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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF PSYCHOLOGY

TIME: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

February 6, 2023

State Board of Psychology
February 6, 2023

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BOARD MEMBERS:

Catherine S. Spayd, Ph.D., Chair
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Steven K. Erickson, Ph.D., Vice Chair
Katherine Bradley, Ph.D., Secretary - Absent
Vito J. DonGiovanni, Psy.D.
LaJewel Harrison, MBA, Public Member
Dean C. Maynard, Ed.D., Public Member - Absent
Richard F. Small, Ph.D.

BUREAU PERSONNEL:

Carole Clarke Smith, Esquire, Senior Board Counsel
Tyesha C. Miley, Esquire, Board Counsel
Heather J. McCarthy, Esquire, Senior Board Prosecutor
Thomas Leech II, Board Administrator
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State
Carolyn A. DeLaurentis, Esquire, Executive Deputy
Chief Counsel, Department of State

ALSO PRESENT:

Molly Cowan, Psy.D., Director of Professional
Affairs,
Pennsylvania Psychological Association

1 ***

2 State Board of Psychology

3 February 6, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:30 a.m. the Board entered into Executive Session
7 with Tyesha C. Miley, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations on
9 a number of matters that are currently pending before
10 the Board and to receive the advice of counsel. The
11 Board returned to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Psychology was held on Monday, February 6,
15 2023. Catherine S. Spayd, Ph.D., Chair, called the
16 meeting to order at 10:30 a.m.

17 ***

18 Approval of minutes of the December 5, 2022 meeting
19 CHAIR SPAYD:

20 Approval of the minutes for December 5.

21 Does anyone have any comments
22 regarding the minutes?

23 [The Board discussed corrections to the minutes.]

24 CHAIR SPAYD:

25 Any other comments on the minutes? Do

1 we have a motion to approve the
2 minutes?

3 DR. DONGIOVANNI:

4 I'll approve as amended.

5 DR. SMALL:

6 Second.

7 CHAIR SPAYD:

8 Thomas, are you going to do a roll
9 call?

10

11 Spayd, aye; Claggett, aye; Erickson,
12 aye; DonGiovanni, aye; Harrison, aye;
13 Small, aye.

14 [The motion carried unanimously.]

15

16 [Tyesha C. Miley, Esquire, Board Counsel, noted the
17 meeting was being recorded, and those who continued
18 to participate were giving their consent to be
19 recorded.]

20 Ms. Miley also noted the Board met in Executive
21 Session to have attorney-client consultation and for
22 the purpose of conducting quasi-judicial
23 deliberations.]

24

25 Roll Call of Board Members

1 [Thomas Leech II, Board Administrator, provided a
2 roll call of Board members.]

3 ***

4 Introduction of Attendees

5 [Thomas Leech II, Board Administrator, provided an
6 introduction of attendees.]

7 ***

8 Report of Acting Commissioner

9 [Arion R. Claggett, Acting Commissioner, Bureau of
10 Professional and Occupational Affairs, addressed new
11 functionality in the Pennsylvania Licensing System
12 (PALS) called Act 35, which provides expedited
13 application review for service members, veterans, and
14 military spouses. He stated that application types
15 included in the expedited review are initial
16 applications, renewal applications, and reactivation
17 applications.]

18 Acting Commissioner Claggett noted Act 35 gives
19 them the ability to waive the initial application fee
20 for spouses when they are required to move due to
21 military orders. He mentioned that the fee waiving
22 functionality in PALS is not available and that
23 refunds would be issued.

24 Acting Commissioner Claggett noted Act 35 also
25 has directed them to create a military crosswalk

1 removing legislation and boards and governors having
2 the authority to change an application for licensure.

3 Chair Spayd noted Puerto Rico is the only
4 jurisdiction that does not use EPPP mandatorily but
5 does provide it optionally for licensure so people
6 can have portability.

7 Dr. Small requested approval to attend the 2023
8 Pennsylvania Psychological Association Convention be
9 placed on April's agenda.]

10 ***

11 Report of Board Prosecution

12 [Heather J. McCarthy, Esquire, Senior Board
13 Prosecutor, on behalf of Nathan C. Giunta, Esquire,
14 Board Prosecution Liaison, had no specific report
15 from prosecution but offered to answer any
16 questions.]

