

**S.C. DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN PSYCHOLOGY
TELECONFERENCE BOARD MEETING AGENDA
Tuesday, February 26, 2021 at 10:00 a.m.**

MINUTES

Board Members Present:

Shirley A. Vickery, Chairperson
Christiana D. DeGregorie, Vice Chair
Martha R. Durham
Isabelle N. Mandell
Sandra G. McCloy
Alisa C. Liggett
Virginia G. Cooper

Staff Present:

Kate Phillips, Counsel, Communications and Governmental Affairs
Stacey Hewson, Advice Counsel
Roselind Bailey-Glover, Board Administrator
Shaun Strother, Board Assistant
Tina Brown, Disciplinary Counsel
Angela Baldwin, Investigations
Cynthia Barnes, ODC Assistant
Nina Garrett, Court Reporter

Public

Dr. Michelle Cooke, APA

Public Notice of this meeting was properly posted at the office of the South Carolina Board of Examiners in Psychology, Synergy Business Park, Kingstree Building, 110 Centerview Drive in Columbia, SC, was posted on the Board website and provided to any requesting persons, organizations, and news media in compliance with Section 30-4-80 of the 1976 South Carolina Code, as amended, relating to the Freedom of Information Act. A quorum is noted as *present/not present*. All votes referenced herein were unanimous unless otherwise indicated.

In accordance with the Governor's directives regarding social distancing, the meeting will be held via teleconference. Members of the public who wish to attend may do so by telephone. The telephone number and access code are provided on the posted agenda.

NOTE: These Minutes are a record of the motions and official actions taken by the Board and a brief summary of the meeting.

Call to Order

Dr. Vickery, Chairperson, called the meeting to order at 10:00 a.m.

Approval of the Agenda

Motion: Dr. Cooper made a motion to approve the agenda. The motion was seconded and approved by Dr. DeGregorie. All were in favor and the motion passed.

Approval/Disapproval of Absent Members – None

Approval of the June 26, 2020 Meeting Minutes

Motion: Dr. Cooper made a motion to approve the meeting minutes. The motion was seconded by Dr. McCloy. All were in favor and the motion passed.

Approval of the Amended September 25, 2020 Meeting Minutes

Dr. Vickery has two corrections on page 2.

Motion: Dr. DeGregorie made a motion to approve the amended meeting minutes. The motion was seconded by Dr. Mandell. All were in favor and the motion passed.

Chair's Remarks

Dr. Vickery welcomed Stacey Hewson, the new Advice Counsel to the Board and publically thanked Wick Stuart for his many years of providing advice to the Board.

Legislative Update: PSYPACT– H.3833: Katie Phillips – Communications and Governmental Affairs

Ms. Phillips addressed the Board to let them know that on February 9, 2021 House Bill H.3833 was filed that would have SC enter PSYPACT. Ms. Phillips provided the highlights to the board and stated the language is being drafted to address the fiscal impact PSYPACT would have on the Board. Ms. Phillips will let the board know when there's an update from the General Assembly.

Dr. Michelle Cooke, President of the SCPA clarified some questions regarding the Bill and their efforts to push PSYPACT forward along with the ASPPB and the APA. Ms. Hewson clarified that PSYPACT would be an addition to the Practice Act and allow another way for psychologists from other states a different way to practice in South Carolina or allow SC practitioners to practice in other jurisdictions who are members of the Compact. Ms. Phillips stated that the majority of the language related to the Compact is added in a new article at the end.

Administrative Reports

Office of Investigations and Enforcement Reports (OIE/IRC) -Angela Baldwin, Office of Investigations

Ms. Angela Baldwin presented the IRC report and provided the board with an overview of all cases from 2020. The report was presented so board members could see the cases that were closed after being presented to the board.

Motion: Dr. Mandell made a motion to approve the report. The motion was seconded by Dr. Liggett. All were in favor and the motion passed.

