

MINUTES

Regular Meeting of

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

November 8, 2023

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

Others Present: Brice M. Johnston – Legal Counsel-Outgoing (In person)
Angela D. Ledbetter – Executive Assistant (In person)
Lori H. Rall – Executive Director (In person)
Susan Nettles Han – Legal Counsel-Incoming (In person)
Ellen L. Spence, Ph.D. – AL Psychological Association Liaison (In person)
Kimberly W. Geisler, J.D. – Member of the Public (In person)

Not Present: Candice D. Lewis, M.S. – Psychological Technician Member

Opening by Cook: The time is 9:03 a.m. We are gathered in the Board Office and on Zoom for a regular meeting of the Alabama Board of Examiners in Psychology. As required by the Open Meetings Act, we have a lawful quorum of at least four (4) members and at least three members (3) are present in person, and sufficient prior notice of this meeting has been posted for the Public on both the Board's and the Secretary of State's websites, to include a link for Zoom meeting participation information at both websites because one (1) or more of our Members is participating remotely and for remote Public access. All unanimous votes will be announced aloud by the Chair and non-unanimous votes will be held by Roll Call. Board Members with a close personal or professional relationship to a subject of, or party to, an action are reminded to recuse themselves from participation in that part of the Meeting Agenda.

As a reminder of why the Board gathers, 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.

REVIEW OF MINUTES:

Review of the September 8, 2023 Minutes. Motion by Berland to accept the Minutes as drafted. Seconded by Cook. Motion passed unanimously.

REVIEW OF NEW APPLICANTS:

Psychologists

- 1) BEMISTER, Christi Lynn – PSE Candidate (Cook & Carlton) Specialization in Clinical & Counseling. Motion by Cook to admit Dr. Bemister to PSE. Seconded by Berland. Motion passed unanimously. (*Licensed in two or more jurisdictions - Issued License No. 2338; Board needs to affirm licensure in January 2024.*)
- 2) CHAN, Jun Yi Ginny – PSE Candidate (Berland & Terrell) Specialization in Clinical and Forensic. Motion by Berland to admit Dr. Chan to the PSE. Seconded by Terrell. Motion passed unanimously.
- 3) CURVEY, Rena Marie Goodwin – EPPP & PSE Candidate (Ackerson & Wisely) Specialization in Counseling. Motion by Ackerson to admit Dr. Curvey to EPPP & PSE. Seconded by Wisely. Motion passed unanimously.
- 4) GODDARD, Michelle Staley – EPPP & PSE Candidate (Cook & Douglas) Specialization in Counseling. Motion by Cook to admit Dr. Goddard to EPPP & PSE with a request to provide information about how she has remained up to date with recent advancements in Counseling Psychology since completing her Doctoral degree in 2011. Seconded by Douglas. Motion passed unanimously.
- 5) JONES, JohnRobert Warren – EPPP & PSE Candidate (Terrell & Carlton) Specialization in Clinical. Motion by Terrell to admit Dr. Jones to EPPP & PSE. Seconded by Carlton. Motion passed unanimously. Dr. Berland was not present to vote.
- 6) LAU, Simon – PSE Candidate (Carlton & Terrell) Specialization in Clinical. Motion by Carlton to admit Dr. Lau to the PSE. Seconded by Terrell. Motion passed unanimously.
- 7) LOWREY, Alexa Ruiz – EPPP & PSE (Berland & Ackerson) Specialization in School. Motion by Carlton to admit Dr. Lowrey to the EPPP & PSE with a request for a revised Specialization Statement to reflect future scope of practice consistent with School Psychology. Seconded by Berland. Motion passed unanimously.

The Board recessed for break at 10:25 a.m. and the Meeting reconvened at 10:39 a.m.

Cook and Spence exited the meeting room at 10:40 a.m. Ms. Kimberly W. Geisler, Legal Counsel for Kristen Triebel Gerstenecker, Psy.D., entered the room. Geisler addressed remaining Board members related to Old Business Item (2), below, and Geisler exited the meeting at 10:53 a.m.

Cook and Spence returned to the meeting room at 10:56 a.m.

Review of New Applicants, Continued:

- 8) LUBOMSKI, Michelle Marie – PSE Candidate (Wisely & Berland) Specialization in Clinical. Motion by Wisely to admit Dr. Lubomski to the PSE. Seconded by Berland. Motion passed unanimously.
- 9) MANIERSKI, Megan Elizabeth – EPPP & PSE Candidate (Cook & Wisely) Specialization in School. Motion by Cook to admit Dr. Manierski to the EPPP & PSE with a request to revise and resubmit her Specialization designation, changing it to School Psychology only, along with

a revised Specialization Statement to reflect future scope of practice consistent with her preparation in School Psychology. Seconded by Wisely. Motion passed unanimously.

