

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



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EXECUTIVE DIRECTOR
Darrel D. Spinks

BOARD MEETING AGENDA

November 9, 2017

333 Guadalupe, Suite 2-400A
Austin, Texas 78701

Pursuant to Tex. Gov't Code Ann. §551.127, notice is hereby given that one or more Board members may appear at the scheduled meeting via videoconference, but the Board Chair and a quorum will be physically present in the scheduled location.

Please note that the Board may request input during the meeting from any interested parties or members of the public during its discussion of an agenda item.

Thursday, November 9th, 9:00 a.m.

- I. Meeting Called to Order - Tim F. Branaman, Ph.D., Chair
- II. Public Comments
- III. Minutes and Certified Agenda*
- IV. Chair's Report - Dr. Branaman
 - A. ASPPB Update
 - 1. Draft of Supervision Guidelines - Mandated Supervision
 - 2. EPPP Part 2 Letter to Member Jurisdictions
 - B. Update on Sunset Process
 - 1. Agency Actions Needed Following SAC's Report to the 85th Legislature*
 - 2. Self-Evaluation Report Submitted for Upcoming Review
 - 3. Letter to Texas Psychological Association Concerning Possible Future Consolidation Recommendation; Report from Executive Director

***Topic requiring either agency action or discussion.**

333 Guadalupe, Suite 2-450, Austin, Texas 78701
(Administration) 512-305-7700 (Enforcement) 512-305-7709 (TDD) 1-800-735-2989
(Fax) 512-305-7701 <http://www.tsbep.texas.gov>

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- Following Meeting with Texas Psychological Association
- 4. Discussion Concerning Anti-Trust Rule Review Spreadsheet Prepared by Agency Staff*
- 5. Sunset Licensing and Regulation Model, October 2017
- 6. October 26, 2017 Comments from the American Psychological Association
- C. Request for Opinion from Attorney General Regarding Interplay Between Section 501.351(b), Board rule 465.15(a)(4), and Ch. 35 of the Penal Code*
- D. Adoption of Future Important Dates*
- E. Findings Required by Tex. Gov't Code Ann. §574.001 Regarding Dual Office Holding by Executive Director*
- F. H.R. 3446 - Restoring Board Immunity Act, 115th Congress (2017-2018)
- G. Press Release from Attorney General Paxton Regarding Lawsuit Involving Anticompetitive Conduct, dated August 7, 2017
- H. U.S. District Court Order, dated October 20, 2017, Involving Anti-trust Claims Against the Texas Medical Board

V. Executive Director's Report - Mr. Spinks

- A. Operations Update
 - 1. Update on Shared Database Operations
 - 2. Update on Reporting to NPDB
 - 3. Update on Reporting to Texas Attorney General's HB300 reporting portal
 - 4. Update on Fingerprint Criminal History Background Check Program, per Board Rule 463.7
 - 5. Update on Agency Website
- B. Budget Update
 - 1. Q4 and Annual FY2017 Performance Measures
 - 2. Year-to-Date Financial Report
- C. Update on DPS Audit Regarding CHRI
- D. Update on Post-payment Audit by Comptroller of Public Accounts
- E. Update on Risk Management Program Review by SORM
- F. Update on Exploration of Alternative Solutions to Achieve Active State Supervision
- G. Cancellation of EAP Due to 4% Budget Cuts
- H. Proposed Newsletter Articles*
- I. Policies*
- J. Board Opinion Letters*

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VI. Rules - Dr. Branaman and Mr. Bielamowicz

- A. Adopted Rule Review*
- B. Rules for Proposal*
 - 1. 461.7, License Statuses
 - 2. 463.30, Licensing for Military Service Members, Veterans and Spouses (*Re-proposal*)
 - 3. 469.7, Persons with Criminal Backgrounds
- C. Rules for Adoption*

Rules being considered for adoption may be adopted, withdrawn, or re-proposed with changes based upon comments received.

 - 1. 463.1, Types of Licensure
 - 2. 463.8, Licensed Psychological Associate
 - Brochure Describing Differences Between Levels of Training and Education
 - 3. 463.11, Licensed Psychologist
 - 4. 463.13, Requirements for Licensed Out-of-State Applicants
 - 5. 463.14, Written Examinations
 - 6. 463.15, Oral Examination (repeal)
 - 7. 463.27, Temporary License for Persons Licensed in Other States
 - 8. 463.29, Reciprocity Agreements with Other Jurisdictions
 - 9. 463.30, Licensing for Military Service Members, Veterans and Spouses (*withdraw*)
 - 10. 465.2, Supervision
 - 11. 469.7, Persons with Criminal Backgrounds
 - 12. 473.2, Examination Fees (Non-Refundable)
 - 13. 473.7, Penalties (repeal)

VII. Enforcement Matters and Report from General Counsel

Enforcement Staff:

- A. Review Dismissal for Board Ratification*
- B. Status Reports
- C. Changes to Projected Time Schedules
- D. Upcoming ISC Panels*
- E. Review of FY2017 Cumulative Complaint Statistics

General Counsel:

- F. Agreed Order Ratifications*
- G. Discussion About Whether to List Resignation Orders on Agency's Website, and Whether to Report Resignation

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Orders to ASPPB Disciplinary Databank* (*to be discussed with the policies*)

- H. Brief Review on Agency Policy Governing Ex Parte Contacts by Complainants or Respondents

VIII. Compliance - Ms. Black

- A. Review of Compliance with Agreed Orders

IX. Jurisprudence Examination Committee - Dr. Mock and Ms. Black

- A. No New Matters to Report

X. Oral Examination - Dr. Fletcher

- A. Update from Staff Regarding Search for Future Testing Sites

XI. Applications Committee - Ms. Campbell and Dr. Fletcher

- A. Application of Kandi R. Stull, M.S. for Licensed Psychological Associate*

XII. Personnel Committee - Dr. Palomares

- A. Personnel Changes Within the Agency

XIII. Future Issues and Other Requested Agenda Items

- A. Requests from Board Members for Future Agenda Items
- B. Discussion About Possible Changes to Board Rule 465.33, Improper Sexual Conduct

XIV. Executive Session

- A. To seek legal advice pursuant to Tex. Gov't Code Ann. §551.071 on legal issues raised during the meeting, including:
 - 1. Cause No. D-1-GN-17-003671, Grothues v. TSBEP, 98th District Court, Travis County, Texas
- B. To seek legal advice pursuant to Tex. Gov't Code Ann. §551.071, and to review evidence or information in connection with a recommendation for temporary

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suspension of a licensee pursuant to Tex. Occ. Code Ann. §501.402 and 22 Tex. Admin. Code, Pt. 21, §469.6.

C. To deliberate and discuss personnel issues pursuant to Tex. Gov't Code Ann. §551.074.

XV. Action on matters considered in executive session, if necessary.

XVI. Meeting Adjourned

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