

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency

As Chair of the Board of Psychologists, (“Board”) I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor’s Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Zoom for this electronic meeting.¹ All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone **+1 646 558 8656 US (New York)** and password **831085**, or by clicking on the following website address:

<https://zoom.us/j/92005657362?pwd=b1RaZ3hY1IGNmc1eTliVWtYSTU2QT09>

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Board: <https://www.oplc.nh.gov/psychologists/board-meetings.htm>

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem, please call **603-271-2152** or email at: **Michelle.Thibeault@oplc.nh.gov**.

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let’s start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

¹ Many public bodies are utilizing video teleconferencing technology, such as Zoom, to ensure the electronic meeting comply with the Right-to-Know law and any applicable due process requirements. In certain circumstances, a regular business meeting of a public body may be conducted utilizing audio-only technology. If you have any questions about the appropriateness of the technology utilized to conduct your meeting, please consult your agency counsel or the Attorney General’s Office.

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

The regularly scheduled meeting of the Board of Psychology (“the Board”) commenced at 9:08 am on May 11, 2020. with the following members present via Zoom:

Board:

Robert Walrath, PsyD, Chair, Yes
Tonya Warren, PsyD, member, Yes
James Beauregard, PhD, member, Yes
Deborah Warner, PhD, member, Yes
James Halla, PsyD, member, Yes

Absent: Lauren Greenwald, Esq., public member

Staff

Michelle Thibeault

Guest

Jessica Leonard, NHPA

I. ADMINISTRATIVE

A. Review the Minutes from April 3, 2020 public session.

Board Action: Upon motion by Tonya Warren, PsyD, with a second by James Halla, PsyD, the Board voted to approve the public meeting of April 3, 2020 minutes as amended by roll call vote:

Robert Walrath, PsyD, Chair, Yes
Tonya Warren, PsyD, member, Yes
James Beauregard, PhD, member, Yes
Deborah Warner, PhD, member, Yes
James Halla, PsyD, member, Yes

II. CERTIFICATES

N/A

III. RULES / STATUTES / ORDERS

- A. Standing Order – complete
<https://www.oplc.nh.gov/covid-19/index.htm>
- B. Emergency Licenses Issued
1. [Emergency Licenses Issued as of April 22, 2020](#)

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

[Last Name A-B](#) 

2. [Emergency Licenses Issued as of April 22, 2020](#)

[Last Name C-E](#) 

3. [Emergency Licenses Issued as of April 22, 2020](#)

[Last Name F-H](#) 

4. [Emergency Licenses Issued as of April 22, 2020](#)

[Last Name I-L](#) 

5. [Emergency Licenses Issued as of April 22, 2020](#)

[Last Name M-O](#) 

6. [Emergency Licenses Issued as of April 22, 2020](#)

[Last Name P-S](#) 

7. [Emergency Licenses Issued as of April 22, 2020](#)

[Last Name T-Z](#) 

Discussion: For informational purposes only the Board was provided a link to all of the Emergency Licenses that have been issued.

IV. NEW BUSINESS – :

A. Advisory Committee, New Members

Discussion: Feedback from the School Psychology Advisory Committee individually to Dr Warner concerning these candidates was enthusiastic and positive.

Upon motion by Deborah Warner, PhD., with a second by James Halla, PsyD., the Board voted to approve the following individuals to join the School Psychologist Advisor Committee by roll call vote:

Robert Walrath PsyD, - Yes
Tonya Warren PsyD, - Yes
Deborah Warner PhD, - Yes
James Halla PsyD, - Yes
James Beauregard, PhD – Yes

1. Terri Drogue
2. Mark Mcleod
3. Laureen Dorow
4. Daniel Angell

As a result of these appointments, the School Psychology Advisory Committee now has 8 members and so the quorum is now 5 members.

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

B. NHPA liaison

NHPA representative Jessica Leonard indicated that NHPA will be putting together telemedicine etiquette & practices guidance.