17 ***

18 Appointment - Prosecution Division Annual Report
19 Presentation

20 [Carolyn A. DeLaurentis, Esquire, Executive Deputy
21 Chief Counsel, Department of State, informed Board
22 members that she is now the executive deputy chief
23 counsel for the Department of State but is presenting
24 to the Board on behalf of the prosecution division in
25 her former role to provide the presentation.

1 Ms. DeLaurentis presented to the Board to provide
2 a summary of the prosecution division's role and
3 present annual numbers for 2022. She informed Board
4 members that the Bureau of Professional and
5 Occupational Affairs provides administrative and
6 legal support to all 29 licensing boards and
7 commissions under the legal support of the
8 prosecution division, counsel division, and hearing
9 examiners. She noted the mission is to protect the
10 health and safety of the public and the integrity of
11 the profession.

12 Ms. DeLaurentis explained that the Office of
13 Chief Counsel is under the Governor's Office of
14 General Counsel and assigned to the Department of
15 State, noting the prosecution division is one
16 division under the Office of Chief Counsel. She
17 noted the prosecution division works with the Bureau
18 of Enforcement and Investigation (BEI), along with
19 the Professional Compliance Office (PCO).

20 Ms. DeLaurentis stated BEI, PCO, and prosecution
21 are all tasked with receiving complaints,
22 investigating allegations, ensuring public safety,
23 and enforcing compliance with the acts and
24 regulations governing the 29 licensing boards and
25 commissions.

1 Ms. DeLaurentis stated the prosecution division
2 is the largest division under the Office of Chief
3 Counsel for the Department of State. She explained
4 that there are five senior prosecuting attorneys
5 assigned to teams. She informed Board members that
6 Heather McCarthy is the senior prosecutor for their
7 Board, along with Paul Jarabeck; Ray Michalowski;
8 William Newport; and acting senior prosecutor, Karl
9 Geschwindt for the other boards and commissions. She
10 mentioned there are currently 32 prosecuting
11 attorneys serving under the senior attorneys,
12 including Board liaisons.

13 Ms. DeLaurentis addressed the complaint process,
14 noting complaints are received from any source but
15 prefer complaints be submitted through the
16 Pennsylvania Licensing System (PALS) at pals.pa.gov
17 because it is the most efficient. She noted
18 prosecution also accepts complaints from sister
19 agencies, federal agencies, law enforcement, and
20 through media reports.

21 Ms. DeLaurentis discussed levels of review,
22 including jurisdiction checks, noting administrative
23 assistants review every complaint to see if it falls
24 under one of the 29 boards and commissions. She
25 mentioned complaints are referred to the appropriate

1 agency if prosecution does not have jurisdiction.

2 Ms. DeLaurentis stated that prosecution works
3 with BEI inspectors and investigators to determine
4 the most efficient use of resources. She noted
5 investigations may include interviewing witnesses and
6 gathering documents. She addressed the various
7 levels of review and whether there was a violation.
8 She explained that matters could be closed if there
9 is not a violation of the act or regulation and
10 direct attention to other cases.

11 Ms. DeLaurentis discussed the post-investigation
12 process, where attorneys may need to make charging
13 decisions based on evidence by filing an order to
14 show cause or a citation. She noted there is a
15 hearing process, which is similar to a regular trial,
16 where both sides are able to present evidence and
17 legal arguments.

18 Ms. DeLaurentis noted that the hearing examiner
19 usually issues a proposed adjudication if it goes to
20 a hearing examiner and then it goes to the boards and
21 commissions for their final decision because they
22 have the ultimate authority for discipline. She
23 addressed consent agreements, where both sides are
24 conducting negotiations and trying to reach a
25 resolution and present that to the Board, where the

1 Board could accept or reject the agreement.

2 Ms. DeLaurentis addressed the prosecution
3 division's role at Board meetings, including
4 presenting consent agreements and listening to
5 concerns of the Board. She pointed out that
6 prosecution has a confidentiality statute that
7 applies to their files, where all of the content
8 within their files is confidential under the law
9 unless presented publicly and is why prosecution
10 cannot speak on some matters except for the final
11 action.

