

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



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Dallas

Texas State Board of Examiners of Psychologists

MINUTES

August 15, 2019

The Texas State Board of Examiners of Psychologists met in Austin, Texas on August 15, 2019. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Herman Adler, M.A.; John Bielamowicz; Ryan Bridges; Angela Downes, J.D.; Susan Fletcher, Ph.D.; Lou Ann Todd Mock, Ph.D., Vice-Chair; Ronald Palomares, Ph.D. and Andoni Zagouris, M.A. Also, in attendance were Darrel Spinks, Executive Director.

Thursday, August 15, 2019

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. Edward Silverman, Ph.D. - spoke regarding child custody evaluations and complaints.
3. The Board moved into Item III, Meeting Minutes and Certified Agenda.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO APPROVE THE MINUTES OF THE MAY 16, 2019 BOARD MEETING WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

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

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

A. ASPPB Update:

- i. Dr. Branaman stated that Dr. Mock is scheduled to take the EPPP2 examination next Wednesday.
- ii. Dr. Branaman stated that twelve states had adopted the PsyPact and four more states were pending.
- iii. Mr. Hyde attended the PsyPact meeting:
 - a. Cost of application for telepsychology would be \$400; temporary permit would be \$200 and an e-passport;
 - b. Next meeting will be held in November; and
 - c. Expect to be fully operational in 2020.

B. Sunset Review:

- i. Mr. Spinks updated the Board regarding HB1501 implementations:
 - a. Ms. Gloria Conseco has been appointed as the Chair for the Texas Behavioral Health Executive Council;
 - b. Organizational meeting with the Governor's office will be August 22, 2019;
 - c. Council members from each Board have been appointed;
 - d. Drafting of all general administrative rules and licensing and complaint procedures is in progress;
 - e. The agency has begun checking some implemented applicants against the NPDB. This will be built into the general rules to be adopted by BHEC; and
 - f. Rules need to be developed regarding the post-doc year requirement
- ii. The Board will need to select alternates that will represent the agency on the Executive Council if a member cannot attend a council meeting.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ADLER TO NOMINATE DR. PALOMARES TO SERVE AS AN ALTERNATE FOR THE LICENSED PSYCHOLOGIST REPRESENTATIVE. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ADLER TO NOMINATE MR. BRIDGES TO SERVE AS AN ALTERNATE FOR THE PUBLIC MEMBER REPRESENTATIVE. THE VOTE WAS APPROVED UNANIMOUSLY.

C. The Board reviewed a letter from the Texas Association of Psychological Associates regarding input on Required Minimum Competencies.

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

A. Operations Update:

i. The Board reviewed the postcard regarding notification of change to biennial renewals that will be mailed to all licensees.

B. Budget Update:

i. Mr. Spinks reviewed the 3rd Qtr. Performance Measures for FY 2019.

ii. Mr. Spinks reviewed the Year-to-Date Financial report.

C. Policies:

i. Refund or Waivers of Late Renewal Fees.

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

D. Mr. Spinks reviewed the bills from the 86th Legislature:

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

A. The Board reviewed the Proposed Rules:

i. 471.4, Nonrenewal for Default of Guaranteed Student Loan.

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

iii. 471.5, Updated Information Requirements.

A MOTION WAS MADE BY DR. FLETCHER AND SECONDED BY MR. ADLER TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

B. The Board reviewed the Adopted Rules:

- i. 461.7, License Statues (repeal and new).

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

- ii. 461.11, Professional Development.

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

- iii. 461.16, Filing of False or Misleading Information with the Board.

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

- iv. 461.18, Minimum Data Set Requirement for Online Renewals.

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

- v. 463.11, Licensed Psychologists.

A MOTION WAS MADE BY DR. FLETCHER AND SECONDED BY MR. ADLER TO APPROVE THE ADOPTED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

- vi. 471.1, Renewal of a License.

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

- vii. 471.2, Renewal Forms.

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

- viii. 471.3, Initial License Renewal Dates.

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

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

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

x. 473.1, Application Fees.