V. ONGOING BUSINESS

A. Possible Modifying the CEU requirements in rules – James Halla, PsyD

Current rule language: “Psyc 402.01(c)(2) currently reads: “participation in homestudy courses up to a maximum of 34 hours;”

Proposed change: “participation in homestudy courses, *with no limit to the number of the required continuing education hours that can be completed through homestudy, except for the 6 ethics credits, which must be obtained in person or through participation in a live, interactive, internet presentation.*”

Discussion: Approving this does not change the rule yet, but must be brought forward through the rules process to become enforceable, but it does bring the future rule into conformity with the emergency orders made by the board during COVID19 emergency.

Upon motion by Deborah Warner PhD, with a second by Tonya Warren PsyD, the Board voted to move forward with the modification to the CEU requirements in rule Psyc 402.01 (c)(2) as outlined by James Halla, PsyD, by roll call vote:

Robert Walrath PsyD, - Yes
Tonya Warren PsyD, - Yes
Deborah Warner PhD, - Yes
James Halla PsyD, - Yes
James Beauregard, PhD – Yes

B. School Psychologists – Deborah Warner, PhD

5/1/2020 – Discuss April 23, 2020 meeting of the School Psychology Advisory Committee

Discussion: Discussion on roll out for informational packets, Deborah Warner PhD talked about the first meeting, looking at the different types of doctoral degrees to be considered.

- i. School Psychology
- ii. Clinical Psychology
- iii. Counseling Psychology
- iv. Educational Psychology

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

In the welcome packets there are letters from the Chair Robert Walrath, PhD., School Psychologist Advisory Committee, New Hampshire Association of School Psychologists (NHASP), and New Hampshire Psychological Association (NHPA) Packets will be sent electronically to the school psychologists via email through DOE with the Board of Psychologists as the response address.

Chair Robert Walrath, PhD also crafted a letter for the school administrators to inform them of details about the new licenses and also to alert them that the Associate School Psychologists are not included in the new license and must continue to be supervised by a Certified School psychologist as they are now.

C. PSYPACT –

No PsyPact state assessment fee this year

Fee will be invoice in Jan 2021 \$10.00 per head for NH PsyPact Participants
PsyPact endorsement fee (need to discuss)

Discussion: regarding Telemedicine and how laws are different from state to state, but that the PsyPact will not require telemedicine participants to adhere to local state laws and rules, only the local state's scope of practice. The board is concerned about this. NHPA representative Jesssica Leonard was consulted and will be reaching out to other states and professional state associations concerning this issue. Deborah Warner PhD suggested an effort in parallel to establish a license for telemedicine similar to the process for the 30 day licensing rule. She will have a draft for the June meeting.

Motion to commence 1st Non-Public Session:

At 9:23 a.m., upon motion by James Halla, PsyD., with a seconded by James Beauregard, PhD., the Board voted to conduct a non-public session for the purpose of discussing confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Roll call vote: Robert Walrath, PsyD, Yes, Tonya Warren, PsyD, Yes, James Beauregard, PhD, Yes, Deborah Warner, PhD, Yes, and James Halla, PsyD, Yes.

[Minutes kept separately]

Public session resumed at 10:05 am.

Seal Non-Public Minutes: Motion to keep minutes of non-public session confidential:

At 10:05 am., upon motion by Tonya Warren, PsyD., with a second by James Halla, PsyD., the Board unanimously voted to withhold and seal the minutes of the preceding non-public session

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

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 proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present. Roll call vote: Robert Walrath, PsyD, Yes, Tonya Warren, PsyD, Yes, James Beauregard, PhD, Yes, Deborah Warner, PhD, Yes, and James Halla, PsyD, Yes.

