

**Virginia Board of Psychology
Quarterly Board Meeting
Draft Minutes
January 24, 2017**

The Virginia Board of Psychology (“Board”) meeting convened at 10:10 a.m. on Tuesday, January 24, 2017 in Board Room 1 at the Department of Health Professions (“DHP”), 9960 Mayland Drive, Richmond, Virginia. Dr. Herbert Stewart, Ph.D., Board Chair, called the meeting to order.

Board Members Present:

Herbert Stewart, Ph.D., Chair
J.D. Ball, Ph.D., ABPP
James Werth, Ph.D., ABPP
Susan Brown Wallace, Ph.D.
Peter L. Sheras, Ph.D., ABPP
Rebecca Vauter, Ph.D., ABPP

Board Members Absent:

Deja Lee, Citizen Member
Jennifer Little, Citizen Member

DHP Staff Present:

Jaime Hoyle, Executive Director
Elaine Yeatts, DHP Senior Policy Analyst
Jennifer Lang, Deputy Executive Director
Deborah Harris, Licensing Manager
Christy Evans, Discipline Specialist
Ms. Lisa Hahn, DHP Chief Deputy Director

Board Counsel:

Jim Rutkowski, Assistant Attorney General

Call to Order:

Dr. Stewart called the meeting to order and read the Emergency Egress procedures.

Adoption of Agenda:

One change was made to the agenda to postpone the presentation by ASPPB’s Alex Siegel until the May 16th, 2017 Board Meeting. That motion was accepted and carried.

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Summary Suspension Presentation:

The Office of the Attorney General's officer Julia Bennett presented a summary of evidence in disciplinary case #175718 for the Board's consideration of a summary suspension of the license of David Michael Mitchell, Psy.D. , L.C.P. See attachment A for hearing summary minutes.

Approval of Minutes

The minutes of the November 1, 2016 meeting were approved as presented.

Public Comment

Jennifer Morgan of the Virginia Academy of Clinical Psychologists (VACP) spoke about the Conversation hour that will be held in Norfolk on April 28th, 2017. She thanked those who have signed up to participate at the upcoming meeting, and encouraged anyone else on the Board or staff to sign up as well.

Director's Report

Lisa Hahn reported on behalf of Dr. Brown, as he was unable to attend due to the General Assembly session. Ms. Hahn discussed some of the bills that will impact DHP and the Boards. Ms. Yeatts' report below will provide more detail on the legislation.

Legislative & Regulatory Update

Elaine Yeatts provided further information on the bills DHP is following during the current General Assembly session. They are as follows:

- House Bill (HB) 2042 Suicide prevention; continuing education requirements for providers
- Senate Bill (SB) 848 Naloxone; dispensing for use in opioid overdose reversal, etc.
- SB 1020 Peer Recovery specialists and qualified mental health professionals
- SB 1024 Health care practitioners; reporting disabilities of drivers
- SB 1230 Opiate prescriptions, electronic prescriptions
- SB1232 Controlled substances; limits on prescription containing opioids

SB 1020 will impact the Behavioral Science boards more than any of the other bills

Executive Director's Report

Jaime Hoyle reported that the Board keeps moving forward with the concept of "going green" by not only using the laptops at Board meetings, but with the June 30, 2018 renewal, the Board will move to exclusively "online renewal" notices. This year the Board will still mail renewal notices but will use that opportunity, as well as any other opportunity, to let licensees know that this year will be the last year licensees will receive renewal notices by mail. Ms. Hoyle also stated that the behavioral sciences

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boards are moving to online applications and expects that transition to be completed this year as well. Ms. Hoyle stated that she volunteered to participate in ASPPB committee work and they placed her on the planning committee for ASPPB's mid-year meeting in Memphis.

Board Office Update

Deborah Harris reported information on licensing activity, noting that the Board regulated the following 112 licensees and certificate holders this quarter:

- Licensed Clinical Psychologists (LCP) 71
- Licensed School Psychologists (School) 2
- School Psychologists Limited 25
- Certified Sex Offender Treatment Providers (CSOTP) 4
- Residents in Training 10

To date, there are a total of 4,994 licensees regulated by the Board.

Discipline Report:

Jennifer Lang reported the following information for current cases:

- Total of 82 cases
- 20 in investigation
- 59 in probable cause
- 1 in Administrative Processing Division (APD)
- 1 Informal Conference (IFC)
- 1 Formal Hearing

Christy Evans reported on the Continuing Education (CE) Audit Review with the following:

<u>Psychology:</u>	1% of licensees pulled	
LCP: 26	Compliant: 21	Non: 5
SOTP: 4	Compliant: 3	Non: 1
Applied: 1	Compliant: 1	Non: 0
School: 5	Compliant: 5	Non: 0

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Board Counsel Report

No report.

