attributes, or behaviors that are: (I) Principally cognitive, such as aptitudes, perceptions, attitudes, or intelligence; (II) Affective, such as happiness, anger, or depression; or As of 6/2015 28 (III) Behavioral, such as physical abuse. (ii) The term "practice of psychology" includes: (I) Coaching, consulting, counseling, and various types of therapy, such as behavior therapy, group therapy, hypnotherapy, psychotherapy, and marriage, couples, and family therapy; (II) Intellectual, personality, behavioral, educational, neuropsychological, and psycho-</p>	

physiological testing; and (III) Professional activities, such as research, teaching, training, interviewing, assessment, evaluation, pharmacology, and biofeedback. (B) Nothing in this paragraph shall be construed as preventing or restricting the practice, services, or activities of: (i) An individual bearing the title of psychologist in the employ of an academic institution, research organization, or laboratory, if the psychology-based activities or services offered are within the scope of employment, are consistent with his or her professional training and experience, and provided within the confines of employment; [or] (ii) A school psychologist employed by and working in accordance with the regulations of the District of Columbia Board of Education.

§ 3-1209.06. Psychology associate. (a) A person who is engaged as a psychology associate in the District shall register with the Mayor, renew the registration as required by rule, and pay the required registration fee established by the Mayor. (b) A person registered to practice as a psychology associate may provide psychological services and activities while under the direct supervision of a psychiatrist, or a licensed psychologist with a doctoral degree in psychology. As of 6/2015 122 (c) A psychology associate shall have graduated from an accredited college or university with at least a Master's degree based on a program of studies primarily focusing on psychology, or a program judged by the Board to be substantially equivalent in subject matter and extent of training to a master's or doctoral degree in psychology. (d) The Mayor, pursuant to § 2-501 et seq., shall issue rules further setting forth the education and experience needed to qualify as a psychology associate.

(q) Unless authorized to practice psychology under this chapter, a person shall not use the words or terms "psychology," "psychologist", "psychology associate", or similar title or description of services with the intent to represent that the person practices psychology.

In January 2021, the Board Chair recommended to review and use the ASPPB scope of practice.

Motion:

Motion made by Dr. Eric Jones to adopt the ASPPB Model Act related to the scope of practices and requested the Board attorney incorporate teaching and research on the draft. Seconded by Dr. Teresa Grant.

	<p><u>Vote:</u> Dr. Anthony Jimenez, Dr. Joette James, Dr. Teresa Grant, Mr. L. Hamilton Ferguson and Dr. Eric Jones voted in favor of the motion. The motion passed unanimously.</p>	
<p>OS-0309-06</p>	<p><u>Public Concerns about EPPP2 (Part 2- Skills) Requirements</u></p> <p><u>Board Action:</u> The Board is to review the concerns on the EPPP (Part 2-Skills) requirements and determine whether to accept while under Beta Phase with a '0' score.</p> <p><u>Background:</u> Applicant recently took the EPPP 2 exam and received a score of 0 (failed). According to ASPPB, the EPPP 2 is currently under Beta Phase of the Exam. During this phase, candidates take the exam and data is collected on each item. At the conclusion of the Beta phase a team of experts will evaluate the data and determine the passing score. Poor performing items are removed, and not used in the calculation. The Beta Phase for the EPPP (Part 2-Skills) will end on March 31st, 2021. The applicant's score will be calculated and reported as soon as possible after that date. In the meantime, all EPPP (Part 2-Skills) scores will be listed as '0.'</p> <p><u>Motion:</u> Motion made by Dr. Teresa Grant to rescind the Board's EPPP Policy Statement on the requirement of EPPP2 for psychology licensure due to the delayed score and will move forward with the issuance of licenses with the passing of EPPP 1 until EPPP 2 is fully implemented by ASPPB. Seconded by Dr. Eric Jones.</p> <p><u>Vote:</u> Dr. Joette James, Dr. Teresa Grant, Mr. L. Hamilton Ferguson and Dr. Eric Jones voted in favor of the motion. Dr. Jimenez voted nay. The motion passed.</p>	
<p>OS-0309-07</p>	<p><u>Question on Research Psychologist Role Related to Referrals</u></p> <p><u>Board Action:</u> The Board is to review the questions, discuss, and determine if a research psychologist can refer a client to their PCP for follow-up.</p> <p><u>Background:</u></p>	

	<p>The Board recently received a question from a psychologist conducting research. They would like the Board to weigh in on if a licensed psychologist who has not conducted an evaluation or interacted with the client refer the client to follow-up with their primary care provider (PCP). If this is allowed is oral communication sufficient or is a written referral required.</p> <p><u>Motion:</u> Motion made by Dr. Teresa Grant to delegate to Dr. Anthony Jimenez and Dr. Joette James to draft a response to the question. Seconded by Dr. Eric Jones.</p> <p><u>Vote:</u> Dr. Anthony Jimenez, Dr. Joette James, Dr. Teresa Grant, Mr. L. Hamilton Ferguson and Dr. Eric Jones voted in favor of the motion. The motion passed unanimously.</p>	
<p>OS-0309-08</p>	<p><u>Question on Postdoctoral Supervision in Foreign Country</u></p> <p><u>Board Action:</u> The Board is to discuss this request and determine whether to accept it.</p> <p><u>Background:</u> A DC Psychology Associate (PsyA) licensee contacted the Board to inquire whether the Board will accept postdoctoral hours obtained via telepsychology under supervision of a psychologist who is licensed in Saudi Arabia but not in DC. The supervision will be happening in Saudi Arabia; the clients and the supervisor will be physically in Saudi Arabia but the PsyA will be in DC. The PsyA will ensure to obtain the license/credential requirements in Saudi Arabia. However, before starting the postdoctoral hours, the PsyA would like to know if those hours will be acceptable.</p> <p><u>Motion:</u> No motion was made. The Board indicated that the postdoctoral psychological practice experience must be done in DC or other state. The Board requested that the individual be referred to the supervision regulations.</p>	

