

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR
Darrel D. Spinks

Texas State Board of Examiners of Psychologists

MINUTES

November 19, 2015

MEMBERS OF THE BOARD

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Dallas

Lou Ann Todd Mock, Ph.D., Vice Chair
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Jeff Baker, Ph.D.
League City

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John R. Huffman, J.D.
Southlake

Leslie D. Rosenstein, Ph.D.
Dallas

The Texas State Board of Examiners of Psychologists met in Austin, Texas on November 19, 2015. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Jeffrey Baker, Ph.D.; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Carlos Chacón; Angela A. Downes, J.D.; and John R. Huffman, J.D.; Lou Ann Todd Mock, Ph.D., Vice-Chair; and Leslie Rosenstein, Ph.D. Also in attendance were Darrel Spinks, Executive Director; and Brian Creath, Deputy Executive Director.

Thursday, November 19, 2015

1. The meeting was called to order at 9:00 a.m. by Dr. Branaman.
2. The Board moved into Item II, Public Comments.
 - A. Carol Grothues, Ph.D., requested the Board consider proposing rules regarding psychopharmacology.
 - B. Paul Andrews, Ph.D., thanked the Board for all of the work that was done regarding supervision rule changes, but expressed some reservation that not all of the rules recommended by the RAC had been incorporated.
3. The Board moved into Item III, Minutes.

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A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE MINUTES OF THE AUGUST 20, 2015 BOARD MEETING WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

4. The Board moved into Item IV, Chair's Report - Dr. Branaman.
 - A. Dr. Branaman stated that Dr. Carl Settles, a past Board Chair had passed away. The Board will send an acknowledgement to his family
 - B. Mr. Spinks reviewed the FY 2016 Board goals. Mr. Spinks stated that the Board goals form would change to reflect the ongoing agency goals.
 - C. Dr. Branaman updated the Board regarding the Association of State and Provincial Psychology Boards (ASPPB):
 - i. Online summer newsletter
 - ii. Mr. Spinks was asked to serve on the Model Act and Rules Committee.
 - iii. Mr. Merchant attended the Annual Meeting in Tempe AZ and stated the main topics that were discussed were internship, proposed EPPP II examination, psychopharmacology, and telepsychology.
 - D. Dr. Branaman stated that the Sunset process was moving along. Mr. Spinks stated the Sunset review will begin in May 2016.
 - E. Dr. Branaman stated that the Board would be discussing whether to purchase Statewide Directors and Officers Insurance during Executive Session.
 - F. The Board reviewed the KVUE news report regarding "Rising mental health profession unchecked by Texas regulators." This will probably be discussed during the next legislative session.
 - G. Dr. Branaman stated that the Board would be discussing the Federal Trade Commission's (FTC) Staff Guidance document during Executive Session.
 - H. The Board reviewed an excerpt from the 2015 - 16 update to the State Health Plan.

5. The Board moved into Item V, Executive Director's Report - Mr. Spinks.
 - A. Mr. Spinks discussed operational issues:
 - i. Due to the data freeze on Versa, no programming changes can be made until the summer of 2016.
 - ii. Board was in compliance with the NPDB reporting requirements.
 - iii. Board is in compliance with HB 300 reporting requirements.
 - iv. Criminal Fingerprint History Check is running smoothly.
 - v. The online Jurisprudence Examination was implemented on November 1, 2015. No issues to report.
 - vi. SAO Audit report showed no major findings. However, the Board will need to make some minor procedural changes.
 - vii. Texas Workforce Commission reviewed the agency's Personnel Policies and Procedures. Recommendations were:
 - a. Include email notification to minority recruitment when posting vacancies.
 - b. Revise the Board's definition of undue hardship to match the statutory definition.
 - c. Begin utilizing different EEOC training.
 - viii. Mr. Spinks stated that he has done presentations for TPA, TASP and other organizations and believes this is very beneficial for the Board. Ms. Black suggested that a Board member be present at those presentations involving LSSPs, but after further discussion no action was taken on this matter.
 - B. The Board reviewed proposed Newsletter Article(s):
 - i. Pie Chart Disciplinary Actions Taken.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED NEWSLETTER ARTICLE. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. Guidelines for Commenting on Proposed Rules.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED NEWSLETTER ARTICLE. THE VOTE WAS APPROVED UNANIMOUSLY.