12 Ms. DeLaurentis stated BEI conducts
13 investigations and interviews, gathers evidence, and
14 conducts inspections for certain boards. She noted
15 the role of the investigators is fact gathering and
16 serving subpoenas, orders, and letters. She
17 mentioned that prosecution has subpoena authority,
18 but BEI does not have search warrant authority and is
19 limited.

20 Ms. DeLaurentis noted BEI testifies to the
21 results of their investigations and inspections. She
22 also noted they have inspection authority for six of
23 the boards and document authority, where some boards
24 have regulations that require cooperation but not
25 everyone complies and charges may be filed for

1 failure to comply.

2 Dr. Erickson asked whether the psychologist has
3 the right to a copy of the complaint to know what is
4 in the complaint or who made the complaint.

5 Ms. DeLaurentis explained that the complaint is
6 part of the confidential file and not shared as part
7 of their routine practice. She mentioned that
8 complainants sometimes ask to remain anonymous as
9 well. She stated BEI usually interviews the
10 complainant first and asks for a release of records,
11 which would allow the psychologist to know who filed
12 the complaint if signed by the complainant.

13 Ms. DeLaurentis addressed post-investigation,
14 where BEI provides all of the evidence to
15 prosecution. She noted BEI gathers facts and
16 evidence and do not make any decisions and is the
17 role of attorneys. She stated that prosecuting
18 attorneys and legal analysts review the investigation
19 report to determine whether there was a violation of
20 the act or regulation to decide whether to close the
21 case or charge.

22 Ms. DeLaurentis addressed immediate temporary
23 suspensions, where someone is an immediate danger to
24 the health and safety of the public, and is different
25 than other discipline. She noted automatic

1 suspensions include 302 commitments, orders for
2 examination, and drug act violations. She also noted
3 petitions for appropriate relief are when someone has
4 violated a board order.

5 Ms. DeLaurentis stated that levels of discipline
6 include revocations, suspensions, probations,
7 reprimands, fines, remedial education, and cost of
8 the investigation.

9 Ms. DeLaurentis referred to the confidentiality
10 statute under 63 Pa.C.S. § 3109, where prosecution and
11 investigative files are deemed privileged and
12 confidential under the law. She explained that
13 Department of State investigative files are deemed
14 noncriminal investigative records and exempt from
15 disclosure under the Right-to-Know Law.

16 Ms. DeLaurentis stated that information could be
17 shared with other agencies in furtherance of
18 investigative efforts but only their final action
19 could be shared publicly, including final
20 adjudications and orders, final consent agreements,
21 and final letters.

22 Ms. DeLaurentis provided data as of January 3,
23 2023, where the number of open cases for the
24 prosecution division was 13,154, which is down from
25 2022 at 15,141. She stated 16,084 cases were opened

1 in 2022 and is down from 2021 at 18,363 cases. She
2 reported closing 17,826 files in 2022 and is up from
3 2021, where 15,994 cases were closed. She thanked
4 the prosecution division, counsel division, hearing
5 examiners, BEI, and Board for their group effort.

6 Ms. DeLaurentis informed Board members that an
7 annual report is issued to the General Assembly,
8 which includes a breakdown of case categories, and
9 would notify Board Counsel when the report is
10 finalized.

11 Ms. DeLaurentis addressed specific information
12 for the State Board of Psychology, noting 140 cases
13 were opened in 2022, which was close to 2021 at 130.

14 She reported 110 cases were closed in 2022 and is an
15 increase from 2021 at 94. She noted 141 cases were
16 open as of January 3 and is up from last year at 111.

17 Ms. DeLaurentis referred to disposition of closed
18 cases, including discipline and non-discipline. She
19 mentioned that the State Board of Psychology is
20 generally a compliant Board with not a lot of
21 discipline issues. She reported 1 fine in 2022 and 2
22 in 2021, 1 reprimand, and 2 probation cases.

23 Ms. DeLaurentis addressed Z codes and explained
24 that they are internal codes used to close matters in
25 their case management system. She reported 14 code

1 Z18s, which are warning letters, in 2022 and 4 in
2 2021. She stated that warning letters are not
3 discipline but help maintain the integrity of the
4 profession and remind people to follow the rules.

