

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



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Ronald S. Palomares, Ph.D.
Denton

BOARD MEETING AGENDA

November 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, November 15th, 9:00 a.m.

- I. Meeting Called to Order - Tim F. Branaman, Ph.D., Chair
 - A. Welcoming of Three New Board Members to the Agency
 - B. Recognition and Presentation of Governor's Proclamations to Former Board Members for Their Service
- II. Public Comments
- III. Minutes and Certified Agenda*
- IV. Chair's Report - Dr. Branaman
 - A. ASPPB Update
 - 1. Report Following Agency Attendance at Annual Meeting (October 17th-21st) in Salt Lake City, UT
 - 2. Dates of 2019 Mid-year and Annual Meetings; Request by Executive Director for Permission to Attend the Mid-year and Annual Meetings in 2019*
 - 3. Authorize Executive Director to Enter into Agreement with ASPPB Regarding NPDB Reporting*
 - 4. Jurisdictional Update on the Enhanced EPPP.

***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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- B. Update on 2018-2019 Sunset Review
- C. Update Regarding the Records Disposition Advisory Committee; Discussion Concerning What Steps Should Be Taken Next; Review Materials from State Bar Law Practice Management Program*
- D. Update Regarding the School Psychology Rule Review Advisory Committee; Discussion Concerning How to Proceed; Selection of New Board Members to Serve on Committee*
- E. Review Proposed Changes to the Agency's Records Retention Schedule
- F. Excerpt from September 15, 2018 Capitol Clearinghouse Update Regarding Occupational Licensure
- G. Board Committee Assignments*
- H. FY2018 Annual Financial Report
- I. Letter from Texas Health & Human Services Commission, Office of Inspector General, dated October 24, 2018, Concerning Duty to Report Disciplinary Actions and Eligibility Orders to the OIG

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. Q4 and Annual FY2018 and Performance Measures
 - 2. Year-to-Date Financial Report
- C. Proposed Newsletter Articles*
- D. Policies*
- E. Board Opinion Letters*

VI. Rules - Drs. Branaman and Palomares

- A. Rules for Proposal*
 - 1. 463.8, Licensed Psychological Associate (*Discussion to be held under Future Issues and Other Requested Agenda Items below*)
 - 2. 463.9, Licensed Specialist in School Psychology
 - 3. 463.11, Licensed Psychologist
 - a. Request to Initiate Rulemaking by Jennifer Jones, Ph.D. to Allow Individuals Who Completed Their Doctoral Degree Prior to September 1, 2017 Without

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

a Pre-doctoral Internship to be Eligible for Full Licensure if They Have Completed a Post-doctoral Internship Otherwise Meeting the Board's Requirements

4. 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. 461.10, 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. 465.1, Definitions

6. 469.4, Complaint Investigation

7. 469.5, Complaint Disposition

8. 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:

E. Agreed Order Ratifications*

F. Review and Disposition of Complaint No. 2017-00049-2375, Brian E. Pope, Ph.D.

G. Review of FY2018 Cumulative Complaint Statistics

VIII. Compliance - Dr. Mock

A. Review of Compliance with Agreed Orders

IX. Jurisprudence Examination Committee - Dr. Fletcher

A. No New Matters to Report

X. Applications Committee - Dr. Palomares

A. Application for LPA Licensure from Michael C. Contreras, M.S.*

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

- B. Application for Psychologist Licensure from Lee Doric-Henry, Psy.D.*
- C. Application for Psychologist Licensure from Daniela Benites, Ph.D.*
- D. Application for LPA Licensure from Clifford Horace Benedict, D.B.H.
- E. Application for Psychologist Licensure from Timothy D. Weissman, Ph.D.*
- F. Statistics for Application Processing Times and Steps Being Taken to Reduce Processing Times

XI. Personnel Committee - Ms. Downes

- A. Personnel Changes Within the Agency
- B. Discussion and Approval of Survey Utilized to Gather Staff Input in Connection with Annual Evaluations of the Executive Director*

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 Further Clarify the Duty to Produce Records, Test Data, etc. in Connection with the Delivery of Forensic Psychological Services*
(discussion to be led by Dr. Fletcher)
- C. Discussion Concerning Whether Rulemaking Proceedings Should be Initiated to Eliminate or Modify the Two Year Gap Rule Found in Board Rule 463.11(d) (1) (B) (i) (I)
(discussion to be led by Mr. Spinks, with input from Ms. Ramirez)
- D. Discussion Concerning Whether Rulemaking Proceedings Should be Initiated to Allow Reinstatement of an Expired, Retired, Revoked, or Resigned License, Rather than Issuing a New License; Discussion Concerning Reinstatement Criteria *(discussion to be led by Mr. Spinks)*
- E. Discussion Regarding Contracting with a DIR Approved Vendor to Convert Agency Applications and Forms into Fillable PDF Forms; Discussion Regarding Potential Use of BOTs to Collect and Enter Information Gathered on Agency Forms into the Database* *(discussion to be led by Mr. Spinks)*
- F. Discussion Concerning Whether Board Rule 463.8(a) (2) Needs to be Modified to Reflect that Direct or Face-to-Face Supervision is Required* *(discussion to be led by Dr. Palomares)*

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- G. Discussion Concerning Revising Inactive Status Once Biennial Renewals are Adopted; Discussion Concerning Whether Renewal Periods Should Be Tied to Renewal Dates; Discussion Concerning Whether to Allow Inactive Status In Perpetuity or for a Time Certain, e.g. Six years (*discussion to be led by Mr. Spinks*)

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, TPA v. TSBEP, 98th District Court, Travis County, Texas
 - 2. Ex Parte C.D., Texas Supreme Court
- 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