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

xi. 473.3, Annual Renewal Fees (Not Refundable) (repeal) and 473.3, Biennial Renewal Fees (Not Refundable) (new).

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

xii. 473.4, Late Fees for Renewals (repeal and new).

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ADLER TO APPROVE THE ADOPTED REPEAL AND NEW RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

xiii. 473.5, Miscellaneous Fees (Not Refundable).

A MOTION WAS MADE BY DR. FLETCHER AND SECONDED BY MR. ADLER TO APPROVE THE ADOPTED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

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

A. Mr. Fernandez presented the cases dismissed by Executive Director:

i. 2019-00108-7291;

ii. 2019-00120;

iii. 2019-00071-9966;

iv. 2019-00036-13603;

v. 2019-00097-7774;

vi. 2019-00042-7774;

vii. 2019-00117;

- viii. 2019-00098-7774;
- ix. 2017-00121-120;
- x. 2019-00059-5673;
- xi. 2018-00048-10096;
- xii. 2019-00044-1200;
- xiii. 2018-00053-9966;
- xiv. 2019-00103-1149;
- xv. 2019-00002;
- xvi. 2019-00029;
- xvii. 2018-00124-6122;
- xviii. 2019-00048-8785; and
- xix. 2019-00052-3065

B. Mr. Fernandez presented the dismissal recommendation for Board ratification:

- i. 2019-00061-6203

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH MR. ADLER, MR. BIELAMOWICZ AND DR. PALOMARES RECUSED FROM VOTING.

C. Mr. Fernandez reviewed the Resignation approved by the Executive Director:

- i. Agreed Order No. 2019-00074-10872 and 2018-00100-10872, in the matter of Carlos A. Smith, Psy.D.

D. Mr. Fernandez reviewed the Status Report.

E. Mr. Fernandez discussed the Projected Time Schedule.

F. November 2019 ISC attendees will be Dr. Mock, Mr. Zagouris and Mr. Bridges.

- G. February 2020 ISC attendees will be Dr. Fletcher, Mr. Adler and Mr. Bielamowicz.
- H. May 2020 ISC attendees will be Dr. Fletcher, Mr. Bielamowicz and Mr. Zagouris.
- I. August 2020 ISC attendees will be Dr. Palomares, Mr. Bielamowicz and Mr. Bridges.
- J. Mr. Hyde presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 2018-00065-6014, in the matter of Barbara Suzanne Peavy, Ph.D.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. PALOMARES, MR. ADLER AND MR. BRIDGES RECUSED FROM VOTING.

- ii. The Board reviewed Agreed Order No. 2018-00020-13156, in the matter of Brett Valette, Ph.D.

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

- 8. The Board moved into Item VIII, Compliance - Dr. Mock and Mr. Adler - no items to report.
- 9. The Board moved into Item IX, Jurisprudence Examination Committee - Dr. Fletcher and Ms. Downes.
 - A. Mr. Creath stated that the meeting will take place on August 28, 2019.
- 10. The Board moved into Item X, Applications Committee - Dr. Palomares and Mr. Zagouris
 - A. The Board discussed applicants from Puerto Rice with HSP certification who have not passed the EPPP at the required level. The Rules Committee will look into this matter and bring back a recommendation to the November meeting.
- 11. The Board moved into Item XI, Personnel Committee - Mr. Bridges - no items to report.

12. The Board moved into Item XII, Future Issues and Other Requested Agenda Items.
 - A. Dr. Palomares and Dr. Fletcher spoke regarding the issue of child custody evaluations, evaluators and protecting the public. The Rules Committee will bring back to the November meeting.

13. The Board moved into Item II, Public Comments.
 - A. Jacqualin Seely - spoke regarding child safety as priority in child custody cases.
 - B. Rhonda Finney - spoke regarding continuing concern about special interest groups in family law cases which utilize psychological evaluations and child custody evaluations.
 - C. Kelly Jones - spoke regarding child custody evaluation changes and creation of a custody evaluator task force.
 - D. Doreen Sims - spoke regarding child custody evaluations.

15. The meeting was adjourned at 11:18 a.m. by Dr. Branaman.