

# MINUTES

Regular Meeting of

The Alabama Board of Examiners in Psychology  
100 N. Union Street, Suite 880  
Montgomery, AL 36104

July 14, 2023

Members Present: Edwin W. Cook, III, Ph.D. – Chair (In person)  
Nancy W. Berland, Ph.D. – Vice Chair (Zoom)  
Michael A. Carlton, Ph.D. – Psychologist Member (In person)  
Candice D. Lewis, M.S. – Psychological Technician Member (In person)  
Dale Wisely, Ph.D. – Psychologist Member (In person)  
Kimberley S. Ackerson, Ph.D., ABPP – Psychologist Member (In person)  
Carmen Douglas, SHRM-SCP, SPHR – Public Member (In person)

Others Present: Brice M. Johnston – Legal Counsel (In person)  
Angela D. Ledbetter – Executive Assistant (In person)  
Lori H. Rall – Executive Director (In person)  
Ellen L. Spence, Ph.D. – Alabama Psychological Association Liaison (Zoom)

Not Present: C. Jeffrey Terrell, Ph.D., ABPP – Psychologist Member

Opening by Cook: We are gathered in the Board Office and on Zoom for a regular meeting of the Alabama Board of Examiners in Psychology. A lawful quorum is present and sufficient prior notice has been given as required by the Open Meetings Act, to include posting Zoom meeting participation information on both the Board's and the Secretary of State's websites. The time is 9:04 a.m.

Cook read the BOARD's **MISSION STATEMENT**:

The Alabama Board of Examiners in Psychology seeks to promote and protect the public's health, welfare, and quality of life by licensing and regulating the practice of psychology and by promoting access to psychological services delivered in a safe, competent, and ethical manner.

Rall requested to add two (2) Items to Agenda: Resume of Susan N. Han, J.D. as New Business Item 7), and discussion of the date of the November 2023 Board Meeting as New Business Item 8). Motion by Cook to accept the two (2) Agenda Items as New Business. Seconded by Wisely. Motion passed.

Douglas joined meeting at 9:07 a.m. (In person)

**REVIEW OF MINUTES:**

Review of the May 12, 2023 Minutes. Motion by Wisely to accept the Minutes as written. Seconded by Carlton. Motion passed.

## **NEW BUSINESS:**

- 1) In June of 2023, the Examiners of Public Accounts conducted a Sunset Audit and Review of all Board operations for Fiscal Years 2019, 2020, 2021, and 2022. Significant Issues were identified related to Board Meeting attendance, Executive Sessions, and Public Notice for Zoom Meeting attendance. Review Examiners' letter and the Board's June 30, 2023 response. An Exit Interview with the Board and the Examiners was not scheduled. The Examiners issued a Report (post-) dated July 18, 2023.

Cook addressed the specific violations of the Open Meetings Act that were noted in the Audit Report and the circumstances that led to those violations. He concluded that throughout the statewide COVID-19 emergency as well as the national COVID-19 emergency that continued until May of this year, the Board never cancelled or postponed a meeting and, to the best of the Board's knowledge, no member of the public was ever denied access to any of the Board's meetings. Cook stated:

*"Specifically, the Significant Issues had to do with Zoom meetings held during the national COVID-19 pandemic emergency, including on dates for which the Governor's emergency proclamation was not in effect. During that period, and prior to July 1, 2022,*

- 1. It was permissible to hold meetings at which some Members participate by videoconferencing, but we were not permitted to count those individuals for purposes of establishing a quorum. Which we did.*
- 2. Board members who are attending remotely may not participate in executive sessions. But we included them.*

*Since July 1, 2022, rules on remote participation were relaxed but:*

- 1. At least 3 members, or a majority of the quorum of members (4 members of our 8-member Board is a quorum, per our Administrative Code, so a majority is also 3 members by this standard), whichever is less, must be physically present. We held two meetings since 7/1/22 with only two members physically present.*
- 2. If any member is attending remotely, then the means of remote access must be published. We didn't do that for 3 meetings that included remote participation since 7/1/22.*