- 10) MORRIS, Cassandra Kaylene – EPPP & PSE Candidate (Ackerson & Douglas) Specialization in Clinical. Motion by Ackerson to admit Dr. Morris to EPPP & PSE. Seconded by Douglas. Motion passed unanimously.
- 11) ROJAS, Francisco – EPPP & PSE Candidate (Berland & Carlton) Specialization in Clinical. Motion by Berland to admit Dr. Rojas to the EPPP & PSE. Seconded by Carlton. Motion passed unanimously.
- 12) SLAGEL, Brett Auston – EPPP & PSE Candidate (Terrell & Ackerson) Specialization in Clinical. Motion by Terrell to admit Dr. Slagel to EPPP & PSE. Seconded by Ackerson. Motion passed unanimously.
- 13) SMITH, Rachel Grace – EPPP & PSE Candidate (Ackerson & Wisely) Specialization in Clinical. Motion by Ackerson to admit Dr. Smith to EPPP & PSE. Seconded by Wisely. Motion passed unanimously.
- 14) YARBROUGH, Sydney Abell – EPPP & PSE Candidate (Carlton & Douglas) Specialization in Clinical. Motion by Carlton to admit Dr. Yarbrough to the EPPP & PSE. Seconded by Douglas. Motion passed unanimously.

Psychological Technician

- 1) SMITH, Tracey Allison – EPPP & PSE Candidate (Cook & Berland) Motion by Cook to admit Ms. Smith to the EPPP & PSE. Seconded by Berland. Motion passed unanimously.

PREVIOUSLY REVIEWED APPLICANTS:

- 15) BATT-RAWDEN, Ashley – EPPP & PSE Candidate (Cook & Carlton) Application tabled at September 2023 Meeting for revisions to remove Clinical from Specialization Statement and provide evidence and explain how internship met legal requirements related to number of psychologists on staff, a brochure about the site/program, and if didactics were integrated into the supervised experience. Review response. Cook provided a summary of Dr. Batt-Rawden’s response. Cook and Carlton noted that they were satisfied with the responses. Motion by Cook to accept revision. Seconded by Carlton. Motion passed unanimously. (*Admitted to EPPP and PSE; Board needs to affirm candidacy in January 2024.*)
- 1) BEAN, Anthony Martin – Candidate for Licensure (Ackerson & Cook) Application tabled at September 2023 Meeting pending receipt of 1) additional information regarding the current suspension of his Certificate of Professional Qualification (CPQ) - which is both issued and suspended by ASPPB, and 2) additional information about residency at Pacifica Graduate Institute - pursuant to Code of Ala §34-26-41(c)(3) and (7) and -41(d) and corresponding Administrative Code Rules, and 3) replacement of any reference providers who are individuals under his supervision or employment, and 4) a revised Specialization Statement as initial submission is written in third person plural, but must be submitted in first person, for clarity that it is the applicant alone who will be providing services via an Alabama license and not the other individuals working in the group practice, or corporation, where the applicant is the CEO. Review response. Cook summarized the Board’s requests of Dr. Bean, and Ackerson provided a summary of his responses. Motion by Cook to issue a license to Dr. Bean. Seconded by

Wisely. Motion passed unanimously. (License No. 2340)

SCORE REVIEW:

Examination for Professional Practice in Psychology (EPPP), &/or the Professional Standards Exam (PSE), &/or Licenses Issued since the September 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).

<i>NAME of Applicant / Licensee</i>	<i>Degree</i>	<i>Application Level</i>	<i>EPPP Passed?</i>	<i>PSE Passed?</i>	<i>License Number</i>	<i>Date of Licensure</i>	<i>Area of Specialization</i>
CRAIN, Carol Jean	M.S.	Psychological Technician	Yes	Yes	2326	10/16/23	N/A
HESS, Courtney Leanne	Ph.D.	Psychologist	Yes, previously	Yes, previously	2327	10/16/23	Clinical
MAHONY, David	Ph.D.	Psychologist	Yes, previously	N/A	2328	10/16/23	Clinical
MALESPINI, Maegan Theresa	Psy.D.	Psychologist	Yes, previously	N/A	2329	10/16/23	Clinical
BERRY, April Tashay	M.S. Ph.D.	Psychological Technician	Yes, previously	Yes, previously	2330	10/16/23	N/A
DARNELL, Leslie Sue	Psy.D.	Psychologist	Yes	Yes	2331	10/16/23	Clinical
DANIELS, Kimberly Stewart	Ph.D.	Psychologist	Yes	Yes	2332	09/12/23	School
HAMILTON, Jillian Claire	Ph.D.	Psychologist	Yes, previously	Yes	2333	9/15/23	School
MOLLOY, Anthony	Ph.D.	Psychologist	Yes	Yes	2334	10/16/23	Clinical
BROWN, Savannah Lee	Ph.D.	Psychologist	Yes	Yes	2335	09/22/2023	Clinical
OWENS, Michael Alexander	Ph.D.	Psychologist	Yes	Yes	2336	10/04/2023	Clinical