New Business Continued

C. New Licenses

Upon motion by Tonya Warren, PsyD., with a second by James Halla, PsyD., the Board voted to approve the application of **Julie Ryan** for Psychologist by roll call vote:

Robert Walrath PsyD, - Yes
Tonya Warren PsyD, - Yes
Deborah Warner PhD, - Yes
James Halla PsyD, - Yes
James Beauregard, PhD - Yes

VI. PUBLIC HEARING –

A. Kobs, Matthew – Essays 11:00 am

Board Chair Robert Walrath, PsyD called the public hearing of Matthew Kobs to order at 11:00 am., by introducing the Board Members. James Beauregard, PhD., Hearings Officer for the Board proceeded with the hearing. Mr. Kobs addressed the Board and thanked the Board for the opportunity to discuss his essays. Prior to the hearing he submitted revised essay questions for the Board to review. Mr. Kobs answered all of the Board's questions. The Public Hearing concluded at 11:37 am. Mr. Kobs was placed in the waiting room while the Board deliberated in non-public session.

Motion to commence 2nd Non-Public Session:

At 11:37 a.m., upon motion by Deborah Warner, PhD., with a seconded by James Halla, PsyD., the Board voted to conduct a non-public session for the purpose of discussing confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Roll call vote: Robert Walrath, PsyD, Yes, Tonya Warren, PsyD, Yes, James Beauregard, PhD, Yes, Deborah Warner, PhD, Yes, and James Halla, PsyD, Yes.

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

[Minutes kept separately]

Public session resumed at 11:55 am.

Seal Non-Public Minutes: Motion to keep minutes of non-public session confidential:

At 11:55 am., upon motion by Tonya Warren, PsyD., with a second by James Halla, PsyD., the Board unanimously 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 proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present. Roll call vote: Robert Walrath, PsyD, Yes, Tonya Warren, PsyD, Yes, James Beauregard, PhD, Yes, Deborah Warner, PhD, Yes, and James Halla, PsyD, Yes.

Public Hearing continued

At 11:55 am the Board resumed the public hearing and brought Mr. Kobs back into the meeting. The Board indicated no decision was made and needed more time. The Board will notify Mr. Kobs in writing of the decision, the Board did not want to keep him waiting. Mr. Kobs left the meeting at 12:01 pm

Board recessed into non-meeting at 12:01 pm

Board resumed the public session at 12:50 pm

At 12:50 pm the Board recessed for lunch, to resume at 1:20 pm

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

Motion to commence 3rd Non-Public Session:

At 1:20 p.m., upon motion by Deborah Warner, PhD., with a seconded by James Halla, PsyD., the Board voted to conduct a non-public session for the purpose of discussing confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Roll call vote: Robert Walrath, PsyD, Yes, Tonya Warren, PsyD, Yes, James Beauregard, PhD, Yes, Deborah Warner, PhD, Yes, and James Halla, PsyD, Yes.

[Minutes kept separately]

Public session resumed at 1:27 pm.

Seal Non-Public Minutes: Motion to keep minutes of non-public session confidential:

At 1:27 pm., upon motion by Tonya Warren, PsyD., with a second by James Halla, PsyD., the Board unanimously 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 proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present. Roll call vote: Robert Walrath, PsyD, Yes, Tonya Warren, PsyD, Yes, James Beauregard, PhD, Yes, Deborah Warner, PhD, Yes, and James Halla, PsyD, Yes.

VII. QUESTIONS

Q. I've been interested in being licensed as a psychologist in New Hampshire for the last year or so. My doctoral degree was awarded on May 21st of last year and I began accumulating supervision and hours as part of my position at the Brattleboro Retreat. To date, I have 1750 hours on site as well as weekly supervision from two licensed psychologists. However, the partial hospitalization program where I work (Uniformed Services Program) closed on March 20th due to COVID-19 concerns. I'm uncertain of when we might open again, and I'm sure this is a common theme for most in my position at this time. The Retreat does not have the capacity to participate in tele-health, for whatever reason, or the access is limited. I'm honestly not sure what the reasoning is. In any case, I was in great standing at my job with two months to go until; my year of post-doctoral experience was complete, and both of my supervisors would attest to that. Are you aware if the board would be flexible with regard to my situation? I was planning on applying for a license as soon as my year was complete. Any thoughts or guidance that you have would be greatly appreciated. I'm sorry if any of this was confusing. My number is 413-234-0589 if it would be easier to speak over the phone.