5 Chair Spayd requested information concerning a
6 discrepancy in the 8,002 active licenses identified
7 in the report and 6,410 reported in the budget for
8 last year.

9 Ms. DeLaurentis explained that the licensing
10 information is pulled through PALS, and she would
11 have to check with the Bureau of Finance and
12 Operations (BFO) regarding how they determine license
13 population. She mentioned there are some differences
14 in what BFO is counting for their purposes and PALS
15 and offered to review the differences in the license
16 counts and get back with Board Counsel.

17 Chair Spayd thanked Ms. DeLaurentis for the
18 presentation.]

19

20 Report of Board Counsel - No Report

21

22 Report of Board Administrator - Applications to

23 Request Approval to Sit for the Psychology

24 Licensing

25 Examination

1 MS. MILEY:

2 At this time, I believe the Chair would
3 entertain a motion to provisionally
4 deny the Request for Approval by
5 Applicant, Amanda J. Reese, Ph.D., at
6 agenda item 3.

7 Is there such a motion?

8 DR. DONGIOVANNI:

9 So moved.

10 DR. SMALL:

11 Second.

12 MS. MILEY:

13 Is there any discussion? Let's have
14 the roll call vote.

15
16 Spayd, aye; Claggett, aye; Erickson,
17 aye; DonGiovanni, aye; Harrison, aye;
18 Small, aye.

19 [The motion carried unanimously.]

20 ***

21 MS. MILEY:

22 At this time, I believe the Chair would
23 entertain a motion to provisionally
24 deny the Request for Approval to Sit
25 for the Examination of Applicant,

1 Kimberly Joy Dunlap, Ph.D., at agenda
2 item 4.

3 Is there such a motion?

4 DR. DONGIOVANNI:

5 So moved.

6 DR. SMALL:

7 Second.

8 MS. MILEY:

9 Any discussion?

10

11 Spayd, aye; Claggett, aye; Erickson,
12 aye; DonGiovanni, aye; Harrison, aye;
13 Small, aye.

14 [The motion carried unanimously.]

15

16 Report of Board Administrator - Application to
17 Practice Psychology for Persons Licensed in Other
18 States

19 MS. MILEY:

20 At this time, I believe the Chair would
21 entertain a motion to approve the
22 Application of Applicant, Carol G.
23 Ellstein, Ph.D., at agenda item 5 for
24 Licensure by Endorsement under Act 41.

25

Is there such a motion?

1 DR. DONGIOVANNI:

2 So moved.

3 DR. SMALL:

4 Second.

5 MS. MILEY:

6 Is there any discussion at this time?

7 May I please have a roll call?

8

9 Spayd, aye; Claggett, aye; Erickson,

10 aye; DonGiovanni, aye; Harrison, aye;

11 Small, aye.

12 [The motion carried unanimously.]

13

14 Report of Board Administrator - Review of Supervised
15 Experience

16 MS. MILEY:

17 At this time, I believe the Chair would

18 entertain a motion to accept the

19 Experience of Applicant, Leah M.

20 Schumacher, Ph.D., at agenda item 6

21 with continuation to approve the

22 necessary experience.

23 DR. DONGIOVANNI:

24 So moved.

25 DR. SMALL:

1 Second.

2 MS. MILEY:

3 Is there any discussion? May I have a
4 roll call?

5

6 Spayd, aye; Claggett, aye; Erickson,
7 aye; DonGiovanni, aye; Harrison, aye;
8 Small, aye.

9 [The motion carried unanimously.]

10

11 Report of Board Administrator - Applications for
12 Approval of Corporate or Fictitious Name

13 MS. MILEY:

14 At this time, the Chair would entertain
15 a motion for items 7 through 13,
16 Corporate or Fictitious Names of the
17 Applicants.