ELLIS, Kirk Richard	Psy.D.	Psychologist	Yes	Yes	2337	10/16/2023	Clinical
KENNON, Jordan Nicole	Psy.D.	Psychologist	No; may sit again	Yes	-	-	Clinical
SAVINI, Jonathan Michael	Psy.D.	Psychologist	No; may sit again	Yes	-	-	Clinical
ULLRICH, Helen Sanchez	M.Ed.	Psychological Technician	Yes	Has not scheduled	-	-	N/A
ELLISON, Kimberly Sara	M.S.	Psychological Technician	Yes	Did Not Take / Application Withdrawn	-	-	N/A
BOLSTAD, Courtney Jo	Ph.D.	Psychologist	Yes	Has not scheduled	-	-	Clinical
ROBERTS, Sydneyjane Varner	Ph.D.	Psychologist	Yes	Has not scheduled	-	-	Clinical
CUMBERLAND, Michael Reid	Psy.D.	Psychologist	No; may sit again	Yes	-	-	Clinical
ASBY, Aisha TaTa	Ph.D.	Psychologist	No; may sit again	Yes	-	-	Clinical
MAYZ, Kristin Elena	Ph.D.	Psychologist	No; may sit again	Has not scheduled	-	-	Counseling

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
- 18) 23-009 – On-going investigation

New

- 1) 24-001 - On-going investigation
- 2) 24-002 - On-going investigation
- 3) 24-003 - On-going investigation

Recessed for break at 12:22 p.m.

Meeting reconvened at 12:45 p.m.

OLD BUSINESS:

- 1) Executive Order No. 734, *Promoting Transparency in State Government Through Enhanced Accessibility to Public Records*. Motion passed to update the Fee Schedule at July 2023 Meeting; Notice of Intended Action published in the Alabama Administrative Monthly, Volume XLI, Issue No. 11, August 31, 2023 and on the Board’s website. Intended action, and any response(s) received, to be reviewed. Review new Fee Schedule for Certification. Rall reported no public comments received during the public comment period. Rule would be effective 45 days after publishing. Motion by Cook to close period of public comment and proceed with publication and enactment according to the law. Seconded by Carlton. Motion passed unanimously.

Motion by Cook to enter Executive Session for 20 minutes at 12:50 p.m. and expecting to return at 1:10 p.m. Seconded by Douglas. Motion passed. Cook recused from Executive Session, and transferred the Chair responsibilities to Vice-Chair Berland to exit the meeting room.

Motion by Berland to exit Executive Session at 13:31 p.m. Wisely Seconded. Motion passed. Cook returned to the meeting room at 1:36 p.m.

- 2) Kristen Triebel Gerstenecker, Psy.D., Disciplinary Case No. 23-010. Emergency Suspension effective July 14, 2023; Hearing scheduled for October 10, 2023, was cancelled when Consent

Order agreement was accepted by Respondent and Board on September 8, 2023 (executed by Respondent on September 7, 2023, and adopted by Board at its meeting on September 8, 2023). The Board reviewed a fitness for duty assessment report and recommendation(s) from Acumen Assessments. Motion by Terrell to place Dr. Triebel Gerstenecker's License No. 1434 on Probationary status effective immediately. In addition to the terms of the agreed Consent Order dated September 8, 2023, and in accordance with the Acumen Assessments Forensic Professional Fitness for Duty Evaluation (the "Acumen Report"), the following probationary terms shall be required, which Terrel read into the record. Motion seconded by Douglas. Motion passed unanimously. Cook abstained.

