

GEORGIA BOARD OF EXAMINERS OF PSYCHOLOGISTS
Conference Call/ZOOM Board Meeting Minutes
August 25, 2023

The Georgia Board of Examiners of Psychologists met via teleconference/ZOOM Friday, August 25, 2023. The Board's Executive Director hosted the meeting remotely.

Members Present:

Marsha B. Sauls, Ph.D. – President
Linda F. Campbell, Ph.D. – Vice-President
William F. Doverspike, Ph.D.
Emily Burton, Ph.D.
Scott C. Smith, Psy.D.

Members Absent:

George Bratcher, Consumer Member

Administrative Staff Present:

Brig Zimmerman, Executive Director
Linsey Joiner, Board Support Specialist
Sarah Collett, Licensing Analyst

Assistant Attorney General:

Bryon Thernes, AAG

Visitors Present: (Open Session)

Gayle Spears, Ph.D., GPA

Dr. Marsha Sauls, President, established that a quorum was present and called the meeting to order at 8:35 a.m.

Agenda: Approve with no additional items

Georgia Psychological Association - Liaison Report:

Dr. Spears provided updates on ongoing GPA activities and upcoming events.

Public Rules Hearing: 9:15 a.m.

There were no written submissions received regarding the proposed rule change during the minimum thirty (30) days pre-hearing posting of the rule and no oral comments were provided during the rule hearing. Following the rule hearing and discussion regarding proposed amendments, the Board voted to adopt the following proposed rule amendments as posted.

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

❖ Rule 510-5-.02 Definitions

(1) Patient or Client. The term clients/patients may be defined through the following roles:

- (a) a recipient of psychological services,
- (b) a corporate entity or other organization when the professional contract is to provide services of benefit primarily to the organization rather than to individuals unless the contract specifies otherwise,
- (c) individuals including minors and legally incompetent adults who have legal guardians. The legal guardian shall be the client for decision-making purposes, except that the individual receiving services shall be the patient or client for:

1. Issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships; and
2. Issues specifically reserved to the individual and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship.

(2) Student. Students are individuals matriculating in a predoctoral training program or internship.

(3) Confidential Information. Confidential information refers to information for which a psychologist or other health professional is ethically obligated not to disclose without client permission. This standard is protected by state statute except when compelled to disclose as a result of a court order.

(a) When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization, including personal information about individuals when such information is obtained in the proper course of that contract. Such information about individuals is subject to confidential control of the organization, not of the individual, and can be made available to the organization, unless there is an understanding between the psychologist and such individual that such information was obtained in a separate professional relationship with that individual and is, therefore, subject to confidentiality requirements in itself.

(4) Court Order. A court order is an action taken by a judge that compels disclosure unless appealed, in contrast to a subpoena which compels only a response and may be issued by an attorney.

(5) Professional Relationship. A professional relationship is a mutually agreed upon relationship between a psychologist and patients, clients, students, supervisees, ~~or employees, contractors, or other mental health providers.~~ The professional relationship status is not contingent upon nor defined by a payment transaction.

(6) Psychological Services, ~~are a~~ All actions of psychologists in the context of a professional relationship with client/patients, students, supervisees, or employees.

(7) Supervisee. Supervisees are individuals who are not authorized or licensed to practice psychology independently and who function under the extended authority of the psychologist, the internship/SWE supervisor or secondary supervisor in the provision of psychological services. Supervisees are individuals who are either:

- (a) employees of the supervisor,
- (b) employed by the supervisor's employer, or
- (c) in training.

(8) Supervisor. Supervisors are psychologists who have responsibility for the professional activities of individuals who are supervisees.

(9) Telepsychology. The provision of psychological services using telecommunication technologies. Telecommunication technologies include but are not limited to telephone, mobile devices, interactive videoconferencing, e-mail, chat, text, and Internet (e.g. self-help websites, blogs, and social media).

(10) Employee. An employee is an individual subject to the supervision of their employer, who generally retains the right to direct the time, manner, and method by which the employee performs their assigned duties. If the employee is unlicensed and providing mental health services at the direction of a psychologist, the control that an employer maintains over the time, manner, and method by which the employee provides those services is consistent with the requirements of a supervisory relationship, in which a supervising/employing psychologist is

responsible for the professional activities of supervisees. An employee generally receives a year end IRS W-2 tax form.

(11) Independent Contractor. An independent contractor is an individual free from the direct supervision of the person or entity contracting for services to be provided, including the time, manner, and method by which the independent contractor provides those services. An individual providing mental health services as an independent contractor practices under the authority of their own license. The independence of a contractor to control the time, manner, and method by which the mental health services are provided is not consistent with a supervisory relationship, in which a supervising/employing psychologist is responsible for the professional activities of supervisees. An independent contractor generally receives a year end IRS 1099 tax form.

