

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR
Darrel D. Spinks

Texas State Board of Examiners of Psychologists

MINUTES

May 24, 2018

MEMBERS OF THE BOARD

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Dallas

Lou Ann Todd Mock, Ph.D., Vice Chair
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Susan Fletcher, Ph.D.
Plano

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Angela A. Downes, J.D.
Dallas

John R. Huffman, J.D.
Southlake

Ronald S. Palomares Ph.D.
Dallas

The Texas State Board of Examiners of Psychologists met in Austin, Texas on May 24, 2018. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; John Bielamowicz; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Angela Downes, J.D.; Susan Fletcher, Ph.D.; Lou Ann Todd Mock, Ph.D., Vice-Chair; and Ronald Palomares, Ph.D. Also, in attendance were Darrel Spinks, Executive Director. Absent from the meeting was John R. Huffman, J.D.

Thursday, February 15, 2018

1. The meeting was called to order at 9:00 a.m. by Dr. Branaman.
2. Dr. Branaman stated in response to the mass shooting at Santa Fe ISD the Board would observe a moment of silence in recognition of the impact it has had on the community, students, licensees and people across the state.
3. The Board moved into Item II, Public Comments.
 - A. Dan Roberts, Ph.D. - spoke regarding the Sunset recommendation to eliminate the post-doc year of training.
4. The Board moved into Item III, Meeting Minutes and Certified Agenda.

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A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE MINUTES OF THE FEBRUARY 15, 2018 BOARD MEETING. THE VOTE CARRIED WITH MR. BIELAMOWICZ ABSENT FROM VOTING.

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

5. The Board moved into Item IV, Chair's Report - Dr. Branaman.

A. ASPPB Update:

- i. Mr. Spinks stated that Mid-year meeting was held in Savannah, GA.
- ii. Focus of the meeting was turning the regulatory lense on ourselves.
- iii. North Carolina Dental Board decision was a big topic of discussion.
- iv. BARC meeting was very informative regarding the issues that other jurisdictions are dealing with.
- v. Nothing to update regarding the EPPP2, except numerous jurisdictions are expressing concerns about the Part 2 of the exam being mandatory.
- vi. Dr. Branaman stated that the National Register/ASPPB Joint Designation project will end on September 30, 2018.

B. Update on Sunset Process:

- i. Review the Board response to the Sunset Advisory Commission staff report.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE RESPONSE TO THE SUNSET ADVISORY COMMISSION STAFF REPORT. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. The Sunset Commission discussed the North Carolina Dental Board in connection with the Texas Department of Motor Vehicle's hearing. The Commission stated that this would be a statewide problem and would be better addressed through regular legislative channels, as opposed to Sunset reviews.

- C. Mr. Spinks discussed the exploration of reciprocity with other jurisdictions. Jurisdictions have either been unwilling or unable to enter into reciprocity. The Board will likely need to explore expedited licensing in lieu of reciprocity.
- D. The Board reviewed the email exchange between Mr. Spinks and Senator Juan "Chuy" Hinajosa's office regarding the requirement for a doctoral internship.
- E. The August 2018 Board meeting will be held in room 100, with the backup reservation in Tower 2, room 500.
- F. The Board reviewed the Agency Strategic Plan for Fiscal years 2019-2023.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE STRATEGIC PLAN WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

Mr. Bielamowicz arrived at 9:45 a.m.

- G. Dr. Branaman and Mr. Spinks updated the Board regarding the Competency Standards Advisory Committee. The committee received some good feedback, however there has been no communication since February/March. Dr. Branaman and Mr. Spinks would like to decommission the committee and seek public input on those same questions posed to the committee. The committee's work product thus far would be made available to the public when seeking input.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. BLACK TO DECOMMISSION THE COMPETENCY STANDARDS ADVISORY COMMITTEE. THE VOTE WAS APPROVED UNANIMOUSLY.

- F. Dr. Palomares updated the Board regarding the Records Disposition Advisory Committee. Committee members have been identified and Dr. Palomares will update the Board at the August Board meeting.
- G. Mr. Spinks reviewed the Survey of Employee Engagement.
- H. Mr. Spinks stated that the 2020-2021 Legislative Appropriations Request will likely need to be submitted before the next Board meeting, and thus requested advance authority to submit same.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO GIVE THE BOARD CHAIR AND EXECUTIVE DIRECTOR AUTHORITY TO SIGN AND SUBMIT THE LEGISLATIVE APPROPRIATIONS REQUEST. THE VOTE WAS APPROVED UNANIMOUSLY.

- I. Mr. Spinks discussed the letter from DIR regarding cyber attacks.
- J. Dr. Branaman stated that Dr. Ron Palomares has been knighted by the Johanniter Order.
- K. Mr. Spinks received an invitation to speak at the Texas Psychological Association annual convention. Due to pending litigation this matter will need to be discussed during executive session.
- L. The Board reviewed OAG ruling No. KP-0198, Permissibility of Billing of Third-party Payers without indicating services were rendered by a supervisee. The Board will do a newsletter updating stakeholders regarding this ruling.

6. The Board moved into Item V, Executive Director's Report - Mr. Spinks.

A. Budget Update:

- i. Mr. Spinks reviewed the 2nd Quarter Performance Measures.
- ii. Mr. Spinks reviewed the 2018 operating budget.
- iii. Mr. Spinks reviewed the Year-to-Date Financial Report.

B. Proposed Newsletter Article:

- i. The LPA and Independent Practice.