Recommended Requirements by the Alabama Board of Examiners in Psychology for Dr. Kristen Triebel Gerstenecker

In addition to the terms of the Consent Order dated September 8, 2023 and in accordance with the Acumen Assessments Forensic Professional Fitness for Duty Evaluation (the "Acumen Report"), the Alabama Board of Examiners in Psychology (the "Board") requires the following probationary terms for Dr. Kristen Triebel Gerstenecker:

- a) Dr. Triebel Gerstenecker's license to practice psychology shall be placed on probation effective November 8, 2023. Her probationary status shall be reviewed at the Alabama Board of Examiners in Psychology's board meeting in November of 2024 and either lifted or extended, depending on her compliance with the terms and conditions stated herein.
- b) Dr. Triebel Gerstenecker shall work exclusively at her practice group office and not remotely during the probationary period.
- c) Dr. Triebel Gerstenecker shall focus her practice on general neuropsychology as detailed in the Acumen report during the probationary period.
- d) Dr. Triebel Gerstenecker shall meet every two weeks during the probationary period with Dr. Gaye Vance to review her overall caseload in accordance with the Acumen Report. Dr. Vance shall provide quarterly reports to the Board during the probationary period regarding Dr. Triebel Gerstenecker's ability to responsibly manage the flow of her professional work and settle into her private practice effectively.
- e) Dr. Triebel Gerstenecker shall continue to be managed and maintained in her psychiatric care during the probationary period per the recommendations of the Acumen Report by a psychiatrist who shall also receive a copy of the Acumen Report with written authorization.
- f) Dr. Triebel Gerstenecker shall participate in a monitoring program with the Alabama Psychology Professionals Wellness and Monitoring Program during the probationary period.
- g) Dr. Triebel Gerstenecker shall engage in weekly psychotherapy during the probationary period with a senior psychologist who specializes in personality and anxiety disorders.
- h) Dr. Triebel Gerstenecker shall abide by the terms of the Pre-Trial Intervention Agreement prescribed by the Parish of East and West Feliciana State of Louisiana.

Dr. Triebel Gerstenecker is reminded to adhere to the regulatory obligations and expectations of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct, including, but not limited to Ethical Principle 1.05 regarding Reporting Ethical Violations.

- 3) 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 attended; Cook was the voting delegate with no registration fee required. Rall presented in two (2) Sessions. Discussion. Midyear meeting is scheduled for April 24-28, 2024, in Boston, and the annual meeting in Dallas in October. Ledbetter has volunteered to work with the ASPPB's annual meeting committee. Rall continues to work on the Master's Level Licensure task force. Rall provided review. Cook provided summary of topics discussed at the meeting. Cook encouraged group to attend future ASPPB meetings.
- 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. New Contract approved to extend from December 16, 2023 to December 15, 2024; an RFP will have to be submitted for a new or renewed Contract in December 2024. Contract binder will be presented before the Legislative Contract Review Committee on December 7, 2023.
- 5) Susan N. Han, Nettles Han Law, LLC, Legal Counsel for the Board when Johnston's contract ends December 15, 2023. Contract was offered and was accepted by Mrs. Han. A Deputy Attorney General (DAG) Appointment has been established by the Alabama Attorney General's Office. Contract terms were approved by the Governor Kay Ivey' Legal Office. Contract was approved by Legislative Contract Review Committee on October 5, 2023 and forwarded to Gov Ivey for final acceptance and has been entered, effective October 16, 2023.
- 6) *E.O. 727 Establishing the Governor's Study Group on Efficiency in State Government*. Final Meeting with report and recommendation(s) scheduled for 10:00 a.m. on Wednesday, November 8, 2023 in the State Capitol Auditorium.

Terrell left the meeting at 1:55 p.m.

- 7) Annual Renewal Season for Licensure Year 2024 – August 15 thru October 15, 2023. Complete. Review statistics.
- 8) Board Meeting Schedule for Calendar Year 2024 reviewed for publishing at the Secretary of State's website and the Board's website.

NEW BUSINESS:

- 1) Matthew T. Wilson, Ph.D. – Complaint against an unlicensed individual and Wilson Psychology Group, LLC. Review reported evidence of practice without a license and / or before a license has been issued, potentially in violation of Ala. Code §34-26-40(a) and -46(21) and Admin Code Rule 750-X-5-.03(1)(t), and evidence of aiding or abetting practice as a psychologist by any person not licensed by the board, potentially in violation of Ala. Code §34-26-46(11) and Admin Code Rule 750-X-5-.03(1)(k).

Motion by Cook to enter into Executive Session for 20 minutes at 2:23 p.m. Seconded by Douglas. Motion passed. Motion by Wisely to exit Executive Session. Seconded by Cook. Motion passed unanimously at 2:44 p.m.