*A few comments:*

- 1. Governor Ivey proclaimed a public health emergency for the periods from 3/13/2020 to 7/5/2021, and 8/13/2021 to 10/31/2021. Her proclamation of 8/13/2021 noted that "government response to COVID-19 require[d] a careful balance between concerns for public health and safety, the continued operations of government, and the right of the public to the open conduct of government. Everyone involved with the Psychology Licensing Board – volunteer Board members and executive staff – took the responsibility of balancing those concerns very seriously. We regret the lapses that are described as significant issues but believe that there were mitigating factors:*
  - a. There were multiple challenges and health threats associated with the COVID-19 pandemic – a 100-year event – for the Board as a whole and for individual members. Those threats persisted beyond the expiration of the Governor's emergency proclamations, and some of those threats are ongoing for some members.*
  - b. Risk of exposures during Board meetings far exceeds that of casual exposure that occurs during such activities as shopping, and in most employment situations. Board members meet in close proximity for a period of 3-5 hours for each meeting. Vaccines to prevent to spread of COVID-19 were not widely available prior to some of the meetings in question, nor was their safety and efficacy well-established for all age groups. Individuals continue to be infected with COVID and some develop severe symptoms. For example, on 1/13/23, the date of the latest Board meeting that was the subject of a Significant Finding, nearly 600 Alabamians were hospitalized with COVID-19, and over 100 were in ICUs.*

- c. *Throughout the COVID-19 epidemic, older individuals have been at the greatest risk from the virus. Board membership is an honor that is most often granted to more senior members of the profession and community. Therefore, as a group, Board members are at enhanced risk of severe consequences should they become infected.*
2. *Despite these challenges the Board did the best it could to ensure that we followed the law and continued to fulfill our responsibilities to the public*
    - a. *by licensing psychologists, thereby increasing access to psychological services during a period of time that the need for those services was growing rapidly,*
    - b. *and by processing complaints, thereby protecting the public.*

*Fulfilling our responsibilities required effort and adjustments for every meeting to balance all of the concerns that were emphasized in the Governor's public health proclamations. When faced with an irreconcilable choice between following the letter of the Open Meetings Act and providing services to the public for which we are responsible while following the spirit of that Act, we opted for the latter. Consequently, throughout the statewide COVID-19 emergency as well as the national COVID-19 emergency that continued until May of this year,*

- *we never postponed a Board meeting and,*
  - *to the best of our knowledge, no member of the public was ever denied access to a meeting.*
3. *That said, we are doing what we can to remediate in the best way possible the Significant Issues related to remote access, executive sessions, and public notice that were raised in the Audit Report. We are also redoubling our efforts to ensure that we follow the letter of the law concerning all future meetings."*

Cook then introduced the Board's remediation plan. To affirm action(s) taken at each of the past Meetings identified by the Examiners, the Board reviewed the Minutes from the following meeting and voted on all action(s) made at each, to comply with all versions of the Alabama Open Meetings Act and all other related statutory requirements.

- a. July 9, 2021 – All items, including business conducted in Executive Session. Cook inquired if all members had reviewed all items of business in the Meeting Minutes from July 9, 2021. All members answered affirmatively. Motion by Ackerson to affirm all items contained in the July 9, 2021 Minutes. Seconded by Wisely. Cook asked for a roll call on the Motion: Ackerson voted "Yes"; Berland voted "Yes"; Carlton voted "Yes"; Cook voted "Yes"; Douglas voted "Yes"; Lewis voted "Yes"; and, Wisely voted "Yes". The motion passed.
- b. November 12, 2021 – All items, including business conducted in Executive Session. Cook inquired if all members had reviewed all items of business in the Meeting Minutes from November 12, 2021. All members answered affirmatively. Motion by Carlton to affirm all items contained in the November 12, 2021 Minutes. Seconded by Lewis. Cook asked for a roll call on the Motion: Ackerson voted "Yes"; Berland voted "Yes"; Carlton voted "Yes"; Cook voted "Yes"; Douglas voted "Yes"; Lewis voted "Yes"; and, Wisely voted "Yes". The motion passed.
- c. January 14, 2022 – All items. Cook inquired if all members had reviewed all items of business in the Meeting Minutes from January 14, 2022. All members answered affirmatively. Motion by Douglas to affirm all items contained in the January 14, 2022 Minutes. Seconded by Wisely. Cook asked for a roll call on the Motion: Ackerson voted "Yes"; Berland voted "Yes"; Carlton voted "Yes"; Cook voted "Yes"; Douglas voted "Yes"; Lewis voted "Yes"; and, Wisely voted "Yes". The motion passed.