Statutory Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-39-5, 43-39-6 and 43-39-13

Purpose: The purpose of the proposed adoption is to amend the rule to clarify that the delegation to and supervision of psychological services referenced in this portion of the rule apply to employment settings, not training settings.

Dr. Doverspike motioned, Dr. Campbell seconded, and the Board voted to adopt Board Rule 510-5-.02 Definitions as presented above and to send the rule adoption packet to the Governor as required. None opposed, motion carried.

In addition, Dr. Doverspike motioned, Dr. Campbell seconded and the Board voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-1-25, 43-39-5, 43-39-6 and 43-39-13.

Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-1-19, 43-1-25, 43-39-5, 43-39-6 and 43-39-13 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of psychology.

❖ 510-5-.06 Welfare of Clients and Other Professional Relationships

(1) Consultations and Referrals.

(a) Psychologists arrange for appropriate consultations and referrals based principally on the best interests of their client/patients, with appropriate consent, and subject to other relevant considerations, including applicable law and contractual obligations.

(b) Psychologists' referral practices are consistent with law.

(2) Continuity of Care.

(a) Psychologists shall make arrangements for another appropriate professional or professionals to deal with the emergency needs of his/her patients or clients, as appropriate, during periods of foreseeable absence from professional availability, unless section 10.10 of the Code of Ethics is applicable.

(b) Psychologists make reasonable efforts to plan for continuity of care in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability or by the client/patient's relocation or financial limitations.

(c) Confidentiality After Termination of Professional Relationship. Psychologists shall continue to treat as confidential, information regarding client/patients after the professional relationship between the psychologist and the client/patient has ceased.

(3) Delegation to and Supervision of Supervisees of Psychological Services in Employment Settings.

(a) The following rules do not apply to training settings. When the delegation and supervision of psychological services is being conducted for training purposes towards licensure, psychologists must comply with the Rules regarding internships, fellowships and/or postdoctoral supervised work experience.

~~(a)~~ 1. Psychologists shall not delegate professional responsibilities to a person who is not qualified to provide such services. Psychologists delegate to supervisees, with the appropriate level of supervision, only those responsibilities that such persons can reasonably be expected to perform competently and ethically based on the supervisee's education, training, and experience.

~~(b)~~ 2. Psychologists shall not delegate responsibilities or accept supervisory responsibilities for work which they are not qualified and personally competent to perform. Psychologists must retain full, complete, and ultimate authority and responsibility for the professional acts of supervisees.

~~(c)~~ 3. The supervisee must have appropriate education and training, including training in ethical issues, to perform the delegated functions. The psychologist is responsible for determining the competency of the supervisee and will not assign or allow the supervisee to undertake tasks beyond the scope of the supervisee's training and/or competency. The psychologist is also responsible for providing the supervisee with specific instructions regarding the limits of his/her role as supervisee.

~~(d)~~ 4. The supervisee must fully inform the patient or client receiving services of his or her role as supervisee and the right of the patient or client to confer with the supervising psychologist with regard to any aspect of the services, care, treatment, evaluation, or tests being performed.

~~(e)~~ 5. When clinical psychological services are rendered, the psychologist must take part in the intake process, must personally make the diagnosis when a diagnosis is required, and must personally approve and co-sign a treatment plan for each patient or client. The psychologist must meet personally with the supervisee on a continuous and regular basis concerning each patient or client and must review the treatment record, including progress notes, on a regular basis as appropriate to the task(s). The psychologist must provide a minimum of one hour of supervision for every 20 hours of face-to-face clinical contact. The psychologist shall not take primary supervisory responsibility for more than three supervisees engaged in psychological services concurrently without Board approval.

~~(f)~~ 6. The selection and interpretation of psychological tests shall only be made by the psychologist. The psychologist must personally interview the patient when a diagnosis is made or is requested. In any written report, including psychological evaluations, the psychologist must approve and sign the report. When the supervisee does not participate in the actual writing of a report, but does administer and/or score psychological tests, the supervisee is not required to sign the report, but his or her name must be listed as the person who participated in the collection of the data in the report. When the supervisee personally participates in the writing of any report, then both the psychologist and the supervisee must sign the report.

~~(g) When the delegation and supervision of psychological services is being conducted for training purposes towards licensure, psychologists must comply with the Rules regarding internships, fellowships and/or postdoctoral supervised work experience.~~

Authority: O.C.G.A. §§ 43-1-25, 43-39- 5(d), and 43-39-13.