Motion by Cook to issue cease and desist to Dr. Wilson of any practice and representation of himself as providing psychological services. Seconded by Carlton. Motion passed unanimously.

Motion by Cook to issue letters to Emma Wilson, Dan Lowery, and John Garlick requesting information about their professional interactions with Matthew T. Wilson pertaining to psychological services he may be providing. Seconded by Wisely. Motion passed unanimously.

- 2) Quarterly Reporting – Fourth Quarter 2023. Review of cumulative report by Rall: renewed 1,109 licenses; received 60 applications for licensure; reviewed 66 applications for licensure; issued 49 licenses this year; 13 complaints received during fiscal year 2023; 2 complaints against unlicensed individuals; projected budget \$558,478.00, spent \$356,700.00 with a new website, an updated renewal process and more travel expenses this year. We knew the number would go up some with the update to infrastructure and increased travel. Our Renewal Fee is \$280.00 for licensed Psychologists, and we have a few Psychological Technicians. Last year we spent \$308.00 per licensee. That number should curb now that we've updated our website, we won't have as much expense coming out in that IT area, so we should even back out around \$275.00-\$280.00 per licensee.
- 3) Budget for Fiscal Year 2025 entered and accepted by various departments (Finance, Legislature, and Office of Information Technology). Review by Rall. The agency is fee based, and we can invest in capital investments when needed, such as furniture, computer systems, or large resources needed for legal matters. The agency still has only two (2) individuals on staff; resources can be allocated from professional services to human resources if we need to hire more staff. With the new infrastructure we are building on, we will have a new database in this next year and hope to image all files instead of having paper files and that will eliminate the need for the file room to make space for another staff member. We still have not built that person into the budget because we can always move around allocations in a budget year. We are projecting but still must compile the annual operations plan. If it changes to pull in a new staff member, we would be able to adjust through the Department of Finance. We should always a 5% increase on all expenses in any given year.
- 4) PSYPACT – Third Quarter 2023 Compliance Report – One (1) issue identified: Failure to post a proposed rule change notice at website within five (5) days of release of notice. The Board discussed safeguards to ensure ongoing compliance. Update by Rall. There is a compliance committee that reviews statistics for each jurisdiction every quarter. We did not post the commission's notice of intended action for an upcoming commission rule change at our website. Our Board is obligated to notify the public of any rule change the Commission proposes within five (5) days of the commission's posting, and we missed posting on our website by a couple of days.
- 5) Alabama Association of Regulatory Boards (AARB) Update:
 - a. 2023 Leadership Conference was held on October 24, 2023, at Wynlakes Golf and Country Club in Montgomery. Rall and Ledbetter attended. Update by Rall. The meeting focused on the nuts and bolts of state work. We heard from Archives, the Governor's Legal Office, Personnel, and different areas that impact the administrative functions performed in the Board Office.
 - b. 2023 Annual Meeting took place on November 1, 2023, at Pizza Perfect in Montgomery. Han, Rall, and Ledbetter attended. The Board was nominated for AARB's 2024 Board of Directors; Rall accepted the nomination. Update by Rall. Accepted nomination for the Psychology Board so we can be part of conversations and committees in meeting with the Legislature and hearing more on the efforts to consolidate and be aware of what is coming up in the 2024 legislative session. I will

be working with other boards to put together information packages/educational packages for lawmakers about what each of the individual boards do like our Board prepared for Senator Elliott.

- c. AARB's Certified Investigator Training and Conference in Orange Beach, AL will be held on Monday, January 29 to Wednesday, January 31, 2024. Approval needed for attendance - Han, Rall, and Ledbetter. Motion by Cook to approve attendance. Seconded by Carlton. All in favor. Wisely not in the room for the vote.
- d. Preparation for 2024 Legislative Session. Update by Rall. The President of the Alabama Psychological Association (aPA), Ashley Norwood-Strickland, Ph.D., MSCP, planned to attend the meeting today, but was unable. We understand that the aPA is interested in pursuing prescription privileges in the future, potentially requiring a collaborative committee to work with the Medical Board. As soon as more information is known, it will be shared with the Board.

Motion by Berland to end meeting at 3:30 p.m. Seconded by Cook. Motion passed unanimously.

NEXT BOARD MEETING: January 12, 2024

Respectfully Submitted,



Angela D. Ledbetter, Recorder
Executive Assistant



Nancy W. Berland, Ph.D.
Board Chair