- d. January 28, 2022 – All items, including business conducted in Executive Session. Cook inquired if all members had reviewed all items of business in the Meeting Minutes from January 28, 2022. All members answered affirmatively. Motion by Wisely to affirm all items contained in the January 28, 2022 Minutes. Seconded by Carlton. Cook asked for a roll call on the Motion: Ackerson voted “Yes”; Berland voted “Yes”; Carlton voted “Yes”; Cook voted “Yes”; Douglas voted “Yes”; Lewis voted “Yes”; and, Wisely voted “Yes”. The motion passed.
- e. September 9, 2022 – All items. Cook inquired if all members had reviewed all items of business in the Meeting Minutes from September 9, 2022. All members answered affirmatively. Motion by Ackerson to affirm all items contained in the September 9, 2022 Minutes. Seconded by Lewis. Cook asked for a roll call on the Motion: Ackerson voted “Yes”; Berland voted “Yes”; Carlton voted “Yes”; Cook voted “Yes”; Douglas voted “Yes”; Lewis voted “Yes”; and, Wisely voted “Yes”. The motion passed.
- f. November 4, 2022 – All items. Cook inquired if all members had reviewed all items of business in the Meeting Minutes from November 4, 2022. All members answered affirmatively. Motion by Carlton to affirm all items contained in the November 4, 2022 Minutes. Seconded by Douglas. Cook asked for a roll call on the Motion: Ackerson voted “Yes”; Berland voted “Yes”; Carlton voted “Yes”; Cook voted “Yes”; Douglas voted “Yes”; Lewis voted “Yes”; and, Wisely voted “Yes”. The motion passed.
- g. January 20, 2023 – All items. Cook inquired if all members had reviewed all items of business in the Meeting Minutes from January 20, 2023. All members answered affirmatively. Motion by Wisely to affirm all items contained in the January 20, 2023 Minutes. Seconded by Lewis. Cook asked for a roll call on the Motion: Ackerson voted “Yes”; Berland voted “Yes”; Carlton voted “Yes”; Cook voted “Yes”; Douglas voted “Yes”; Lewis voted “Yes”; and, Wisely voted “Yes”. The motion passed.

The Joint Interim Sunset Committee Hearing is scheduled for Thursday, July 20, 2023, at 9:00 a.m., on the 8<sup>th</sup> floor, Room 825 of the Alabama State House; all are requested to arrive 15 minutes early. Board Member and Staff attendance is expected by the Committee. Rall will forward an additional letter from Cook to the Committee, attached.

- 2) Disciplinary Matter No. 23-010, New Investigation – Motion by Cook for the Board to enter Executive Session to discuss the potential threat of, or possibility of, litigation, and to discuss the good name and character of an individual, for thirty (30) minutes. Seconded by Wisely. Motion passed at 10:32 a.m. Cook recused and exited the closed meeting. The Zoom meeting room was closed to Berland and Spence. Wisely moved to exit Executive Session at 11:23 a.m. Carlton Seconded. Ackerson voted “Yes”. Carlton voted “Yes”. Douglas voted “Yes”. Lewis voted “Yes”. Wisely voted “Yes”. Motion passed.

Motion by Carlton to issue an emergency Order to suspend to the license of Kristen Triebel Gerstenecker, Psy.D., effective immediately, to and through one-hundred and twenty days from the present, or until the final disposition of this matter, whichever comes first. Seconded by Ackerson. Ackerson voted “Yes”. Carlton voted “Yes”. Douglas voted “Yes”. Lewis voted “Yes”. Wisely voted “Yes”. The motion passed. (Berland was not eligible to vote; Cook abstained.)

Cook returned to the meeting at 11:07 a.m. and called for a 10-minute break.

The meeting resumed at 11:22 a.m. Berland and Spence were allowed back into the Zoom meeting from the virtual waiting room.

**OLD BUSINESS:**

- 1) Executive Order No. 735, *Reducing “Red Tape” on Citizens and Business Through a Moratorium on New Administrative Rules and by Establishing Goals for the Reduction of Existing Regulatory Burdens*. Committee working on Phase I (Cook, Wisely, and Rall). Public comments will be heard at 10:00 a.m. Review by Cook. No public comments were submitted, and no one appeared at the Board Office or on the Zoom link to comment. Cook moved to close the public comment period. Douglas Seconded. Motion passed unanimously.

**REVIEW OF NEW APPLICANTS:**

**Psychologists**

- 1) ATTERBERRY, Elizabeth Charlie – Candidate for Licensure (Wisely & Ackerson) Specialization Clinical. Cook moved to enter Executive Session for ten (10) minutes to discuss the potential threat of, or possibility of, litigation, and to discuss the good name and character of an individual at 11:40 a.m. Seconded by Wisely. Motion passed unanimously. Wisely moved to exit Executive Session 11:45 a.m. Seconded by Cook. Motion passed. Wisely moved to grant licensure based upon licensure in two (2) states with a request to revise Specialization Statement to provide more clarity about practice plans in Alabama. Seconded by Ackerson. Motion passed unanimously. **(License No. 2315)**
- 2) BRISTOW, Lori Ann – Military-Spouse Practice Certification Issued 05/11/2023; PSE Candidate (Cook & Carlton) Specialization Clinical. Motion by Cook to admit candidate to PSE. Seconded by Carlton. Motion passed unanimously.
- 3) CHARACTER, Colleen Denise – Candidate for Licensure (Wisely & Cook) Specialization Requested in Clinical, Counseling & School. Motion by Wisely to grant licensure. Seconded by Cook. Motion passed unanimously. Motion by Wisely to designate Specialization of Counseling only. Seconded by Cook. Motion passed unanimously. **(License No. 2316)**

The Board took a break at 12:13 p.m. and returned at 12:33 p.m.