Purpose: The purpose of the proposed adoption is to amend the rule to clarify that the delegation to and supervision of psychological services referenced in this portion of the rule apply to employment settings, not training settings.

Dr. Doverspike motioned, Dr. Burton seconded, and the Board voted to adopt Board Rules 510-5-.06 Welfare of Clients and Other Professional Relationships as presented above and to send the rule adoption packet to the Governor as required. None opposed, motion carried.

In addition, Dr. Doverspike motioned, Dr. Burton seconded and the Board voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-25, 43-39- 5(d), and 43-39-13. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-1-25, 43-39- 5(d), and 43-39-13 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of psychology.

❖ **Rule 510-10-.01 Individuals**

An individual who does not hold a current license issued by the Georgia State Board of Examiners of Psychologists, and does not fall within one of the exemptions set forth in O.C.G.A. Section 43-39-7:

- (a) May not render or order to render to individuals, groups, organizations, or the public for a fee or any remuneration, monetary or otherwise, any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, such as, but not limited to, diagnosing and treating mental and nervous disorders and illnesses, rendering opinions concerning diagnoses of mental disorders, including organic brain disorders and brain damage, engaging in neuropsychology, engaging in psychotherapy, interviewing, administering, and interpreting tests of mental abilities, aptitudes, interests, and personality characteristics for such purposes as psychological classification or evaluation, or for education or vocational placement, or for such purposes as psychological counseling, guidance, or readjustment.
- (b) May not offer direct psychological services or supervise psychological services, including for training purposes, regardless of fee or remuneration, monetary or otherwise.
- (c) May not advertise that he or she is licensed by the Board; . - _
- (d) May not use any words, letters, titles, or figures indicating or implying that he or she is licensed by the Board.
- (e) May not use any words, letters, titles, or figures indicating or otherwise implying that he or she is a psychologist or is in any way practicing psychology.
- (f) May not perform psychological services at the direction of a licensed psychologist as an independent contractor.

Statutory Authority: O.C.G.A. §§ 43-1-19; 43-1-24; 43-1-25; 43-1-20.1; 43-39-5; 43-39-6; 43-39-7; 43-39-13; and 43-39-17

Purpose: The purpose of the proposed adoption seeks to prohibit a psychologist from entering into a relationship where the psychologist legally relinquishes the right to control the time, manner, and method by which an unlicensed subordinate performs psychological services, undermining the psychologist's professional responsibility to supervise the subordinate.

Dr. Doverspike motioned, Dr. Smith seconded, and the Board voted to adopt Board Rules 510-10-.01 Individuals as presented above and to send the rule adoption packet to the Governor as required. None opposed, motion carried.

In addition, Dr. Doverspike motioned, Dr. Smith seconded and the Board voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19; 43-1-24; 43-1-25; 43-1-20.1; 43-39-5; 43-39-6; 43-39-7; 43-39-13; and 43-39-17. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-1-19; 43-1-24; 43-1-25; 43-1-20.1; 43-39-5; 43-39-6; 43-39-7; 43-39-13; and 43-39-17. to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of psychology.

Correspondence:

- ASPPB COA Notice of Actions – Summer 2023 – *Board Information Only*
- PSYPACT – GA 2nd Quarter 2023 Compliance Letter – *Board Information Only*
- R. Ammirati – CE – Virtual - *The Georgia Psychology Board does not pre-approve CE events. "In-person" means being present in the same physical room (as opposed to a virtual space). In-person events allow interaction among participants and interaction among participants and presenters*

Dr. Doverspike motioned, Dr. Campbell seconded, and the Board voted to approve the recommendations of the above correspondences as discussed and presented. None opposed, motion carried

Meeting Minutes:

- July 28, 2023 C.C./Zoom Board Meeting

Recommendation:

Approve as Presented

Dr. Doverspike motioned, Dr. Campbell seconded, and the Board voted to approve the July 28, 2023 Conference Call/Zoom Board meeting minutes as presented. None opposed, motion carried.

Application Ratify List: Issued Date: 7/29/2023 - 8/24/2023

License No.	Licensee
PS-T001128	Latonya Wood Huey
PSY004718	Alyssa Nichole Lee
PSY004719	Zachary McKay Elison
PSY004720	Jonathan Keith Brantley Ferguson
PSY004721	Daphne Louise Jones
PSY004722	Katie Kathleen Robinson
PSY004723	Lauren Fern Quast
TOTAL:	7

Dr. Doverspike motioned, Dr. Campbell seconded, and the Board voted to enter Executive Session in accordance with O.C.G.A. §43-1-2(k) (1) (2), §43-1-2-(k) (3) (4), §50-14-2(1) and §43-1-2 (k) (4) to review the Cognizant (complaint) and AG reports, review the prior meetings executive session minutes, review/deliberate on applications and oral exams. Voting in favor were Board members Sauls, Campbell. Doverspike, Smith and Burton.