<p>OS-0309-09</p>	<p><u>Question on Who can Diagnosis and/or Develop Treatment Plans</u></p> <p><u>Board Action:</u> The Board is to discuss the question and provided feedback.</p> <p><u>Background:</u> "Is either diagnosis or treatment planning reserved to independent practitioners only? Or, may supervised professionals also perform same? If the supervisees cannot perform them, how do they learn?"</p> <p><u>Motion:</u> No formal motion was made. The Board stated that a psychology associate would be able to diagnose and create treatment plans under the supervision of a licensed psychologist.</p>	
<p>OS-0309-10</p>	<p><u>Telehealth- Supervision Guidance</u></p> <p><u>Board Action:</u> To discuss and determine whether or not to extend the policy statement.</p> <p><u>Background:</u> Due to the COVID-19 pandemic, the Mayor issued an Administrative Order that waived licensure requirements and the allowance of telehealth.</p> <p>The Board drafted a guidance on tele-psychology and remote supervision during the COVID-19 Health Emergency policy statement. This policy guidance governs practice and supervision from March 11, 2020 to December 31, 2020.</p> <p><u>Motion:</u> Motion made by Dr. Eric Jones to extend the telehealth remote supervision policy to Board’s January 2022 meeting. Seconded by Mr. Ferguson.</p> <p><u>Vote:</u> Dr. Anthony Jimenez, Dr. Joette James, Dr. Teresa Grant, Mr. L. Hamilton Ferguson and Dr. Eric Jones voted in favor of the motion. The motion passed unanimously.</p>	
<p>OS-0309-11</p>	<p><u>Continuing Education Requirement- Face-to-Face</u></p>	

	<p><u>Board Action:</u> To vote on whether to accept additional types of remote CEUs in lieu of the 15 live CEUs that will be required to renew licensure by December 31, 2021; how long to accept those additional types of remote CEUs to satisfy the 15 live CEUs; and how many of the 15 live CEUs the Board will allow to be replaced by the additional types of remote CEUs during that time.</p> <p><u>Background:</u> On Jan 4, 2021, emergency regulations were passed that provide Boards with regulatory authority to modify their renewal CEU requirements during extraordinary times, such as the current coronavirus pandemic. The purpose of the emergency regulation is to allow boards to accept remote courses (aka “online courses” or “distance education”) in lieu of live, face-to-face courses if the Board determines that satisfying the live course requirement has become unduly burdensome for its licensees during extraordinary circumstances. This Board already accepts remote courses that are conducted live, in real time; however, the emergency rule authorizes Boards to accept other types of remote courses, such as courses that are pre-recorded or provided on-demand, should it deem them necessary. (Note: The emergency rule pertains to CEU requirements for renewals, only.)</p> <p><u>Motion:</u> Motion made by Dr. Anthony Jimenez to allow the options for individual to do the continuing education online via live program or on demand for the remaining cycle. Seconded by Dr. Eric Jones</p> <p><u>Vote:</u> Dr. Anthony Jimenez, Dr. Joette James, Dr. Teresa Grant, Mr. L. Hamilton Ferguson and Dr. Eric Jones voted in favor of the motion. The motion passed unanimously.</p>	
OS-0309-12	<p><u>Clarification on Continuing Education Requirements for Psychology Associate Reactivation/Reinstatement</u></p> <p><u>Board Action:</u> The Board is to review the Executive Office of Mayor’s recommendation and determine whether to accept the recommendation presented.</p> <p><u>Background:</u> Executive Office of Mayor would like to know if a cap can be inserted on the continuing education for individual who have been</p>	

	<p>on extended leave.</p> <p><u>Motion:</u> Motion made by Dr. Eric Jones to create a cap of five years. Seconded by Dr. Anthony Jimenez.</p> <p><u>Vote:</u> Dr. Anthony Jimenez, Dr. Joette James, Dr. Teresa Grant, Mr. L. Hamilton Ferguson and Dr. Eric Jones voted in favor of the motion. The motion passed unanimously.</p>	
OS-0309-13	<p><u>Motion to Close</u></p> <p><u>Board Action:</u> To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b).</p> <p><u>Background:</u> Chairperson, I move that the Board close the Open Public session portion of the meeting and move into the Closed Executive Session portion of the meeting pursuant to D.C. Official Code § 2-575(b) for the following purposes: to discuss disciplinary matters pursuant to § 2-575(b)(9); to seek the advice of counsel to the board, to preserve the attorney-client privilege, or to approve settlement agreements pursuant to § 2- 575(b)(4); and to plan, discuss, or hear reports concerning ongoing or planned investigations pursuant to § 2-575(b)(14).”</p> <p><u>Motion:</u> Motion made by Dr. Anthony Jimenez to close the open session agenda. Seconded by Dr. Joette James.</p> <p><u>Vote:</u> Dr. Anthony Jimenez, Dr. Joette James, Dr. Teresa Grant, Mr. L. Hamilton Ferguson and Dr. Eric Jones voted in favor of the motion. The motion passed unanimously.</p>	

The next meeting of the Board is scheduled for **Tuesday, May 11, 2021** at **2:30 pm**.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.