- 4) De ANDA, Edward – Candidate for Licensure (Carlton & Douglas) Specialization Clinical. Motion by Carlton to grant licensure based upon licensure in two or more states. Seconded by Douglas. Motion passed unanimously. **(License No. 2316)**
- 5) ELLIS, Kirk Richard – EPPP & PSE Candidate (Berland & Lewis) Specialization Clinical. Motion by Berland to admit candidate to EPPP & PSE. Seconded by Lewis. Motion passed unanimously.
- 6) GARDINER, James Thomas, Jr. – EPPP & PSE Candidate (Ackerson & Lewis) Specialization Counseling & School. Motion by Ackerson to admit candidate to EPPP & PSE. Seconded by Lewis. Motion passed unanimously.

- 7) SANCHEZ, Jaime Javier – EPPP & PSE Candidate; previously admitted (Carlton & Douglas) Specialization Clinical. Motion by Carlton to admit candidate to EPPP & PSE. Seconded by Douglas. Motion passed unanimously.

**PREVIOUSLY REVIEWED APPLICANTS:**

- 2) HENDRICKSON, Harifah – EPPP & PSE Candidate (Lewis) Admitted to EPPP & PSE on May 12, 2023; requested clarification on Specialization Statement: provide evidence of training in clinical and neuropsychology or revise and resubmit statement to focus on counseling only. Response was reviewed by Lewis; applicant complied with request to revise and resubmit her statement focusing on counseling psychology. Motion by Lewis to accept the revised Specialization Statement. Seconded by Cook. Berland abstained. Motion passed unanimously among remaining voting members.

**NEW BUSINESS, continued:**

- 3) HESS, Courtney Leanne – Psychological Technician Candidate for Exams, Admitted on March 10, 2023 to EPPP (successfully completed in June) & PSE – Lewis and Cook reviewed the *Supervision Application* and *Supervision Contract* between Ms. Hess and Michelle DeRamus, Ph.D. and also Jennifer Daniels, Ph.D. Motion by Lewis to accept the Supervision Applications and Contracts for Level I supervision between both psychologists and Ms. Hess. Cook Seconded. Motion passed unanimously.

Lewis left the meeting at 1:12 p.m.

**REVIEW OF NEW APPLICANTS, continued:**

**Psychologists**

- 8) SAVINI, Jonathan Michael – EPPP & PSE Candidate (Berland & Carlton) Specialization Clinical. Motion by Berland to admit candidate to EPPP & PSE. Seconded by Carlton. Motion passed unanimously.
- 9) TITTLER, Meredith VanderHorst – PSE Candidate (Ackerson & Douglas) Specialization Counseling. Motion to admit candidate to PSE. Seconded by Douglas. Motion passed unanimously.

**PREVIOUSLY REVIEWED APPLICANTS, continued:**

- 1) DANIELS, Kimberly Stewart – EPPP & PSE Candidate (Cook & Carlton) Application tabled at March 2023 meeting; more information was requested about internship experience(s) and anticipated future practice. Applicant’s response was reviewed on May 12, 2023, and applicant was admitted to EPPP & PSE contingent on submission of Qualifying Coursework form to be reviewed by Cook and Carlton, and revised Specialization Statement responsive to each of the four (4) parts of the specialization prompts, consistent with a specialization in School Psychology. Response received & reviewed on May 26, 2023; review for full approval, to include Cook reading aloud the revised Statement. Motion by Cook to accept Qualifying Coursework form and revised Specialization Statement related to a designation in School.

Seconded by Carlton. Motion passed. (Berland did not vote.)

[Item 2) Hendrickson, addressed above]

- 3) RAMLER, Taylor Randall – EPPP & PSE Candidate (Carlton & Ackerson) Admitted to EPPP & PSE on May 12, 2023; requested that applicant either remove or defend reference to forensic in Specialization Statement. Review response. Motion by Carlton to approve Specialization for Counseling Psychology only. Seconded by Ackerson. Motion passed unanimously. Motion by Ackerson to request applicant to strike “Correctional Psychology” from the Application. Seconded by Carlton. Ackerson voted “Yes”. Berland voted “Yes”. Carlton voted “Yes”. Cook voted “No”. Douglas voted “No”. Wisely voted “Yes”. Motion passed.
- 4) TALLENT, Desiree Anne – EPPP & PSE Candidate (Cook & Carlton) Admitted to EPPP & PSE on May 12, 2023; requested to revise Specialization Statement to indicate her own practice plan. Response reviewed. Motion by Cook to request that candidate either provide evidence of education and training in both individual and group psychotherapy and in personality assessments, including projective testing, or strike those elements in the Specialization Statement. Seconded by Carlton. Motion passed unanimously.