Office of Disciplinary Counsel Report (ODC) - Tina Brown, Disciplinary Counsel

Ms. Tina Brown presented the ODC report and stated there were two cases pending with ODC and would be decided upon by the Board. One case closure for a case the board heard last year. The ODC report is for information only and does not require a vote. There are two outstanding cases the board will hear at a later date.

Administrators Remarks - Roselind Bailey-Glover

Financial Report – was presented as information only and no vote was required. Board members were reminded that if they had questions about the report to email those questions to the board Administrator for an inquiry with the finance department.

Ethics Commission – Ms. Glover reminded the board members that March 30, 2021 was the deadline date for filing with the Ethics Commissions Office. Copies of last year's individual reports were emailed to board members.

2021 Renewals – Ms. Glover let the board know that preparation is underway for the 2021 licensure renewals for November, 2021. Research and statistics information will be added to the renewal for state workforce statistics gathering.

Revisions to the renewal documents start on 5/1/2021 so that renewals can open on 8/1/2021. CE Broker will present information at the next board meeting.

CE Broker – CEU Repository – A discussion ensued regarding where or not CE Broker services were necessary for this boards licensees. Board members heard complaints from social workers from log-in issues to having to pay for the service when they should have selected the free basic account. Ms. Hewson pointed out that the board may want to audit just to make sure their licensees are being compliant with their continuing education, but it’s up to the board to decide if you want to audit. Dr. Vickery was concerned that a CE audit was not done in the past years so was wondering why now. Ms. Glover let the board know that senior management would be asked to attend the next board meeting and will also ask CE Broker to present at the next meeting so board members are better informed.

Application Hearings: None

Disciplinary Hearing: Case #2018-17-will be presented at the April 23, 2021 meeting.

New Business

Ms. Glover provided the 2021 New Mileage Rate to the board members as information only.

2020-2021 Travel

Travel/Teleconference Meetings – Discussion and Vote

South Carolina Psychological Association (SCPA) 2021 Virtual Annual Conference, Friday, March 12 – Saturday, March 13, 2021 (13 CE Hours Available). Board members were reminded that if the board agreed to attendees at a conference, board members attending would submit their request to attend for the registration fees to be covered by the board, although there is still a moratorium on travel, the virtual registration can be covered.

Motion: Dr. Mandel made a motion to approve the virtual conference attendees as: Dr. Durham and Dr. Mandel. The motion was seconded by Dr. Liggett. All were in favor and the motion passed.

Association of State and Provincial Psychology Boards (ASPPB) 36th Midyear Meeting, April 9-10, 2021.

Dr. Vickery let board members know she was invited to present at this meeting as a panel member to basically talk about how COVID has changed board operations and things that would move forward into future board operations. So her registration would be at no cost to the board.

BOARD BREAK: 11:15 A.M. – 11:25 A.M.

Discussion continued about the upcoming virtual ASPPB Annual meeting.

Dr. Vickery mentioned that she was invited to participate in a 20-30 minute PODCAST with Collins & Lacy, a defense firm, to talk about ethical issues that have come up in practice and things that the Board has seen, just giving pointers about staying in a legal and ethical practice. Dr. Mandell suggested that possibly adding that the role of the board is to protect the public against unethical licensees might be helpful information to add to the discussion.

Discussion Topics

National Register of Health Services Psychologists – 2021 Spring Continuing Education Provider Out of State Psychologists Practicing in SC.

Ms. Glover stated that the NRHSP was invited to attend the meeting, but no one was present to represent the organization. The board members wanted more information so the invitation to appear before the board at the April 23, 2021 meeting will again be extended.

Out of state Psychologist Practicing in SC without a License

Dr. Cooper shared her experience with two applicants she conducted oral examinations on that she realized the applicant had lived in SC for a few months and one of them kept seeing all of her clients in the other states where they were actively licensed. Dr. Cooper conferred with Advice Counsel and the Administrator and learned from Advice Counsel that since the applicants were not licensed in SC yet, we don’t have jurisdiction over the applicant and it was best to quickly license the applicant as soon as possible. The applicants were not seeing SC clients.