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

A. The Board recommends the individual submit his application along with a letter explaining the circumstances and to look at the rules on the website (PART Psyc 203 WAIVERS).

Q. Dear Sir or Madam, Does the NH Board of Psychologists consider a psychologist's creation of educational material that is designed to teach youth leaders how to promote children's development in safe and healthy ways a kind of "psychological and associated professional service"? Asked differently, does the NH Board of Psychologists consider my making videos for Expert Online Training to be "part of the practice of psychology"? Details of this query appear below, in my email to you on April 17th. Because my policy is up for renewal, your answer has immediate and significant financial implications for me. Please do reply at your earliest convenience. Thank you!

A. Yes, it is covered

Q. I am a post-doctoral researcher at Duke University Medical Center. I am getting in touch because we are conducting an assessment-based research study and we want to conduct assessments remotely. Assessments will be conducted by research staff (e.g., students, postdocs) who are supervised by a licensed psychologist. These procedures do not involve billing activities, are IRB approved, and will be confidential. Is it permissible per your state board regulations for our staff to complete research assessments via telehealth technologies with participants who reside in your state? I see your practice act indicates the following are exempted"(b) The psychotherapy activities or services of a person in the employ of a state, county, or municipal agency, other political subdivision, or duly chartered educational institution, insofar as such activities and services are a part of the duties of such person in that salaried position. (c) The psychotherapy activities and services of a student, intern, or resident in a mental health discipline regulated by the board, who is pursuing a course of study approved by a regionally accredited degree-granting institution or at another training site approved as providing qualifying training and experience constituting a part of the supervised course of study. If I am reading this correctly, I believe our research staff would be permitted to complete assessments since they are either employees of a chartered educational institution or students. Is that correct? I am happy to answer any questions you might have and look forward to hearing from you soon

A. The board has reviewed your request at its May 1st meeting and finds that the research testing you propose would require a New Hampshire license for all psychologists who perform the testing. The exceptions in our rules and statutes you refer to pertain to those in the state of New Hampshire, not to other jurisdictions. "State" in those contexts refers to the state of New Hampshire.

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

Q. I am a non-licensed pre-doctoral clinician in Vermont. I am wondering if I can see a client over telehealth who is staying in New Hampshire for two weeks. Please let me know if you have any additional questions.

A. *No, you are unable to practice in New Hampshire*

Motion to commence 4th Non-Public Session:

At 1:35 p.m., upon motion by Deborah Warner, PhD., seconded by Tonya Warren, PsyD., the Board voted to conduct a non-public session for the purpose of discussing confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Roll call vote: Robert Walrath, PsyD, Yes, Tonya Warren, PsyD, Yes, James Beauregard, PhD, Yes, Deborah Warner, PhD, Yes, and James Halla, PsyD, Yes.

[Minutes kept separately]

Public session resumed at 2:32 pm.

Seal Non-Public Minutes: Motion to keep minutes of non-public session confidential:

At 2:32 pm., upon motion by Deborah Warner, PhD., with a second by James Beauregard, PhD., the Board unanimously 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 proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present. Roll call vote: Robert Walrath, PsyD, Yes, Tonya Warren, PsyD, Yes, James Beauregard, PhD, Yes, and Deborah Warner, PhD, Yes.

VIII. New License

Upon motion by Deborah Warner, PhD, with a second by James Halla, PsyD., the Board voted to approve the application of Mathew Kobs for Psychologist by roll call vote:

Robert Walrath PsyD, - Yes
Tonya Warren PsyD, - Yes
Deborah Warner PhD, - Yes
James Halla PsyD, - Yes
James Beauregard, PhD - Yes

IX. MEETING ADJOURNED

Board of Psychology

Friday, May 1, 2020 at 9:00 AM

At 2:33 pm., upon motion by Deborah Warner, PhD., with a second by James Beauregard, PhD., the Board unanimously voted to adjourn the meeting. By roll call vote:

Robert Walrath PsyD, - Yes
Tonya Warren PsyD, - Yes
Deborah Warner PhD, - Yes
James Beauregard, PhD - Yes

Next meeting: June 5, 2020