Berland left the meeting (exited Zoom) at 2:20 p.m.

**REVIEW of Exam Scores for the Examination for Professional Practice in Psychology (EPPP), and/or the Professional Standards Exam (PSE), and/or Licenses Issued since the May 2023 Board Meeting:**

**Psychologists:** Pass or fail for each candidate is based upon the ASPPB recommended passing score for psychologists, and it is 500. The passing score for the PSE is 80% (34 correct).

**Psychological Technicians:** The EPPP passing score for psychological technicians is 400. The passing score for the PSE is 80% (34 correct).

<b><i>NAME of Applicant / Licensee</i></b>	<b><i>Degree</i></b>	<b><i>Application Level</i></b>	<b><i>EPPP Passed?</i></b>	<b><i>PSE Passed?</i></b>	<b><i>License Number</i></b>	<b><i>Date of Licensure</i></b>	<b><i>Area of Specialization</i></b>
<b>ABRAMS, Marissa Marie</b>	Psy.D.	Psychologist	Yes (in GA)	Yes	<b>2307</b>	05/15/2023	Clinical
<b>DOUGHERTEY, Maureen Teresa</b>	Psy.D.	Psychologist	Yes (in IL)	Yes	<b>2308</b>	05/22/2023	Clinical
<b>McNEELY, Patrick William David</b>	Psy.D.	Psychologist	Yes	Yes	<b>2309</b>	05/22/2023	Clinical
<b>PAYNE, Ayanna Denese</b>	Ph.D.	Psychologist	Yes (in GA)	Yes	<b>2310</b>	05/26/2023	Clinical

<b>NAME of Applicant / Licensee</b>	<b>Degree</b>	<b>Application Level</b>	<b>EPPP Passed?</b>	<b>PSE Passed?</b>	<b>License Number</b>	<b>Date of Licensure</b>	<b>Area of Specialization</b>
<b>TAYLOR,</b> Tonia BrySha	Ph.D.	Psychologist	Yes	Yes	<b>2311</b>	6/23/2023	Clinical
<b>WHEELER,</b> Cara Elizabeth-Lynn	Psy.D.	Psychologist	Yes (in OR)	Yes	<b>2312</b>	7/6/2023	Clinical
<b>LEAMAN,</b> Carlie Marie	Psy.D.	Psychologist	Yes	Yes	<b>2313</b>	7/7/2023	Clinical
<b>SUPINGER,</b> Krista Marie	Psy.D.	Psychologist	Yes (in AZ)	Yes	<b>2314</b>	07/12/2023	Clinical
<b>ASBY,</b> Aisha TaTa	Ph.D.	Psychologist	-	Yes	-	-	Clinical
<b>BERRY,</b> April Tashay	Ph.D.	Psychologist	No – 2 <sup>nd</sup> attempt; must reapply	Yes	-	-	Combined Clinical & Counseling
<b>DAVIS,</b> Aja Dana Louise	Psy.D.	Psychologist	No; may sit again	-	-	-	Clinical
<b>HESS,</b> Courtney Leanne	M.A., M.S.	Psychological Technician	Yes	-	-	-	N/A
<b>LANE,</b> Morgan Elise	Ph.D.	Psychologist	No - 2 <sup>nd</sup> attempt; must reapply	-	-	-	School
<b>PHILLIPS,</b> Kathryn Ann	Ph.D.	Psychologist	Yes	-	-	-	Clinical
<b>STEELE,</b> Stephanie Michelle	Psy.D.	Psychologist	-	Yes	-	-	Clinical

**COMPLAINTS:**

**Against Licensed Psychologists**

**Old**

- 1) 20-007 – On-going investigation
- 2) 20-008 – On-going investigation
- 3) 20-009 – On-going investigation



- 4) 21-004 – On-going investigation
- 5) 21-007 – On-going investigation
- 6) 21-012 – On-going investigation
- 7) 21-013 – On-going investigation
- 8) 22-004 – On-going investigation
- 9) 22-007 – On-going investigation
- 10) 22-012 – On-going investigation
- 11) 23-001 – On-going investigation
- 12) 23-002 – On-going investigation
- 13) 23-004 – On-going investigation
- 14) 23-005 – On-going investigation
- 15) 23-006 – On-going investigation
- 16) 23-007 – On-going investigation
- 17) 23-008 – On-going investigation