One of the applicants read the APA information regarding telehealth and practicing during COVID and the way she interpreted it was that it was permissible as long as she was licensed where the client resided.

Further discussion ensued. Dr. Vickery let board members know that Advice Counsel said the board does have some consequence for those practicing without a license in this state and that's with a cease and desist order. But, by the time you serve it you may as well simply license the applicant to get that person appropriately credentialed.

Ms. Hewson clarified to the board that there were no penalties for unlicensed practice in the Psychology Board's Practice Act. A brief discussion was had about PSYPACT and its connection to which state has jurisdiction over unlicensed practice. Ms. Hewson clarified that the home state has jurisdiction and that the licensee is bound by the receiving states scope of practice. So the home state would still have authority to discipline the licensee, but they would be looking at the scope of practice from the receiving state where the patient is located.

The board's plan for the April 23, 2021 meeting is to bring to the board the following documents for further review:

1. APA Regulations – Guidelines for Tele-practice, which is on the website
2. The previously formed subcommittee will formulate FAQs to address out of state licensees, living in SC and practicing on their out of state license. Committee will check the minutes from 2018 and 2019 to see what action the board took at that time.
3. Board members will consider the CARES Act language regarding COVID 19 and current practices

Dr. Cooper announced to the board that the end of her board member term is over on March 21, 2021. Dr. DeGregorie also stated that this is her last board meeting as well, as she is about to deliver a new baby and will not be returning to board service. The board members and Chair thanked both board members for their dedicated service to the state and that they will be missed.

BOARD BREAK: 15 MINUTE BREAK, RETURN AT 1:10 P.M.

ASPPB Forms Review: Discussion and Vote

- Introduction Letter to the COVID-19 Modification Forms
- Internship Form
- Practicum Form
- Graduate Education Form
- Post-Doctoral Experience Form

Regarding the above list of forms, Dr. Vickery stated the ASPPB was trying to help boards deal with the uncertainties of the pandemic and the changes in practice and training that occurred as a result of the pandemic. The forms are not meant to replace any application documents, but may be submitted with the applications. No vote was taken.

Review List of New Licensees – The board discussed the review of the list of new licensees and where they are located and how many were licensed between board meetings. Since there are fewer psychologists in SC board members need to know other psychologists for referral purposes as SC is an underserved state. The Administrator will pull together a different report showing the state where licensees reported as their home address to show out of state licensees.

Board Member Update on Association of State and Provincial Psychology Boards (ASPPB) 2020 Virtual Annual Meeting, October 14-18, 2020. Dr. Vickery stated that no one attended this meeting.

Board Member Update on South Carolina Psychological Association (SCPA) 2020 Virtual Annual Conference, October 23-24, 2020 – Dr. Vickery did a short presentation earlier so there was no further discussion.

Appointment of Alternate Hearing Officers: Ms. Glover stated that the current IRC Case Review is Dr. Michael Kollar. The board members suggested Dr. Cooper and Dr. DeGregorie as alternates.

Motion: Dr. Mandel made a motion to ask Dr. Cooper, who will be newly off the Board to be the second person for the role as alternate IRC case reviewer. The motion was seconded by Dr. McCloy. All were in favor and the motion passed.

Election and Vote on 2020 Board Officers: Chairperson and Vice-Chair Person

Motion: Dr. Mandel made a motion nominate Dr. Vickery as Chair and Dr. Mandell as Vice Chair. The motion was seconded by Dr. Liggett. All were in favor and the motion passed.

2021 Board Meeting Dates:

Dr. Vickery urged the board members to take a picture of the remaining board meeting dates and they are also on the website. The meetings are teleconference meetings until further notice.

Public Comments – There were none from the public.

Dr. Mandell thanked Dr. DeGregorie and Dr. Cooper again for their amazing service to the board.

Lunch (Time of Lunch will be at the discretion of the Board Chair) – None taken

Adjournment: 1:51 p.m.

Motion: Dr. Mandel made a motion to adjourn. The motion was seconded by Dr. DeGregorie. All were in favor and the motion passed.