

Board of Psychology

Friday October 12, 2018 @ 9:00 AM

Public Minutes

The October 12, 2018 meeting of the Board of Psychologists convened at 9:00 a.m. at the Office of Professional Licensure and Certification, 121 South Fruit St., Concord, NH with the following members present:

Anna L. Elbroch, Esq., Chair

James Halla, Psy.D.

Robert P. Walrath, Psy.D.

Lauren Greenwald, Esq.

Tonya Warren, Ph.D.

Steven C. Atkins, Psy.D.

Absent: Deborah Warner, Psy.D.

ADMINISTRATIVE

The Minutes of September 7, 2018 were approved with amendments with a motion by James Halla, Psy.D., a second by Anna Elbroch, Esq., and all other members present voting in the affirmative.

License certificates were signed by the Board.

PUBLIC HEARING

At 9:00 a.m. the Board welcomed Jes Leonard, Ph.D., from the New Hampshire Psychological Association (NHPA). Dr. Leonard will be NHPA's liaison for the Board of Psychology. The Board is eager to collaborate with NHPA. Board member Deborah Warner, Psy.D., to will act as primary contact and the Board will request she reach out to Jes Leonard, Ph.D., in the near future.

At 10:03 a.m., Kirsten McGhee, Ph.D., presented herself to the Board to discuss her latest essay submission which the Board received on October 8, 2018. The Board unanimously agreed that Dr. McGhee's essay met the application requirements. The Board unanimously voted to approve Dr. McGhee for licensure.

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QUALIFICATION AND LICENSURE

The Board unanimously approved the following Applicants for licensure:

- Baker, Sarah
- Merrin, Jason

With a roll-call vote by the six members present, the Board approved the following Applicant for licensure as follows: five voted in favor and James Halla, Psy.D., opposed. Dr. Taylor's application was presented at the October 12, 2018 meeting for approval for Licensure. However, she was intended for approval to take the EPPP Exam.

- Taylor, Patricia

The Board unanimously approved the following Applicant for a 90-Day temporary licensure. The Board refers Dr. Protzel to the APA ethical codes and guidelines for practicing telehealth. Theresa McGowan will send this notification.

- Protzel, Carlos

The Board unanimously approved the following Applicant to sit for the EPPP Exam. Additionally, the Board unanimously approved notifying the Applicant that upon receiving a passing grade, the Board will review her completed application for licensure. The Board noted that her ethics essays are not of adequate length (300 words each) as required by rule Psyc 303.05. Theresa McGowan will send this notification.

- Stephens, Bethanie

QUESTIONS

Q. I'd like to know whether New Hampshire psychologists adhere to APA codes regarding disclosure of test data and materials or whether there is a superceding law or statute regarding this issue. (Courtney Toon)

A. The Board directs Ms. Toon to the APA code for this issue.

Q. In reviewing the 30 and 90 day temporary licensure requirements for psychologists coming from out of state to practice in New Hampshire, requirement (3) mandating special certification (ABPP, CPQ, NRHSP, etc) appears from my review of many state board rules for temporary licensure to make New Hampshire one of the most restrictive

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states for temporary practice. My cursory review of about a dozen other states do not seem to include the requirement of such a special certification, but basically just require some version of their current state license being in good standing.

And while there is a provision built into this rule to allow for “other standing or certification of an equivalent nature, as approved by the board,” even “equivalency” creates a higher standard.

Basically, I read this section to mean that you must have some type of certification or designation beyond simply a license in good standing in the state that you are coming from.

My question is this: is this the intention of this rule, to make New Hampshire standards for temporary licensure more restrictive than other states? And if not intended to be that way, has the board granted waivers for psychologists without specific extra professional designations, but have a license from another state in good standing? And would the board be open to reviewing such a waiver request on a case by case basis for an applicant who only has a license in good standing from another state, or does such a waiver request differ so significantly in spirit and intent from this specific requirement that such a waiver request would be unlikely to be granted?

Finally, if the intent of a temporary license in New Hampshire is not to have it be more restrictive than other states, could this be placed on an agenda for future rulemaking consideration to have this one criteria eliminated? It would seem in the current age of teletherapy, which in most cases requires a license in the state that someone is originating the teletherapy session from, as well as the location of the client receiving the service, that more flexible temporary licensure requirements would have value in New Hampshire. Furthermore, given that there is often only one meeting per month of the psychology board, and my recollection is that there is at least one month that the board may not meet annually, this would also allow psychologists with a license from another state to temporarily practice in New Hampshire while they are awaiting a full New Hampshire license.

One other idea for future rulemaking, might be to consider upon submission of a clean and complete application for a NH psychologist license, if they possess a license in good standing from another state, to provide the applicant an automatic temporary license for 90 days, which would allow them the opportunity to deliver service in New Hampshire, without having to complete a temporary license application separate from their full New Hampshire license application. And given the additional burden on psychologists to become credentialed on managed-care panels to deliver service in New Hampshire, issuing a temporary license to those who have submitted a full license and have another state license in good standing, it would also allow them the opportunity to begin the

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credentialing process in order to be able to insurance reimbursable in New Hampshire upon receipt of a full license. (Evan Greenwald, Ph.D.)

A. The Board reviewed Rule 303.04 and Law NH RSA 329-B:20 regarding temporary and Emergency licensure for applicants from other states and it appears there is a mistake in Psyc 303.04 requiring the additional certification as well as a license in another state. RSA 329-B:20 clearly states that a valid license in another state OR an additional national certification would be sufficient (as well as the other requirements) for a temporary application. Theresa McGowan will respond to Dr. Greenwald accordingly. She and Michelle Thibeault will discuss updating Rule Psyc 303.04, with Director Sheri Walsh, Esq.

Q. I have a client who is temporarily moving to the UK, and she would like to continue engaging in therapy via Skype, until she returns home. I was hoping to get some feedback about the ethics surrounding this. I am aware of the risks associated with any telehealth, and we have discussed referrals, etc. I am less aware of the rules surrounding doing "out of country" therapy. Essentially, am I allowed to engage in therapy via Skype with a patient located in the UK, given that I am licensed in NH. Would it possible to get some feedback regarding this issue? (Karen Harman, Psy.D.)

A. The Board expressed that Dr. Harman's questions pose significant concerns that would require due diligence before proceeding. The Board, however, cannot advise you as to the appropriate way to proceed. The Board referred Dr. Harman to the APA ethical codes and guidelines for telehealth, including but not limited to: methods of communication, differences in international law and temporary licensure in the United Kingdom. Theresa McGowan will respond to Dr. Harman accordingly.

Upon a motion at 11:04 a.m. by James Halla, Psy.D., with a second by Lauren Greenwald, Esq., the board moved to non-public session.

Upon the motion at 12:30 p.m. by Steven Atkins, Psy.D., with a second by Robert Walrath, Psy.D., the Board moved to public session.

Upon motion at 12:30 p.m. by Dr. Steven Atkins, with a second by Robert Walrath, Psy.D., the Board voted to withhold and seal the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A: 3 III, that divulgence of the information likely would affect adversely the reputation of a person other than a Board member and to render the propose action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

The Board adjourned at 12:30 with a motion made by Anna Elbroch, Esq., with a second by Robert Walrath, Psy.D.