**New**

- 1) 23-009 – On-going investigation
- 2) 23-010 – Emergency Meeting

**OLD BUSINESS, continued:**

[Item 1) EO 735, addressed above]

- 2) New Board E-Payment Platform; Review Scope of Work (SOW). Rall provided update.
- 3) Executive Order No. 734, *Promoting Transparency in State Government Through Enhanced Accessibility to Public Records*. Discussion on Fee Schedule Updates. Per Rall, will evaluate number of requests and readdress with suggested fees at the July Board Meeting. Motion by Carlton to publish fee change for public comment. Seconded by Cook. Motion passed unanimously.
- 4) SB156 – Introduced in 2023 Legislative Regular Session, to add Chapter 9B to Title 41, Code of Alabama 1975, to establish the Occupational Licensing Boards Division in the office of the Secretary of State. Current Status: Held Over. Update on Subcommittee meeting (Members: Young Boozer, State Treasurer; Linda Coleman-Madison, Senator; Chris Pringle, State Representative; Doryan Carlton, State Budget Officer; Jonathan Barganier, COO Manufacture Alabama; and, Rachel Riddle, Chief Examiner). Review by Rall and Ledbetter. Open discussion. Action plan is to provide the original letter sent to Senator Elliott to the Subcommittee members.
- 5) Wellness Committee – Membership Updates provided by Rall: Dr. Berland will remain on the Committee as the Non-Voting Board Member Representative for another one (1) year term. Dr. Sullivan will remain on the Committee for another one (1) year term. Dr. Grant will

continue to serve as Committee Chair for another year. The Committee will update its information on the Board's new website and will create other informational, educational correspondence about the Program to promote access and participation for professionals in need. The Committee recommends that the Board renew Dr. Michael C. Garver's Professional Services Contract so that he may continue his work as Program Manager. Meetings for 2023-2024 will take place on the second Friday of even-numbered months.

- 6) ASPPB Annual Meeting: *The Nuts and Bolts of Regulation: Practical Skills and Strategies*, Wednesday, September 27 through Sunday, October 1, 2023, in Cleveland, OH at the Hilton Cleveland Downtown. Cook, Ledbetter, and Rall to attend, and Cook will be the voting delegate (no registration fee). Rall has been asked to present on Friday. Conference registration is now open; hotel block rate ends on September 4<sup>th</sup>.
- 7) Alabama Psychological Association Meeting & Conference: *The Intersection of Psychology & Medicine*, August 25 – 27, 2023 in Orange Beach, AL at the Hampton Inn. Rall and Ledbetter to attend; Rall will present with an update on Board matters on Sunday, August 27, 2023. Rall requested that aPA President provide topics of discussion they would like to discuss. Rall advised that if PSYPACT, she would need approval from the PSYPACT Commission prior to speaking. Cook suggested that Rall speak about Allied Mental Healthcare Professionals.

**NEW BUSINESS, continued:**

- 4) Professional Services Contract – Michael C. Garver, DMD, Wellness Provider Services, LLC, for Management of the Alabama Psychology Professionals Wellness and Monitoring Program; Current contract expires December 15, 2023. Rall advised a new Contract would extend from December 16, 2023 to December 15, 2025, with no other changes. Motion by Cook to approve a new Contract. Seconded by Carlton and Wisely. Motion passed unanimously.
- 5) Board Quarterly Reporting – Third Quarter, Fiscal Year 2023. Review by Rall.
- 6) Operations Plan for Fiscal Year 2024 – Due to be submitted to the State of Alabama Department of Finance no later than Monday, July 31, 2023. Rall to complete and submit.
- 7) Susan N. Han, Nettles Han Law, LLC. Presented as potential new Legal Counsel for the Board when Johnston's contract ends December 15, 2023. Johnston provided background on Han. Rall provided impression of Han after meeting her in person. Review of Han's Resume & Curriculum Vita by Board. Open discussion. Action Item: Schedule a meeting between Han and Board Chair.
- 8) November 2023 Board Meeting – Rall will email a Google poll for the Board vote on the date of the meeting (on the Veteran's Day holiday, November 10, or on a different date [8<sup>th</sup> or 15<sup>th</sup>]).

Motion by Cook to adjourn the meeting. Seconded by Wisely. Motion passed unanimously. Meeting ended at 3:44 p.m.

