

IOWA BOARD OF BEHAVIORAL SCIENCE  
May 7, 2010  
Minutes

**Call to Order**

The Iowa Board of Behavioral Science met on May 7, 2010 in the Lucas State Office Building, Professional Licensure Conference Room, Des Moines. The meeting was called to order by Darcie Davis-Gage, Chair, at 9:03 am.

**Roll Call**

Members Present:

Darcie Davis-Gage  
Blaine Donaldson  
Kenneth Allen Fann  
Daniel Harkness  
Lonnie Marshall  
Megan Murphy  
Barbara O'Rourke

Members Absent:

Siew-San Wong

Staff present:

Judy Manning, Board Administrator  
Eileen Gloor, Bureau Chief  
Kris Ensign, AAG  
Paulette Lappe, Clerk Specialist

Public in Attendance:

Wade Leuwerke  
Alicia Pena  
Mary Johnston

**Election of Officers:**

A motion was made by Bobbi O'Rourke and seconded by Allen Fann nominating Darcie Davis-Gage to serve as Chair of the Board. Motion passed unanimously.

Darcie Davis-Gage nominated Dan Harkness as Vice Chair and Lonnie Marshall seconded the motion. Motion passed unanimously.

**Approval of Minutes:**

Minutes from the March 26, 2010 meeting were approved as presented (MSC: Allen/Lonnie). Megan Murphy abstained from the vote since she did not begin serving as a Board member until May 1, 2010. Motion carried.

**Public Comment:** Dr. Mary Johnson from Loras College briefly addressed the board regarding the curriculum offered at Loras.

**Reports:**

Administrator: Megan Murphy was introduced as a new board member. Megan briefly spoke to the board about her personal background. Judy explained Board Members are appointed by the Governor and the Behavioral Science Board may have another new member by the next meeting. This appointment would provide a complete Board.

## The Bureau Chief (See Addendum)

### AAG

- Policy Statements by Professional Licensing Boards – Kris Ensign reported that rule making allows the legislature and public to give feedback and bring their experiences. Policy making says this is what we are going to do.
- Guidelines for Board Members –Kris stated the Board members need to be familiar with the rules and statutes. Board members are representatives of the board but they cannot speak for the Board. The role of the board member is to protect the public in the mental health area. If there appears to be a possible conflict of interest issue, a personal loss or gain, discuss the issue with the board.
- Review discipline material, agenda, minutes, waivers, etc. before coming to the meeting. Maintain confidentiality of all records, especially the discipline information. If confidentiality is jeopardized, there may be a loss of immunity and state defense.
- Attendance is very important. A quorum is required to conduct board business. Code 21.5 allows for closed sessions which are generally brief sessions. A majority of meeting time is open for public participation.

### **New Business:**

E-mail from Representative Scott Raker – The Rules Committee will meet to address and respond to Representative Raker’s concerns.

E-mail from Wade Leuwerke – The Board addressed the implied conflict of interest statement by assuring those present the rule changes were in place before the new board member in question was appointed to the board by Governor Culver. The Board strives for equity in all their decisions and personal gain is not a consideration.

The Board realizes a rule is needed to clarify the definition of ‘equivalency’. Several members strongly suggested the rule language be changed back to the original language requiring at least three semester hours in each content area and remove the word ‘equivalency’ which equates to much interpretation. After a lengthy discussion, it was decided the Board needed to take the following steps: 1) Clarify the term ‘equivalency’ in the rules. 2) Establish guidelines for accepting people who have already graduated. The Rules Committee will meet to determine the necessary changes and submit their recommendation at the next board meeting. The rules will need to be pre-noticed and sent out to others for comment. The Board’s goal is to establish fair and consistent standards.

MHC Appeal –Reconsideration – Alicia Pena – Alicia presented facts regarding her education at Drake and answered questions from the board. Darcie asked for a motion from the Board. A motion was made by Allen and seconded by Lonnie to approve the appeal. Motion passed 4-3. Darcie, Dan and Bobbi were opposed.

