

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



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Darrel D. Spinks

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John R. Huffman, J.D.
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Ronald S. Palomares, Ph.D.
Denton

BOARD MEETING AGENDA

August 16, 2018

333 Guadalupe, Suite 100
Austin, Texas 78701

In the event the agency is precluded from meeting in Suite 100, the meeting will be held in Suite 2-500. Signage will be posted outside of Suite 100 the morning of the meeting if the meeting is moved to Suite 2-500.

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, August 16th, 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. Notice of 2018 ASPPB Annual Meeting
 - 2. Decision Concerning Attendance at Annual Meeting (October 17th-21st) in Salt Lake City, UT; Request by Executive Director for Permission to Attend*
 - 3. Letter from LSBEP Concerning EPPP Part 2; Discussion Concerning Debate Surrounding EPPP Part 2*
- B. Update on 2018-2019 Sunset Review

***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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- C. Reminder that Room Reservations for Future Board Meeting Will Revert Back to Room 400A in Tower 2
- D. Update Regarding Survey of Stakeholders Regarding Specialty Areas and Minimal Competencies Needed for Practice in Those Areas; Discussion Concerning What Steps Should Be Taken Next*
- E. Update Regarding the Records Disposition Advisory Committee
- F. Discussion and Post-submission Approval of 2020-2021 Legislative Appropriations Request*
- G. Letter from Luis Saenz, Chief of Staff, Office of the Governor, dated June 15, 2018, together with agency response
- H. Letter from Luis Saenz, Chief of Staff, Office of the Governor, dated June 22, 2018
- I. Update Regarding 2018 SORM Risk Management Program Review
- J. Discussion Concerning Whether to Place Audio Recordings of Board Meetings on Agency Website*
- K. U.S. Dept. of Labor News Release Regarding Grant Availability
- L. H.R. 6515, Occupational Licensing Board Antitrust Damages Relief and Reform Act, 115th Congress (2017-2018)

V. Executive Director's Report - Mr. Spinks

- A. Operations Update
 - 1. Update on Shared Database Operations
 - 2. Update on Reporting to NPDB and Texas Attorney General's HB300 reporting portal
 - 3. Update on Fingerprint Criminal History Background Check Program, per Board Rule 463.7
 - 4. Update on Agency Website
 - 5. Purchased Subscriptions to SurveyMonkey, iContact, and Zoom Video Communications
- B. Budget Update
 - 1. Q3 FY2018 Performance Measures
 - 2. Year-to-Date Financial Report
- C. Proposed Newsletter Articles*
- D. Policies*
- E. Board Opinion Letters*
- F. Discussion Regarding Whether to Grant Executive Director Dismissal Authority for Complaints*
- G. Discussion Regarding Recent Noteworthy Issues Encountered with Individuals Inquiring About Temporary Licensure

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

- H. Review and Approval of Revised Customer Service Surveys*

VI. Rules - Drs. Branaman and Palomares

- A. Rules for Proposal*
 - 1. 461.10, License Required
 - 2. 461.11, Professional Development
 - 3. 463.27, Temporary License for Persons Licensed in Other States
 - 4. 463.28, Emergency Limited Temporary License
 - 5. 469.4, Complaint Investigation
 - 6. 469.5, Complaint Disposition
 - 7. 470.22, Schedule of Sanctions
- B. Rules for Adoption*

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

 - 1. 463.11, Licensed Psychologist
 - 2. 463.13, Requirements for Licensed Out-of-State Applicants
 - 3. 465.1, Definitions
 - 4. 465.15, Fees and Financial Arrangements
 - 5. 465.22, Psychological Records, Test Data and Test Materials

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*

General Counsel:

- E. Agreed Order Ratifications*

VIII. Compliance - Ms. Black and Dr. Mock

- A. Review of Compliance with Agreed Orders

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

- A. No New Matters to Report

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

X. Applications Committee - Ms. Campbell and Dr. Palomares

- A. Review of PFD Issued in SOAH Docket No. 520-18-2311, Alisa R. Bentley, M.S. v. TSBEP
- B. Review and Deliberate on the Application for Provisional Licensure by James Scott Creighton, Psy.D.*

XI. Personnel Committee - Ms. Downes

- A. Personnel Changes Within the Agency
- B. Discussion Regarding Whether to Gather Staff Input When Conducting Future Annual Evaluations of the Executive Director* (*May be held either in whole or in part during executive session.*)

XII. Future Issues and Other Requested Agenda Items

- A. Requests from Board Members for Future Agenda Items
- B. Discussion concerning what steps, if any, can be taken to reduce barriers for individuals wanting to provide services on a temporary or limited basis to vulnerable populations. (*Discussion to be led by Mr. Bielamowicz*)
- C. Discussion concerning whether current agency rules operate to inhibit or dissuade LSSPs from fully utilizing their license within the schools. If so, what steps, if any, can be taken to reduce actual or perceived barriers and encourage LSSPs to fully utilize their license. The impetus behind this agenda item is a concern that LSSPs are primarily engaged in testing within the schools despite being competent to deliver a wider array of school psychological services. This is particularly important given the need to fully utilize existing licensed mental health providers in light of the mental health workforce shortage. (*Discussion to be led by Ms. Black*)

XIII. 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
 - 2. Nat'l Inst. of Family & Life Advocates v. Becerra, 201 L. Ed. 2d 835
- B. To seek legal advice pursuant to Tex. Gov't Code Ann. §551.071, and to review evidence or information in

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connection with a recommendation for temporary 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 the evaluation of the Executive Director pursuant to Tex. Gov't Code Ann. §551.074.
- D. Discussion Regarding Whether to Gather Staff Input When Conducting Future Annual Evaluations of the Executive Director pursuant to Tex. Gov't Code Ann. §551.074.

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

XV. Meeting Adjourned