

IOWA BOARD OF BEHAVIORAL SCIENCE
March 26, 2010
Minutes

Call to Order

The Iowa Board of Behavioral Science met on March 26, 2010 in the Lucas State Office Building, Professional Licensure Conference Room, Des Moines. The meeting was called to order by James Anastasi, Chair, at 9:00 am

Roll Call

Members Present:

James Anastasi
Darcie Davis-Gage
Blaine Donaldson
Kenneth Allen Fann
Lonnie Marshall
Siew-San Wong

Members Absent:

Barbara O'Rourke
Brenda Langstraat-Janisch
Daniel Harkness

Staff present:

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

Public in Attendance:

Holly Smigel

Approval of Minutes:

Blaine Donaldson made a motion to approve the minutes from the February 5, 2010 meeting and Siew San Wong seconded the motion. Motion carried unanimously.

Public Comment: Holly Smigel introduced herself and indicated she had an item on the agenda for discussion.

Reports:

Board Administrator – Judy informed the board that meeting dates for the remainder of 2010 and 2011 have been scheduled as follows: 2010 – May 7, August 13 and November 5 and for 2011 – February 4, May 6, August 5 and November 4. Judy thanked Jim Anastasi for the nine years he has served on the Board and explained that his third and final term will end on April 30, 2010. Meghan Murphy has been appointed to replace Jim. Judy explained that Allen Fann has been reappointed by the Governor to serve another 3-year term which will end on April 30, 2013.

The Bureau Chief (See Addendum)

New Business:

Reconsideration of MHC Appeal – Lori Brufloft – Ms. Brufloft requested that the Board reconsider her appeal of her education review completed by CCE as it relates to the coursework for the Professional Identity content area. Ms. Brufloft submitted documentation verifying that

she completed a continuing education course on the American Counseling Association Code of Ethics since her first appeal. The Board discussed the concern about continuing education being used as a substitution for coursework. Allen Fann made a motion to approve Ms. Bruflo's reconsideration and Blaine Donaldson seconded the motion. Ms. Bruflo's reconsideration was approved by the Board on the third motion, two previous motions tied. Aye votes: Fann, Donaldson, Anastasi, Marshall, Nay votes: – Wong and Davis-Gage.

MHC Appeal – Mandy Stanek – Blaine Donaldson made a motion to approve Ms. Stanek's appeal since the Board determined the additional courses listed on her transcript and not used for the education review fulfilled the requirements for a content equivalent program. Motion seconded by Lonnie Marshall. Motion passed unanimously.

MHC Appeal – Danielle Malaise – A motion was made by Davis-Gage to deny the appeal submitted by Ms. Malaise. Wong seconded the motion. Motion passed by a vote of 4-1 (Nay: Donaldson). Anastasi abstained.

MHC Appeal – Christine Ewald – A motion was made by Wong to deny the appeal submitted by Ms. Ewald. Fann seconded the motion. Motion passed by a vote of 4-1 (Nay: Donaldson). Anastasi abstained.

MHC Appeal – Alicia Pena – A motion was made by Davis-Gage to deny the appeal submitted by Ms. Pena. Fann seconded the motion. Motion passed by a vote of 4-1 (Nay: Donaldson). Anastasi abstained.

Petition for Waiver – Jeff Harvey – Donaldson made a motion to approve the Petition for Waiver. Anastasi seconded the motion. Motion passed by a vote of 5-1 (Nay: Fann).

Petition for Waiver – Erin Daley – The Board requests qualifications of the supervisor.

Petition for Waiver – Holly Smigel – Davis-Gage made a motion to approve the Petition for Waiver. Donaldson seconded the motion. Motion carried unanimously. Marshall recused from discussion of this matter.

Petition for Waiver – Dharma Pantha – The Board requested that applicant provide syllabi for the internship course before a decision is made.

Letter from Michael Pierce – Unable to review due to time constraints.

Complaints

A motion was made and seconded that the Board go into closed session in accordance with Iowa Code 21.5(1)"d" to discuss complaints at 11:50 am. Roll Call Vote: Anastasi, aye; Davis-Gage, Aye; Fann, Aye; Marshall, Aye; Wong, Aye; Donaldson, Aye.

Davis-Gage made a motion to return to open session at 12:03 pm. Fann seconded the motion. Motion passed unanimously.

08-003—Davis-Gage made a motion to approve the Settlement Agreement. Fann seconded the motion. Motion carried unanimously.

09-003—Marshall made a motion to approve the Settlement Agreement. Davis-Gage seconded the motion. Motion carried unanimously.

Future Board Meetings:

May 7, 2010

August 13, 2010

November 5, 2010

Adjournment:

Davis-Gage made a motion to adjourn at 12:23 pm since there were no longer enough members present for a quorum. Fann seconded the motion. Motion carried. Items remaining on the agenda will be addressed at the next board meeting scheduled for May 7, 2010.