MHC Appeal – Emily Childress – After discussing a possible need for more MFT Systematics, Dan made the motion to approve the appeal and Bobbi seconded the motion. Motion passed 4-2. Allen and Megan were opposed.

MHC Appeal – Amy Tiefenthaler - Darcie asked for a motion from the Board. Allen made the motion to approve the appeal and Megan seconded. Motion passed 4-3 with Darcie, Bobbi and Dan voting against.

MHC Appeal – Kelly Caruso – The Board requested syllabi for course CC0770.

MHC Appeal – Angela Gronborg-Harder - A motion was made by Allen and seconded by Blaine to approve the appeal. Motion passed 4-3 with Darcie, Bobbi and Dan voting opposed.

MHC Appeal – Jourdan Van Wyk – Blaine made the motion to approve the appeal and Lonnie seconded. Motion passed 4-3. Darcie, Bobbi and Dan opposed.

Petition for Waiver - Cindy Boyle – Darcie recused herself and Vice Chair Dan Harkness conducted the meeting at this point. Cindy filed a petition for waiver to request the supervision hours accrued during her internship be count toward licensure. She filed for licensure after the new licensure rules went into effect and internship hours were no longer counted toward licensure. Darcie became a public member to participate in the discussion however, she was not allowed to vote. Dan asked who was in favor of approving the waiver. A motion was made by Blaine and seconded by Megan to approve the waiver. Motion carried 3-1 with Allen opposing.

Petition for Waiver – Dharma Pantha – The Board determined an internship course would need to be completed. A motion to deny the waiver was proposed by Allen and seconded by Blaine. Motion carried.

Petition for Waiver - Michael Pierce - A letter requesting the Board waive 31.62 Sec L regarding an internship. Michael requested a practicum in school counseling fulfill the internship requirement. The Board denied the waiver determining an internship in mental health counseling would be necessary. Dan made a motion to deny the waiver and Bobbi seconded the motion. Motion carried unanimously.

### **Administrative Rules**

Review of Chapter 31 and 33 – Proposed rule changes will be discussed at the next Rules Committee meeting to be scheduled in the near future.

### **Complaints**

The Board went into closed session in accordance with Iowa Code Chapter 21.5(1)“d” to discuss complaints at approximately 1:03 pm. The motion was made by Allen and seconded by Bobbi. Roll call vote: Allen Fann, aye; Bobbi O’Rourke, aye; Darcie Davis-Gage, aye; Blaine Donaldson, aye; Dan Harkness, aye; Lonnie Marshall, aye and Megan Murphy, aye.

The Board returned to open session at approximately 1:12 pm. (MSC: Allen/Megan) and took the following actions:

09 - 006      Closed  
09 - 014      Closed

(MSC: Allen/Bobbi)  
(MSC: Allen/Bobbi)

**Future Board Meetings:**

August 13, 2010  
November 5, 2010  
February 4, 2011

May 6, 2011  
August 5, 2011  
November 4, 2011

**Adjournment:**

Allen made the motion to adjourn the meeting at approximately 1: 22 pm and Dan seconded the motion.