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

C. Policies:

- i. Exchange of Complaint Information Between Regulatory Agencies.

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

- ii. Approval of Statutorily Mandated Reports, Plans, and Submissions.

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

- iii. Responding to Phone Calls for the Licensing Staff.

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

- iv. Responding to Phone Calls.

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

D. Opinion Letter:

- i. Gail Cheramie, Ph.D. - regarding Texas Education Agency's (TEA's) Special Education Strategic Plan.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE OPINION LETTER. THE VOTE WAS APPROVED UNANIMOUSLY.

7. The Board moved into Item VI, Rules - Dr. Branaman and Mr. Bielamowicz.

A. The Board reviewed the Proposed Rules:

- i. 463.11, Licensed Psychologists.

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

- ii. 463.13, Requirements for Licensed Out-of-State Applicants.

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

- iii. 465.1, Definitions.

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

iv. 465.15, Fees and Financial Arrangements.

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

v. 465.22, Psychological Records, Test Data and Test Materials.

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

B. The Board reviewed the Adopted Rules:

i. 461.3, Former Board Members.

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

ii. 463.6, Regionally Accredited Institutions.

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

iii. 463.12, Licensed Psychologist by Reciprocity.

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

iv. 463.12, Licensure by Reciprocity.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE ADOPTED NEW RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

v. 463.18, Failing Written Examinations.

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

vi. 463.19, Time Limit on Examination Failures and Passing Scores.

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

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

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

viii.463.21, Board Members as Reviewers of Examination.

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

ix. 463.23, Criteria for Examination Consultants.

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

x. 463.24, Oral Examination Workgroup.

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

xi. 465.1, Definitions.

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

xii. 465.13, Personal Problems, Conflicts and Dual Relationships.

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

xiii.465.18, Forensic Services.

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

xiv. 465.33, Improper Sexual Conduct.

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

xv. 469.8, Rehabilitation Guidelines.

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

xvi. 470.21, Disciplinary Guidelines.

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

xvii.470.22, Schedule of Sanctions.

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

8. The Board moved into Item VII, Enforcement Matters and Report from General Counsel.

A. Mr. Fernandez presented the dismissals for Board ratification:

- i. 17-045;
- ii. 17-059;
- iii. 17-063;
- iv. 17-068;
- v. 17-070;
- vi. 17-072;
- vii. 17-073;
- viii.17-078;
- ix. 17-079;
- x. 17-080;
- xi. 17-081;
- xii. 17-115;
- xiii.17-127;
- xiv. 17-0128;

xv. 18-002;

xvi. 18-005;

xvii.18-011;

xviii.18-015;

xix. 18-051

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

xx. 14-167;

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

xxi. 18-001;

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

xxii.18-071;

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

xxiii.17-085; and

xxiv.18-021

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

B. Mr. Fernandez reviewed the Status Report.

B. Mr. Spinks discussed the Projected Time Schedule.

C. August 2018 ISC attendees will be Mr. Bielamowicz, Dr. Fletcher and Dr. Mock.

D. November 2018 ISC attendees will be Ms. Campbell, Dr. Fletcher and Mr. Huffman.

- E. February 2019 ISC attendees will be Mr. Bielamowicz, Ms. Campbell, and Dr. Palomares.
- F. May 2019 ISC attendees will be Ms. Black, Ms. Downes, and Dr. Mock.
- G. Mr. Hyde presented the Agreed Orders for the Board's approval:
 - i. The Board reviewed Agreed Order No. 2018-00022-14745, in the matter of Erika Lynn Epps, Psy.D.

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

- ii. The Board reviewed Agreed Order No. 2018-00012-469432 and SOAH Docket No. 520-18-2623, in the matter of Brandon Thomas McElveen, M.S.

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

- iii. The Board reviewed Agreed Order No. 2017-00073-5189, in the matter of Irma Pedraza, S.S.P.

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

- iv. The Board reviewed Agreed Order No. 2017-00046-2587, in the matter of Thomas Wilson Renfroe, Jr., Psy.D.

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

- v. The Board reviewed Agreed Order No. 2018-00068-5213, in the matter of Margaret Ford Zimmer, M.Ed.

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

- vi. The Board reviewed SOAH Docket No. 520-18-1170, in the matter of Kandi Renee Stull, M.S.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO ADOPT THE PFD AND ENTER AN ORDER DENYING THE APPLICATION. THE VOTE CARRIED WITH MS. CAMPBELL AND DR. FLETCHER RECUSED FROM VOTING.

9. The Board moved into Item X, Applications Committee - Ms. Campbell and Dr. Fletcher

A. The Board discussed a waiver under Board rule 463.11(d)(1)(B)(ii) regarding Rose Haney, Ph.D.

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

10. The Board moved into Item VIII, Compliance - Ms. Black - all in compliance.

11. The Board moved into Item IX, Jurisprudence Examination Committee - Dr. Mock and Ms. Black - no items to discuss.

12. The Board moved into Item XI, Personnel Committee - Dr. Downes.

A. Mr. Spinks stated that the agency is fully staffed.

13. The Board moved into Item XII, Future Issues and Other Requested Agenda Items - no items to discuss.

14. The Board moved into Item XIII, Executive Session pursuant to Tex. Gov't Code Ann. §551.071 at 11:21 a.m.

15. The Board returned from Executive Session at 11:53 a.m.

16. The Board moved into Item XIV, Action on matters considered in executive session - no items to discuss.

17. The meeting was adjourned at 11:53 a.m. by Dr. Branaman.