18 Number 7 is Growing from the Heart;
19 number 8, Journey Psychological and
20 Consultation Services; number 9, Seven
21 Spoons Therapy, PLLC; number 10,
22 Resilient & Brilliant Minds
23 Psychological Services; number 11,
24 Center for Cognitive Behavioral Therapy
25 and Mindfulness, Inc.; number 12,

1 Growing Connections, PLLC; and number
2 13, Sleep Solutions, DOC, LLC.

3 Is there such a motion to approve
4 the Corporate or Fictitious Names of
5 the Applicants at items 7 through 13?

6 DR. DONGIOVANNI:

7 So moved.

8 DR. SMALL:

9 Second.

10 MS. MILEY:

11 Is there any discussion? Hearing none.

12

13 Spayd, aye; Claggett, aye; Erickson,
14 aye; DonGiovanni, aye; Harrison, aye;
15 Small, aye.

16 [The motion carried unanimously.]

17

18 Report of Board Members

19 [Vito J. DonGiovanni, Psy.D., commented that he
20 enjoyed his time on the Board and thanked fellow
21 Board members and staff.]

22

23 Discussion Items - 2024 Board Meeting Dates

24 [Catherine S. Spayd, Ph.D., Chair, noted 2024 Board
25 meeting dates are February 5, April 1, June 3, August

1 5, October 7, and December 2.]

2 ***

3 FYI Items - Association of State and Provincial
4 Psychology Boards (ASPPB) - December 2022
5 Newsletter

6 [Catherine S. Spayd, Ph.D., Chair, noted the
7 Association of State and Provincial Psychology Boards
8 Newsletter is available for the Board's review.]

9 ***

10 FYI Items - Psychology Interjurisdictional Compact
11 (PSYPACT) Quarterly Report - Q4 2022

12 [Catherine S. Spayd, Ph.D., Chair, referred to the
13 Psychology Interjurisdictional Compact Quarterly
14 Report, noting the state is in full compliance of
15 that program.]

16 ***

17 [Tyesha C. Miley, Esquire, Board Counsel, reminded
18 Chair Spayd that a motion is required for the 2024
19 Board meeting dates.]

20 CHAIR SPAYD:

21 I will make a motion that the Board
22 meeting dates I read previously are
23 acceptable for 2024.

24 Is there a motion?

25 DR. DONGIOVANNI:

1 So moved.

2 DR. SMALL:

3 Second.

4 MS. MILEY:

5 Any discussion on that?

6

7 Spayd, aye; Claggett, aye; Erickson,
8 aye; DonGiovanni, aye; Harrison, aye;
9 Small, aye.

10 [The motion carried unanimously.]

11 ***

12 Old Business

13 [Vito J. DonGiovanni, Psy.D., suggested PPA and ASPPB
14 Conferences be placed on the February, April, and
15 August agendas to draw people's attention as to
16 whether they would like to attend. He commented that
17 the meetings help with seeing how the rest of the
18 jurisdictions tend to regulations and so forth.]

19 ***

20 Upcoming Meeting Dates

21 [Catherine S. Spayd, Ph.D., Chair, noted the next
22 scheduled meeting date is April 3, 2023.]

23 ***

24 Adjournment

25 CHAIR SPAYD:

1 Do I hear a motion to end the meeting?

2 DR. DONGIOVANNI:

3 So moved.

4 DR. SMALL:

5 Second.

6 ***

7 [There being no further business, the State Board of
8 Psychology Meeting adjourned at 11:26 a.m.]

9 ***

10

11 CERTIFICATE

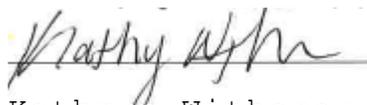
12

13 I hereby certify that the foregoing summary
14 minutes of the State Board of Psychology meeting, was
15 reduced to writing by me or under my supervision, and
16 that the minutes accurately summarize the substance
17 of the State Board of Psychology meeting.

18

19

20



21

Kathryn Witherow,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

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26

STATE BOARD OF PSYCHOLOGY
REFERENCE INDEX

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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Approval of Minutes
10:32	Introduction of Board Members
10:32	Introduction of Attendees
10:35	Report of Acting Commissioner
10:36	Report of Board Chairperson
10:41	Appointment - Carolyn A. DeLaurentis, Esquire, Executive Deputy Chief Counsel, Department of State, Annual Prosecutorial Division Presentation
11:13	Report of Board Administrator
11:19	Report of Board Members
11:20	Discussion Items
11:20	FYI Items
11:22	Old Business
11:25	Upcoming Meeting Dates
11:26	Adjournment