Respectfully Submitted,

Paulette Lappe

## Bureau of Professional Licensure

### Bureau Chief Report

4/01/10 – 6/30/10

- 1. Legislation and rulemaking** The 2010 legislative session adjourned March 30. Both the IDPH Omnibus Bill and the Technical Bill passed successfully. No new boards were created within the Bureau of Professional Licensure. Rulemaking will continue throughout the year to better define statutory changes and in response to new board actions. When administrative rule changes are reviewed by the Administrative Rules Review Committee, the Board Executives provide information about the content of each change, outcome of every public hearing, and summary of public comments received. In some instances, Board members participate in the meetings to provide a professional perspective and articulate how rule changes proposed by the board benefit public protection.
- 2. Board appointments** Within the Bureau of Professional Licensure, Governor Culver appointed 19 new board members. All have been confirmed by the Senate and will begin serving their first terms on May 1, or earlier if they are filling a vacancy. Additionally, 23 board members were reappointed to second or third terms. Almost an equal number of board members have completed one or more terms of service, including 10 who served the maximum 9 years on a single board.  
The Department has published a press release and new board member names will be posted on the individual boards' websites on May 1.
- 3. AAG reports** At the first meeting of each board following May 1 the board's AAG will present and discuss a handout entitled *Guidelines for Board Members*. This is an opportunity to reinforce the information provided to new board members in their orientation binders and face-to-face orientation with the Bureau Chief. It also gives current board members an opportunity to discuss new information and ask their AAG questions that may have arisen about their role during the previous year. The seven AAGs who provide legal guidance to our boards will also present a brief educational session at each quarterly public meeting on a topic selected with the input of the board executives. The topic this quarter, *Policy Statements by Professional Licensing Boards*, is based on a Memorandum prepared by Julie Pottorff, Deputy Attorney General.
- 4. Budget** The Department continues to evaluate and respond to the impact of the overall state budget on public health services and workforce. Bureau staff members are completing either 5 or 7 mandated unpaid days before the end of FY10 on June 30, 2010. The staff is staggering their furlough time as creatively as possible to minimize the impact on productivity. Travel restrictions remain in effect for Board members and staff. Memberships in

professional organizations continue to be approved based on justification of their necessity to assure access to national licensure examinations and maintain licensure functions. Director Newton and the IDPH Executive Team continue to evaluate and respond to budget mandates.

- 5. State early retirement incentive** The Bureau will be impacted by the State's early retirement program which is designed to reduce personnel and replacement costs. The departments will be permitted to replace no more than 50% of positions vacated through the program, and must demonstrate a 50% cost saving when doing so. Employees who leave employment under the program must do so by June 24, 2010 and agree not to be employed by the State of Iowa in any capacity other than appointment to a board or commission. Eligible employees must submit their application by April 15, 2010. Immediately after that time, the Department will formulate a plan for replacing employees who leave. The plan must be approved by the Department of Public Health, Department of Administrative Services, and Department of Management. Employees who have been approved to leave our Bureau under this plan include two board executives, each of whom administer four boards, our discipline office coordinator, and the Bureau Chief. Those individuals are working diligently together and with other staff to make this significant transition as seamless as possible for the boards.
- 6. Outreach and compliance** Bureau staff member Marvin Firch is now actively working with the boards to increase compliance through outreach and education. He has prepared and presented information throughout the state on the complaint process, participated in in-state meetings of professional organizations upon request, assisted to develop and implement a pilot project to survey licensed cosmetology schools, published an article in the Des Moines Register about the purpose of the boards, and assisted the Department to issue press releases. He is currently completing a project is to create CDs with PowerPoint slides and a voice-over option for inclusion in new board member orientation binders, and for use by board members and board chairs regarding the role, processes, and informational resources of the 19 professional licensure boards.
- 7. Semi-annual meeting with DIA investigators** On April 22, 2010, the Bureau will host an educational meeting with the four investigators who are employed by the Department of Inspections and Appeals, and supported by licensee fees, to conduct an average of 21 investigations each month for the licensure boards. These semi-annual meeting are valuable to the Bureau and DIA as an opportunity to identify the best methods to conduct investigations and provide inclusive and timely reports to the boards so they make fully informed decisions.

- 8. Guidelines for meal receipts** Board members are requested to adhere to the guidelines for submitting meal receipts fully in order to receive reimbursements. The guidelines identify the seven items that must be included with every meal receipt. Because credit card receipts are not acceptable, board members must be diligent in requesting and reviewing receipts at the time of service. The guidelines will be available at meetings and upon request at any time.
- 9. Bureau relocation** The Bureau is scheduled for relocation to the building that was previously Mercy Capitol on the Capitol Complex within the coming months. Professional Licensure will share physical space with the Plumbing Board and Emergency Medical Services. More information will be provided when available.