**NEXT BOARD MEETING: September 8, 2023**

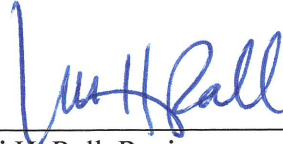
End of July 14, 2023 Minutes

Respectfully Submitted,



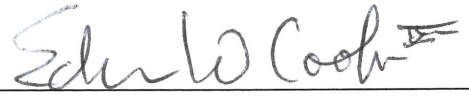
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Angela D. Ledbetter, Recorder  
Executive Administrative Assistant



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Lori H. Rall, Reviewer  
Executive Director



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Edwin W. Cook, III, Ph.D.  
Chair



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## SUNSET COMMITTEE REPORT ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

**Audit Report: *Significant findings.*** The Audit revealed that at seven of its meetings during Fiscal Years 2019, 2020, 2021, and 2022, the Board failed to comply fully with the Open Meetings Act and its successor, Act 2022-421, with regard to counting remote participants to establish quorum, inclusion of remote participants in executive sessions, and publication of means for electronic access. There were no other findings related to agency function in the Audit.

- The Governor’s public health proclamations emphasized the need to strike a balance among *concerns for public health and safety, the continued operations of government, and the right of the public to the open conduct of government*. When faced with irreconcilable choices between following the *letter* of the law and potentially cancelling or postponing meetings, versus following the *spirit* of the law and continuing to conduct the business for which we were appointed, we opted in good faith for the latter. We did not choose to disregard the legal requirements, but instead were focused on our mission. Thus, throughout the national COVID-19 emergency we continued to license psychologists, thereby increasing access to mental healthcare services as the need for those services was growing rapidly. We also continued to process complaints, thereby protecting the public. **At no point did we ever cancel or postpone a Board meeting and, to the best of our knowledge, no member of the public or member of our body of stakeholder licensees was ever denied access to one of our meetings.**
- Since receiving the Audit Report we have remediated our legal lapses to the best of our ability. At our July 14<sup>th</sup> meeting the Board reviewed the minutes for the seven meetings that were the subject of Significant Findings and affirmed all of the actions made at each of those meetings. Going forward we will review Open Meetings Act requirements at the beginning of each Board meeting to ensure that we remain in strict legal compliance.
- The Board and its Staff and Counsel sincerely regret these lapses, which reflected our failure to fully track changes in legal requirements for meetings that occurred over the course of the COVID-19 pandemic. We note for the Committee that COVID-related health threats persisted beyond the expiration of the Governor’s emergency proclamations. For example, on the date of the most recent meeting that was the subject of a Significant Finding, nearly 600 Alabamians were hospitalized with COVID-19, and over 100 were in ICUs. Please consider that Board members are on average more senior members of the profession and community, and therefore subject to increased age-related risks should they become infected. Most Board members and Board staff were also at risk of carrying the virus to or from their children, aging parents, and/or patients.

**Audit Report: *Complaints.*** Two of 24 complainants responded to the auditor’s survey. We do not know whether the comments of these two individuals were representative, but they raised important issues to which we want to respond:

- Our process for handling complaints is established in law and summarized on page 12 of the Audit Report.
- The Board always seeks an appropriate balance between protecting the health, safety, and welfare of the public – our primary concern – and protecting the due process rights of licensees. Individuals who complain will not always be satisfied with the outcome of the process, but we can only act based on the evidence that we have.
- In the interest of preserving the Board’s integrity in the eyes of the public, members recuse themselves from the complaint processes if they have a close personal or professional relationship to the complainant or licensee.

**Consolidation of Occupational Licensing Boards (SB156).** Respondents to the auditor’s surveys expressed concern over the proposal to consolidate Psychology and other licensing board operations within the office of the Secretary of State. We respectfully submit that inclusion of the Psychology Board in such consolidation would be detrimental to the goals that our Board is established to achieve, for reasons described below:

- Training to the doctoral level in Psychology, which is required for licensure, is varied and complex. Applicants seeking licensure in Alabama potentially come from across the U.S. and represent many specialties and types of

training programs. Administration of licensing laws and regulations therefore requires substantial experience to become familiar with both the discipline and the associated licensing laws and rules. It is unlikely that staff who support a wide variety of professions and occupations could provide this discipline-specific regulatory expertise and provide the exemplary service to aspiring and current licensees, and the Board, that respondents to the auditor's survey described. Also, consolidation of Board administrative functions would precipitate considerable loss of human capital: namely, our stable administrative staff and the expertise that the state has already paid for them to acquire and maintain. We would also likely lose our Executive Director's recognized leadership and representation at the national level in emerging issues such as license portability, telehealth, and licensure of masters-level professionals, all of which are critical in addressing the severe shortage of psychologists in our state.

