

# TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



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Denton

EXECUTIVE DIRECTOR  
Darrel D. Spinks

## BOARD MEETING AGENDA

February 15, 2018

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, February 15<sup>th</sup>, 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. December 11, 2017 Retirement Notification of Dr. Stephen T. DeMers
    2. Article in The Psychology Times Regarding ASPPB EPPP fees
    3. 2017 Psychology Licensing Exam Scores by Doctoral Program
    4. Decision Concerning Attendance at Mid-year Meeting (April 12<sup>th</sup>-15<sup>th</sup>) in Savannah, GA; Request by Executive Director for Permission to Attend and Give Presentation\*
  - B. Update on Sunset Process
    1. Update on 2018-2019 Sunset Review  
\*Topic requiring either agency action or discussion.

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- C. Discussion Concerning the Basic Structure and Terms of a Reciprocity Agreement to be Used When Negotiating With Other Jurisdictions; Update from Executive Director on Exploration of Reciprocity with Other Jurisdictions
- D. Excerpt from Governor's Executive Development Program, December 2017
- E. Board Committee Assignments\*
- F. Election of Vice-Chair\*
- G. FTC Staff Comments on Proposed PA Legislation Concerning APRN-CNPs
- H. Approval of Draft Report Required by H.B. 91, 85<sup>th</sup> Leg. Reg. Session\*
- I. Email Exchange Between Executive Director and Representative Four Price's Office
- J. Room Reservations for May and August Board Meetings Will Be Different; Primary Room Reservation will be Room 100, With the Backup Reservation Being Room 500 in Tower 2.
- K. Authorization for One or More Board Members to Attend and Give a Presentation at the Southwest Psychological Association Conference in Houston on April 14<sup>th</sup> Regarding the Rules Governing Independent Practice by LPAs\*
- L. Review and Approval of Form to Determine Substantial Equivalency of Post-doctoral Programs Under Board Rule 461.10\*

**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
- B. Budget Update
  - 1. Q1 FY2018 Performance Measures
  - 2. Year-to-Date Financial Report
  - 3. 2018 Operating Budget
- C. Proposed Newsletter Articles\*
- D. Policies\*
- E. Board Opinion Letters\*

**VI. Rules - Dr. Branaman and Mr. Bielamowicz**

\*Topic requiring either agency action or discussion.

- A. Rules for Proposal\*
  - 1. 461.3, Former Board Members
  - 2. 463.6, Regionally Accredited Institutions
  - 3. 463.12, Licensed Psychologist by Reciprocity  
(*repeal and replace*)
  - 4. 463.18, Failing Written/Oral Examinations
  - 5. 463.19, Time Limit on Examination Failures and  
Passing Scores
  - 6. 463.20, Refunds and Transfer of Application and  
Examination Fees
  - 7. 463.21, Board Members as Reviewers of Examination
  - 8. 463.23, Criteria for Examination Consultants
  - 9. 463.24, Oral Examination Workgroup (*repeal*)
  - 10. 465.1, Definitions
  - 11. 465.13, Personal Problems, Conflicts and Dual  
Relationships
  - 12. 465.18, Forensic Services
  - 13. 465.33, Improper Sexual Conduct
  - 14. 469.8, Rehabilitation Guidelines
  - 15. 470.21, Disciplinary Guidelines
  - 16. 470.22, Schedule of Sanctions
  
- C. Rules for Adoption\*
 

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

  - 1. 461.7, License Statuses
  - 2. 463.30, Licensing for Military Service Members,  
Veterans and Spouses
  - 3. 469.7, Persons with Criminal Backgrounds
  
- D. Petition for Rulemaking - Texas Association Against  
Sexual Assault\*
  - 1. 465.1, Definitions
  - 2. 465.13, Personal Problems, Conflicts and Dual  
Relationships
  - 3. 465.33, Improper Sexual Conduct

**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\*

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

General Counsel:

E. Agreed Order Ratifications\*

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

A. No New Matters to Report

**XI. Personnel Committee - Dr. Palomares**

- A. Personnel Changes Within the Agency
- B. Approval of Revised Personnel Manual\*

**XII. Future Issues and Other Requested Agenda Items**

- A. Requests from Board Members for Future Agenda Items
- B. Discussion Concerning Whether Rulemaking Proceedings Need to be Initiated to Remove or Modify the Restriction on LSSP Practice to Public and Private Schools\*
- C. Discussion Concerning Whether Rulemaking Proceedings Need to be Initiated to Create an Exception to the Duty to Produce Test Data as Part of a Patient's Records, for Certain Types of Test Results and Reports; Alternatively, a Discussion Concerning Whether to Seek an Opinion from the Attorney General on this Same Subject\* (*discussion to be led by Dr. Branaman*)
- D. Discussion Concerning What Additional Steps, if any, the Agency Can Take in Response to the Public's Growing Concern About Sexual Abuse and Exploitation\* (*discussion to be led by Mr. Bielamowicz*)
- E. Discussion Concerning What Steps the Agency Can or Should Take to Ensure the Public Has Access to Their Records Following the Death or Disability of a Licensee (*discussion to be led by Mr. Spinks and Mr. Hyde*)

**XIII. Executive Session**

\*Topic requiring either agency action or discussion.

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, 98<sup>th</sup> 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 suspension of a licensee pursuant to Tex. Occ. Code Ann. §501.402 and 22 Tex. Admin. Code, Pt. 21, §469.6.

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

**XV. Meeting Adjourned**

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