C. The Board reviewed proposed Policy changes:

i. Jurisprudence Examination.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. Veteran Employment Practices.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. BAKER TO APPROVE THE PROPOSED NEW POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. Grading of EPPP and Jurisprudence Exam.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED REPEAL. THE VOTE WAS APPROVED UNANIMOUSLY.

iv. Release of Written Examination Scores.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED REPEAL. THE VOTE WAS APPROVED UNANIMOUSLY.

v. Release of Written Examination Scores.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED NEW POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

vi. Exchange of Complaint Information Between Regulatory Agencies.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED NEW POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

- vii. Acceptance on Previously Submitted Documents and Passing Exam Scores upon Application for an Additional License.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

- viii. Acceptance on Previously Submitted Documents and Passing Exam Scores upon Re-Application for Licensure.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

- ix. Fingerprint Criminal Records Check: Applicants.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED REPEAL. THE VOTE WAS APPROVED UNANIMOUSLY.

- x. Fingerprint Criminal Records Check for Applicants.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED NEW POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

- xi. Review of License Applications.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

- D. Mr. Spinks discussed the Austin American Statesman article regarding Merit Bonuses by State Agencies which the agency was not the main focus of the article. However, Ms. Jennifer Noack, Chief Financial Officer (CFO) was selected to be on a statewide CFO Panel to teach incoming state CFOs.

The Board recessed for a break at 10:12 a.m.

The Board reconvened from break at 10:26 a.m.

- 6. The Board moved into Item VI, Rules Committee - Dr. Branaman.

- A. The Board reviewed the Proposed Rule(s):

- i. 461.10, License Required.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED AMENDMENT WITH CHANGES. THE VOTE FAILED

WITH DR. BAKER, MS. BLACK, MS. CAMPBELL, MR. CHACÓN, MS. DOWNES AND MR. HUFFMAN OPPOSING THE AMENDMENT.

ii. 461.17, Profile Information.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. 465.1, Definitions.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED AMENDMENT WITH CHANGES. THE VOTE CARRIED WITH DR. ROSENSTEIN ABSTAINING FROM THE VOTE.

iv. 469.11, Legal Actions Reported and Reciprocal Discipline.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED AMENDMENT VERSION 2. THE VOTE WAS APPROVED UNANIMOUSLY.

B. The Board reviewed the Adopted Rule(s):

i. 463.1, Types of Licensure.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. CAMPBELL TO APPROVE THE ADOPTED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. 463.6, Regionally Accredited Institutions.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE ADOPTED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. 463.8, Licensed Psychological Associate.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. CAMPBELL TO WITHDRAW THE PROPOSED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MS. BLACK TO REPROPOSE THE RULE WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE RESPONSE TO THE PUBLIC COMMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

iv. 461.9, Subdoctoral License.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO WITHDRAW THE REPEAL. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY MS. DOWNES TO REPROPOSE THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

v. 463.9, Licensed Specialist in School Psychology.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO WITHDRAW THE REPEAL AND REPROPOSE THE AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

vi. 463.11, Licensed Psychologist.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY DR. MOCK TO WITHDRAW THE REPEAL. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MR. HUFFMAN TO WITHDRAW THE PROPOSAL, REPROPOSE THE SUGGESTED AMENDMENT WITH CHANGES AND REPROPOSE THE REPEAL. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MR. HUFFMAN TO APPROVE THE RESPONSE TO THE PUBLIC COMMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

vii. 463.10, Provisionally Licensed Psychologists.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO WITHDRAW THE REPEAL. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MS. DOWNES TO WITHDRAW THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY DR. BAKER TO REPROPOSE THE AMENDMENT WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

viii. 463.20, Refunds and Transfer of Application and Examination Fees.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE ADOPTED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

ix. 463.30, Licensing for Military Service Members, Veterans and Spouses.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO WITHDRAW THE PROPOSAL AND REPROPOSE THE AMENDMENT WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE RESPONSE TO THE PUBLIC COMMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

x. 465.1, Definitions.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE ADOPTED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE RESPONSE TO THE PUBLIC COMMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

xi. 465.2, Supervision.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO WITHDRAW THE REPEAL, WITHDRAW THE PROPOSAL, REPROPOSE THE AMENDMENT AND APPROVE THE RESPONSE TO THE PUBLIC COMMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

x. 465.3, Providers of Psychological Services.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO WITHDRAW THE REPEAL, WITHDRAW THE PROPOSAL, AND REPROPOSE THE AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

xi. 465.6, Listings, Public Statements and Advertisements, Solicitations, and Specialty Titles.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO WITHDRAW THE REPEAL, WITHDRAW THE PROPOSAL, AND REPROPOSE THE AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

xii. 465.18, Forensic Services.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. MOCK TO APPROVE THE ADOPTED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

xiii.465.38, Psychological Services for Public Schools.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MS. CAMPBELL TO WITHDRAW THE REPEAL, WITHDRAW THE PROPOSAL, AND REPROPOSE THE AMENDMENT WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

xiv. 469.13, Non-Compliance with Professional Development Requirements.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. BAKER TO APPROVE THE ADOPTED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

xv. 470.13, Entry of Appearance in Contested Case; Contents of Responsive Pleading.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE ADOPTED REPEAL. THE VOTE WAS APPROVED UNANIMOUSLY.