- In addition to administering licenses, Board staff receive, investigate, and respond to complaints from members of the public who believe that they have been harmed by unethical or unprofessional practice of psychologists, or by persons posing as psychologists. Filing a complaint with the Psychology licensing board may involve sharing embarrassing personal information with board staff. Receiving and dealing with such information therefore requires broad knowledge of mental disorders and psychological services, familiarity with psychology's distinct Code of Ethics, and sensitivity in interacting with vulnerable individuals. In the absence of a knowledgeable, interpersonally sensitive, and stable contact person, complainants who muster the courage to contact the Board could become discouraged and withdraw from the process. As a result, fewer legitimate complaints would be addressed, institutional memory regarding "problem practitioners" would be lost, and unethical, unlicensed, and harmful practice would be more likely to persist. Stability in oversight of the complaint process also ensures that similar complaints are handled consistently over time, thus protecting the rights of accused professionals.

**Executive Orders.** The Psychology Board and its Staff are busy this year complying with two recent executive orders issued by Governor Ivey:

- EO 734 seeks to ensure that citizens have timely access to public records by specifying the means by which public records can be requested, subject to reasonable fees. The Board has established a Public Records Request form page on its website and a fee schedule reflecting the actual cost of providing public records that are related to its operations. Online verification remains free of charge for members of the public who simply want to verify that an individual is licensed to practice as a Psychologist or Psychological Technician in Alabama.
- EO 735 aims to reduce the regulatory burden on citizens and businesses in Alabama through a moratorium on new administrative rules and reduction in existing rules. The Board is currently in Phase I of this process, which involves conducting an inventory of administrative rules and determining which of those rules reflect discretionary choices of the Board versus statutory requirements. In Phases II and III we will develop and implement plans to reduce the number of discretionary rules and regulatory burden while continuing to protect the public.

**Increasing Access to Mental Health Services and Psychology Licensure.** Alabama has a well-documented shortage of psychologists as well as many other healthcare professionals. The Alabama Board of Examiners in Psychology seeks to *promote access to psychological services*, and recent state laws are helping us to achieve this goal by enhancing license portability:

- The Military Family Jobs Opportunity Act provides an expedited path to practice as a psychologist for spouses of members of the U.S. Armed Forces and employees of NASA and the Department of Justice who are licensed in another state. These individuals are promptly granted a certificate to practice and have a full year to complete the application process with a waiver of the application fee. In May 2023 the Board issued its first Practice Certification to a military spouse. We are pleased to be able to welcome military families in this way.
- The Psychology Interjurisdictional Compact (a.k.a. PSYPACT) facilitates access to psychological services via telehealth and temporary in-person services provided by psychologists who are licensed in another state. Thus far a total of 40 states have enacted PSYPACT legislation, considerably expanding the availability of psychologists to the citizens of Alabama, as well as the practice opportunities of Alabama Psychologists. Our Executive Director, Lori Rall, serves as Vice Chair of the PSYPACT Commission, which also facilitates cooperation and exchange of information among states regarding licensing, regulation, and disciplinary matters. Ms. Rall Chairs the Commission's Training and Public Relations Committee, and serves on the Commission's Strategic Planning Committee charged with determining the future of broad mobility and public access to psychological services.

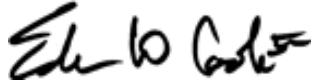
**Wellness Committee.** Access to psychological services also depends on supporting existing licensees. In 2021 the legislature established the Alabama Psychology Professionals Wellness Committee to promote the early identification, treatment, and rehabilitation of psychologists and licensed psychological technicians who, due to addiction or any

other medical or psychological condition, are unable to meet standards of professional practice. The Committee meets regularly and is comprised of psychological professionals who are committed to helping fellow professionals in need while providing a level of accountability in their rehabilitation. The Committee also includes a Wellness Manager with whom the Board has a long-standing relationship.

**Master's Level Licensure.** Ms. Rall is also giving Alabama a voice at the national level through her involvement in a leadership group that is developing standards for licensing of psychologists with appropriately-limited scope of practice at the master's level. Alabama is among a handful of states that already provides a limited-practice license to individuals with master's-level training, so it is highly appropriate for our Board to play a role in these determining conversations as another pathway to promoting increased access to psychological services in our under-served state.

**Doctoral Level Education of Psychologists.** Five psychology doctoral programs in Alabama are accredited by the American Psychological Association. These include clinical psychology programs at Auburn, UA, and UAB; a counseling program at Auburn, and a combined clinical-counseling program at South Alabama. Doctoral education is labor-intensive, as research as well as clinical training define our discipline. Together these programs graduate approximately 40 students per year. Across all programs approximately 90% of graduates pass the licensing exam on their first try, which is substantially higher than the national pass rate of approximately 80%.

Respectfully submitted,



Edwin W. Cook III, Ph.D.

Chair, Alabama Board of Examiners in Psychology