AG's Report: Bryon Thernes, AAG

Dr. Campbell motioned, Dr. Burton seconded, and the Board voted to approve the Assistant Attorney General's reports as presented, motion carried.

- Supervised Psychological Assistant Earnings - Board discussion. Dr. Sauls agreed to prepare new language for the Board rules regarding psychological assistants and will present it to the Board during the August 25th meeting. Language from SC and TN Board rules were referenced as good models for such a rule change.

- **Recommend Closure:** PSYC200018, PSYC230010, PSYC230030, PSYC230031/230032/230033 (Companion Cases – To remain closed), PSYC230042, PSYC240002
- **Recommend Referral to AG’s Office:** PSYC220030
- **Pending Board Review of Additional Information Received:** PSYC220035/230007 (Companion Cases)
- **Pending Receipt of Additional Information:** PSYC230040, PSYC230044, PSYC240001

Dr. Campbell motioned, Dr. Smith seconded, the Board voted to approve all the recommendations of the Cognizant Report as presented. None opposed, motion carried

• E.A.	Approve to sit for exam(s)
• J.D.	Approve to sit for exam(s)
• D.J.	Approve to sit for exam(s)
• R.C.	Approve to sit for exam(s)
• D.K.	Approve to sit for exam(s)
• E.Y.	Approve to sit for exam(s)
• T.L.	Approve to sit for exam(s)

[illegible]

- E.S. Approve to sit for exam(s)
- M.C. Approve to sit for exam(s)
- A.H. Approve to sit for exam(s)

Dr. Campbell motioned, Dr. Smith seconded, and the Board voted to approve the recommendations on all applications as presented. None opposed, motion carried.

<u>Board Administered Oral Exams:</u>	<u>Recommendation:</u>
• L.F.Q.	Pass
• M.K.	Pass
• M.M.	Pass
• E.M.S.	Pass
• K.M.	Pass
• A.B.	Pass
• W.Y.	Pass
• B.C.	Pass
• Y.S.	Pass
• M.C.	Pass
• B.A.A.	Pass

Dr. Burton motioned, Dr. Doverspike seconded, and the Board voted to approve the recommendations on all oral examination candidates. None opposed, motion carried.

<u>Executive Session Meeting Minutes:</u>	<u>Recommendation:</u>
• July 28, 2023 C.C. Board Meeting	Approve as presented
• August 21, 2023 C.C. Inv. Int. Cmte Meeting	Approve as presented

Dr. Smith motioned, Dr. Doverspike seconded, and the Board voted to approve the July 28, 2023 ZOOM Executive Session Board meeting minutes as presented. None opposed, motion carried.

Dr. Smith motioned, Dr. Doverspike seconded, and the Board voted to approve the August 21, 2023 ZOOM Executive Session Investigative Interview Committee meeting minutes as presented. None opposed, motion carried.

<u>Board Rules Discussion:</u>
• 510-2-.04 Education
• 510-2-.05 Internship and PDSWE
• 510-5-.07 Representation of Services
• 510-7-.02 Reinstatement
• 510-9-.04 Volunteers

Dr. Doverspike moved, Dr. Burton seconded, and the Board voted to accept the AG's MOA and post the proposed rule amendments for Board Rule 510-2-.04, 510-2-.05, 510-5-.07 for the minimum thirty days for public view with a public rule hearing to be scheduled for the next available date following the thirty-day public posting. None opposed, motion carried.

Dr. Campbell moved, Dr. Smith seconded, and the Board voted to refer the proposed changes to Board Rules 510-7-.02 Reinstatement and 510-9-.04 License for Volunteer Service to the AGs for a revised Memo of Statutory Authority and to post the proposed rule amendments for the minimum thirty days for public view

with a public rule hearing to be scheduled for the next available date following the thirty-day public posting.
None opposed, motion carried.

There being no further business for discussion, the meeting adjourned at 4:22 p.m.

Minutes recorded by:	Linsey Joiner, Board Support Specialist
Minutes reviewed, and edited by:	Brig Zimmerman, Executive Director

MARSHA SAULS, Ph.D.
President

BRIG ZIMMERMAN
Executive Director Healthcare 1

Minutes approved on: **September 22, 2023**