xvi. 471.6, Renewal Penalty Waiver for Licensees on Military Deployment

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE ADOPTED REPEAL. THE VOTE WAS APPROVED UNANIMOUSLY.

xvii.471.6, Renewal Terms Exclusive to Licensees on Active Military Duty.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE ADOPTED NEW RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

xviii.473.1, Application Fees (Not Refundable).

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. BAKER TO APPROVE THE ADOPTED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

xix. 473.2, Examination Fees (Non-Refundable).

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVED THE ADOPTED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

The Board recessed for a break at 12:30 P.m.

The Board reconvened from break at 12:40 P.m.

7. The Board moved into Item VII, Enforcement Committee - Dr. Baker.

A. Ms. Barber presented dismissals for Board ratification:

i. 16-004;

ii. 15-129;

iii. 15-191;

iv. 15-155;

v. 15-111;

vi. 16-034;

vii. 15-128;

viii. 16-007;

ix. 15-095;

x. 15-153;

xi. 15-098;

xii. 14-046;

xiii. 15-255;

xiv. 15-235; and

xv. 15-236

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE DISMISSALS. THE VOTE WAS APPROVED UNANIMOUSLY.

xvi. 15-212; and

xvii. 15-211;

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH MS. BLACK RECUSED FROM VOTING.

xviii.15-094; and

xix. 15-132

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. ROSENSTEIN, MR. CHACÓN AND MR. HUFFMAN RECUSED FROM VOTING.

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedule.
- D. February 2016 ISC attendees will be Dr. Branaman, Dr. Mock and Mr. Chacón.
- E. May 2016 ISC attendees will be Dr. Mock, Ms. Black and Ms. Downes.
- F. August 2016 ISC attendees will be Dr. Branaman, Ms. Campbell and Mr. Chacón.
- G. November 2016 ISC attendees will be Dr. Baker, Ms. Campbell and Mr. Chacón.
- H. Mr. Merchant presented the Agreed Orders for the Board's approval:
 - i. The Board reviewed Agreed Order No. 2015-00158-12602, in the matter of Nicole R. Davis, Psy.D.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER, MS. CAMPBELL AND MR. CHACÓN RECUSED FROM VOTING.

- ii. The Board reviewed Agreed Order No. 09-015-40347, in the matter of Jack G. Ferrell, Ph.D.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER, MR. CHACÓN AND MS. CAMPBELL RECUSED FROM VOTING.

- iii. The Board reviewed Agreed Order No. 2015-00252-3979, in the matter of Michael S. Heffernan, Ph.D.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

- iv. The Board reviewed Agreed Order No. 2014-00210-8691, in the matter of Lisa Mary Mancuso, Ph.D.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. BLACK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BRANAMAN, MR. HUFFMAN AND DR. MOCK RECUSED FROM VOTING.

- v. The Board reviewed Agreed Order No. 2015-00271-13825, in the matter of David E. Mills, Jr., Psy.D.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. ROSENSTEIN RECUSED FROM VOTING.

- vi. The Board reviewed Agreed Order No. 2014-00193-2566, in the matter of Madeleine R. Reichert, DMH.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER, MR. CHACÓN AND MS. CAMPBELL RECUSED FROM VOTING.

- vii. The Board reviewed Agreed Order No. 2015-00213-7412, in the matter of Adriana Aguirre-Craddock, M.A.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

- viii. The Board reviewed Agreed Order No. 2015-00253-9060, in the matter of Pamela M. Schaber, Ph.D.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

- ix. The Board reviewed Agreed Order No. 2015-00157-1616, 2015-00159-1616, and 2015-00160-1616, in the matter of Thomas H. Brittain, Jr., Ph.D.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE AGREED ORDER. THE VOTE WAS APPROVED UNANIMOUSLY.

