

# TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



## MEMBERS OF THE BOARD

Tim F. Branaman, Ph.D., Chair  
Dallas

Lou Ann Todd Mock, Ph.D., Vice Chair  
Bellaire

Susan Fletcher, Ph.D.  
Plano

Donna Lord Black, M.A.  
Frisco

Jo Ann Campbell, M.S.  
Abilene

John K. Bielamowicz  
Waxahachie

Angela A. Downes, J.D.  
Dallas

John R. Huffman, J.D.  
Southlake

Ronald S. Palomares, Ph.D.  
Denton

EXECUTIVE DIRECTOR  
Darrel D. Spinks

## BOARD MEETING AGENDA

May 24, 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, May 24<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. Report Following Agency Attendance at Mid-year Meeting (April 12<sup>th</sup>-15<sup>th</sup>) in Savannah, GA
  - B. Update on 2018-2019 Sunset Review
    - 1. Discussion Regarding Staff Report, and Approval (or Disapproval) for Each Recommendation\*
    - 2. Discussion Regarding Sunset Commission Decisions
  - C. Update from Executive Director on Exploration of Reciprocity with Other Jurisdictions

**\*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>

The Texas State Board of Examiners of Psychologists is an equal opportunity employer and does not discriminate on the basis of race, color, religion, national origin, age, sex, disability, or sexual orientation.

- D. Email Exchange Between Executive Director and Senator Juan "Chuy" Hinajosa's Office
- E. Reminder that Room Reservations for August Board Meeting Will Be Different; Primary Room Reservation will be Room 100, With the Backup Reservation Being Room 500 in Tower 2.
- F. Review and Approval of Agency Strategic Plan for Fiscal Years 2019-2023\*
- G. Update Regarding Competency Standards Advisory Committee; Discuss Survey of Stakeholders Regarding Specialty Areas and Minimal Competencies Needed for Practice in Those Areas\*
- H. Update Regarding the Records Disposition Advisory Committee
- I. 2018 Report on Survey of Employee Engagement
- J. Authority for Board Chair and Executive Director to Sign and Submit 2020-2021 Legislative Appropriations Request\*
- K. 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\*  
*(discussion to be held in conjunction with Proposed Rule 465.1 under the Rules Committee)*
- L. Letter from DIR Regarding Cyber Attacks, dated April 9, 2018
- M. Recognition of Dr. Ron Palomares having been knighted by the Johanniter Order.
- N. Invitation to Speak at TPA's Annual Convention\*
- O. OAG Opinion No. KP-0198, Permissibility of Billing Third-party Payers Without Indicating Services Were Rendered by a Supervisee\*

**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. Q2 FY2018 Performance Measures
  - 2. Year-to-Date Financial Report
- C. Proposed Newsletter Articles\*
- D. Policies\*

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

E. Board Opinion Letters\*

**VI. Rules - Drs. Branaman and Palomares**

A. Rules for Proposal\*

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 Arrangments
5. 465.22, Psychological Records, Test Data and Test Materials

B. Rules for Adoption\*

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

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

**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:

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

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

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

A. SOAH Docket No. 520-18-1170, Kandi R. Stull, M.S. v. TSBEP; Adoption of PFD Denying Ms. Stull's Application for Licensed Psychological Associate\*

B. Discussion Regarding Whether to Grant Rose C. Haney, Ph.D. a PLP Applicant, a Waiver Under Board rule 463.11(d) (1) (B) (ii) \*

**XI. Personnel Committee - Ms. Downes**

A. Personnel Changes Within the Agency

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

A. Requests from Board Members for Future Agenda Items

B. Discussion Regarding Whether Rulemaking Should be Initiated to Address the Issue of LSSPs Being Directed to Take Actions that are Contrary to Board Rules; Alternatively, Discuss What Stakeholder Education Efforts Can be Undertaken Regarding Conflicts Between Employer Directions and Board Rules (*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, 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

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

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**