The minutes were approved by the Board on May 7, 2010. Megan Murphy abstained from voting on approval of the March minutes since she did not begin serving as a Board member until May 1, 2010.

**Bureau of Professional Licensure
Bureau Chief Report
1/01/10 – 3/31/10**

- 1. Legislation and rulemaking** The 2010 legislative session convened on January 11. The funnel dates that allow bills to progress were February 12 and March 5. The 80th day of the session will be March 31. Primary issues addressed by the legislature include health care health care reform and the state budget. The Bureau of Professional Licensure submitted four requests for legislative changes in the Department's 2010 Technical Bill. These were for the Boards of Barbering, Cosmetology, Respiratory Care and Optometry. As we receive requests to make statutory changes or administer new licensure boards, I submit legislative assessments and fiscal notes with the input of the board executives, and we attend legislative subcommittee meetings upon request. When proposed legislation impacts with other boards such as medicine or nursing, the boards work together to provide consistent information regarding the impact of a proposed bill on public protection. When administrative rule changes are reviewed by the year round Administrative Rules Review Committee, the Board Executives provide information about the content of the changes, outcome of the public hearing, and public comment 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. Budget** The Department will continue to evaluate and respond to the impact of the overall state budget on public health services and workforce in SFY10. To date, IDPH has not experienced a substantive reduction in force. Our professional licensure staff is taking either 5 or 7 mandated unpaid days through June 30, depending on whether they are contract or non-contract employees. Thus far, all requests for the boards' professional memberships have been approved. No travel request for board members or staff may be submitted. PL staff members have been diligent in selecting furlough days that are spread over the coming months to assure the person who serves as their backup is informed about priority issues, allowing our work to progress as seamlessly as possible. Although the absence of any staff member is felt in an environment as busy as ours, we do not anticipate the boards will be significantly disadvantaged by the budget restrictions and we do not anticipate changes in our staff through the remainder of this fiscal year.
- 3. Activities of the Bureau Outreach and Compliance Educator** Marvin Firch has met with the 19 boards to describe the purpose of this new position and offer his services to improve compliance with Iowa's licensure statutes and rules. Marvin is currently accepting invitations to present information about the work of the licensure boards. He is developing educational materials that will be accessible to the public to better explain the complaint and disciplinary

processes, and reinforce the link between licensure and public protection. Several boards have identified projects that target Marvin's availability to travel within the state and meet with licensees, professional organizations, employers, students, and consumers. I encourage you to tap into his expertise and his focus on the positive aspects of licensure.

- 4. New Look on the Boards' Public Web Pages** The Bureau has changed the look of two public web pages to make information more accessible and easier for users to navigate. Since 2001 the boards have posted, on their individual Discipline and Public Actions page, those documents related to board actions that are public by law. Until now, the only way users could access information was by calendar year. This often made it difficult to link items that extended into another year. Under the new Channels system, users may select a board and sort disciplinary and public actions by licensee name, date, or location. The system does not provide a search option. However, users may use the Ctrl F function to insert a name that will be highlighted on the list. This option allows our Discipline Office staff to manage web postings, eliminating the need to submit requests to our IM Bureau. As in the past, public actions taken before October 2001 are available in hard copy and via CD. Additionally, the Bureau is using the Channels system to post meeting agendas, minutes, and related documents together under the date of the board meeting. Under the new system, which is also managed by our own staff, information will be available for the current year, the upcoming year, and the past year. Users who seek minutes from meetings two or more years in the past will be directed to contact the board office.
- 5. Internship Opportunity Posted** The Bureau has posted an internship opportunity for a graduate student to develop a program designed to educate salon owners, managers, and employees on matters related to Cosmetology licensure rules. In this case, the Bureau is interested in an individual who is familiar with Asian languages and customs. If such an intern is found, he/she will formulate a written plan to integrate a special populations component into other licensure boards' educational materials, and will recommend enhancements to board websites that increase their usefulness to diverse populations.
- 6. Measures of Success** Twice each year the Bureaus are required to report how well they have met performance measures. Our 19 boards have met or exceeded projected their targets for both licensure and discipline. The Bureau prints renewal notices and licenses in house, and licensure fees are processed and reconciled every business day. During SFY2009, the Bureau printed and mailed 22,177 licenses and wallet cards. In almost 100% of cases, printing and mailing is conducted within three business days when all required items are on file in the board office. In SFY09, the 19 boards in total received 415 complaints. The boards respond to 100% of signed complaints. Throughout the year, total of 213 cases were referred to the Department of

Inspections and Appeals for investigation and 202 investigations were completed. Our ability to work efficiently is largely the result of experienced staff and the commitment of board members to assuring public protection through licensure, rulemaking, and discipline of incompetent or unethical practitioners. On behalf of our Bureau I would like to thank you for the work you do and encourage you to help us identify areas for improvement.

- 7. Microsoft 2007** The Department of Public Health upgraded to Microsoft 2007 in fall 2009. Board members are encouraged to consider a similar upgrade in order to receive materials.