- I. The Board reviewed the cumulative disciplinary data for FY 2015.
8. The Board moved into Item VIII, Compliance Committee - Ms. Black - no items to discuss.
9. The Board moved into Item IX, Legal Matters/General Counsel Report.
 - A. Mr. Merchant stated that 2 of the older cases have dropped off after the recent agreed order adoptions.
 - B. Mr. Spinks updated the Board regarding Cause No. 03-130-00077-CV TX State Bd. Of Marriage and Family Therapists, et al v. Texas Medical Association, et al, 3rd COA, Austin, Texas. The court ruled in January 2015 that the Marriage and Family Therapists may not diagnose. They are seeking review from the Texas Supreme Court.
 - C. Mr. Spinks discussed the Kentucky case, Cause No. 3:13-cv-00042-GFVT-EBA, Rosemond v. Kentucky Board of Examiners of Psychologist et al, regarding a psychologist from North Carolina with a syndicated column published in Kentucky. This case could have implications for all agencies around the country. The Court sided with Mr. Rosemond. The agency doesn't know if Kentucky will appeal the decision.
 - D. Mr. Merchant will be an advisor for the Texas Commission on Law Enforcement Committee regarding psychological evaluation training. The Board chair requested that he be provided with brief updates following any meetings.
10. The Board moved into Item X, Legislative Committee - Ms. Downes - no items to discuss.
11. The Board moved into Item XI, Budget Committee - Dr. Branaman.
 - A. Mr. Spinks reviewed the 4th Quarter Performance Measures.
 - B. Mr. Spinks reviewed Annual Performance Measures for FY 2015.
12. The Board moved into Item XII, Written Examination Committee - Dr. Mock.
 - A. The Jurisprudence Examination is now online.

- B. Committee is reviewing candidates for an opening on the committee.
 - C. Dr. Mock and Ms. Black have been working together to establish an LSSP jurisprudence examination.
13. The Board moved into Item XIII, Oral Examination Committee - Drs. Rosenstein and Baker.
 - A. July examination mentor program was a success.
 14. The Board moved into Item XIV, Technology Committee - Mr. Chacón.
 - A. Mr. Chacón reviewed the online renewal statistics.
 - B. Numerous website changes regarding the Jurisprudence Exam, rule changes regarding veterans, and information pertaining to the application process.
 15. The Board moved into Item XV, Applications Committee - Dr. Rosenstein - no items to discuss.
 16. The Board moved into Item XVI, Personnel Committee - Ms. Campbell - matters will be taken up following Executive Session.
 17. The Board moved into Item XVII, Customer Service Committee - Mr. Huffman - no items to discuss.
 18. The Board moved into Item XVIII, Future Issues and Other Requested Agenda Items.
 - A. The Board discussed whether a rule change for professional development regarding cultural diversity was needed to provide more clarity.
 19. The Board moved into Item VII, Enforcement Committee - Dr. Baker.
 - A. Consideration of Motion for Rehearing in TSBEP Complaint No. 13-259-1959, in the matter of Grace C. Graham, Psy.D.
 - i. Mr. Mark Foster, attorney for licensee appeared before the Board and requested that the Board reconsider the actions taken by the Board.
 20. The Board moved into Item XIX, Executive Session, pursuant to Tex. Gov't Code Ann. §551.071; §501.402 and 22 Tex. Admin. Code, Pt. 21, §469.6 at 1:33 p.m.

21. The Board returned from Executive Session at 2:06 p.m.
22. The Board moved into Item XX, Action on matters considered in Executive Session.
 - A. Reconsider motion for rehearing in TSBEP Complaint No. 13-259-1959, in the matter of Grace C. Graham, Psy.D.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO DENY THE MOTION FOR REHEARING. THE MOTION CARRIED WITH MS. BLACK VOTING AGAINST.

- B. Discussion concerning jurisdiction in Complaint No. 2016-00030-9999, in the matter of K.W.R.

A MOTION WAS MADE BY MR. CHACON AND SECONDED BY MS. BLACK TO DISMISS THE COMPLAINT WHILE ACKNOWLEDGING THAT THE CONDUCT IN QUESTION DOES FALL WITHIN THE DEFINITION OF THE PRACTICE OF PSYCHOLOGY. HOWEVER, IN LIGHT OF TEXAS HB 2703, 84TH LEGISLATURE AND THE RECENT SCOTUS OPINION AND FTC STAFF GUIDANCE, PRUDENCE AND COMITY DICTATE THAT THE BOARD SHOW DEFERENCE TO THE LEGISLATIVE PROCESS AND ALLOW THE LEGISLATURE AN OPPORTUNITY TO REVISIT THIS ISSUE AND PROVIDE THE FEDERALLY REQUIRED CLEARLY ARTICULATED POLICY BEFORE TAKING ACTIONS SUA SPONTE. THE MOTION CARRIED WITH MS. DOWNES RECUSED FROM VOTING.

23. The meeting was adjourned at 2:09 p.m. by Dr. Branaman.