Committee Reports

Board of Health Professions

Dr. Stewart indicated he was appointed to the Board of Health Professions but his first meeting in attendance will not be until the next meeting which is in February.

Regulatory Report.

Dr. Werth indicated he would report under Unfinished Business.

New Business

Alpha Stim Discussion was tabled.

Amendments to Bylaws

Dr. Stewart led the discussion of amendments to the Bylaws. The Board discussed the bylaws line by line. There was a motion that carried for the suggested changes to be put into draft format and presented for approval at the next Board meeting in May.

Unfinished Business

Dr. Werth discussed the Draft Psychology Assessment Guidance Document with the Board. The Board determined that some changes still needed to be made before Ms. Hoyle should distribute it to the other Boards. The Regulatory committee will finalize the changes and suggestions at its next meeting.

Consideration of a Request for Modification

Closed Session:

Dr. Werth moved that the Board of Psychology convene in a closed session pursuant to §2.2-3711(A)(27) of the *Code of Virginia* for the purpose of deliberation to reach a decision in a request for modification of a previously issued board order as requested by Hope Bagley, Ph.D., LCP. He further moved that Mr. Rutkowski, Ms. Hoyle, Ms. Lang, Ms. Evans, and Ms. Harris attend the closed meeting because their presence was deemed necessary and would aid the Board in its deliberation. The motion was seconded and passed unanimously.

Reconvene:

Having certified that the matters discussed in the preceding closed meeting met the

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requirements of §2.2-3712 of the *Code*, the Board reconvened in open meeting and announced the decision.

Decision:

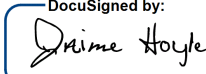
Upon a motion by Dr. Werth and duly seconded by Dr. Vauter, the Board voted unanimously to approve Dr. Bagley's request to amend the previously issued Board Order, pending consultation with Dr. Bagley's attorney by the Executive Director.

Adjourn:

The meeting adjourned at 3:40 p.m.

The minutes were approved during the
May 16, 2017 Board of Psychology
Board meeting, as written.

Herbert Stewart, Chair

DocuSigned by:

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Jaime Hoyle, Executive Director

ATTACHMENT A

BOARD OF PSYCHOLOGY SUMMARY SUSPENSION HEARING Tuesday, January 24, 2017

TIME AND PLACE: Tuesday, January 24, 2017 at the Department of Health Professions, 9960 Mayland Drive, Ste. 201, Henrico, Virginia, Board Room 1.

MEMBERS PRESENT: Herbert Stewart, Ph.D., LCP, Chairman
John Ball, Ph.D., LCP
Peter Sheras, Ph.D., LCP
Rebecca Vauter, Psy.D., LCP
Susan Brown Wallace, Ph.D., LCP, LSP
James Werth, Jr., Ph.D., LCP

With 6 members present, a quorum was established.

MEMBERS ABSENT: Deja Lee, Citizen Member
Jennifer Little, Citizen Member

STAFF PRESENT: Christy Evans, Discipline Case Specialist
Lisa Hahn, DHP Deputy Director
Debbie Harris, Licensing Manager
Jaime Hoyle, Executive Director
Jennifer Lang, Deputy Executive Director
James Rutkowski, Assistant Attorney General, Board Counsel

OTHERS PRESENT: Julia Bennett, Assistant Attorney General
Emily Tatum, Adjudication Specialist

PURPOSE OF THE MEETING: The meeting was convened to hear a presentation from Assistant Attorney General Julia Bennett and Adjudication Specialist Emily Tatum regarding David Mitchell, Psy.D., LCP and disciplinary case #175718.

Ms. Bennett presented a summary of the evidence of the case and asked the Board to consider a summary suspension of Dr. Mitchell's license to practice clinical psychology.

CLOSED MEETING: Dr. Werth moved that the Board convene in a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Dr. Mitchell. Additionally, he moved that Mr. Rutkowski, Ms. Hoyle, Ms. Lang, Ms. Evans, Ms. Harris, and Ms. Hahn attend the closed meeting because their presence was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed unanimously.

RECONVENE: Having certified that the matters discussed in the preceding closed meeting met the requirements of §2.2-3712 of the Code, the Board reconvened in open meeting and announced the decision.

DECISION: Dr. Brown Wallace moved that the Board summarily suspend the license of David Mitchell, Psy.D., LCP to practice clinical psychology in the Commonwealth of Virginia, pending a Formal Hearing before the Board. Additionally, she moved that the Board offer a Consent Order to Dr. Mitchell for the indefinite suspension of his license, in lieu of a Formal Hearing. The motion was seconded by Dr. Vauter and passed with unanimously.