

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR
Darrel D. Spinks

Texas State Board of Examiners of Psychologists

MINUTES

February 14, 2019

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.
Frisco

Andoni Zagouris, M.A.
McAllen

Herman Adler, M.A.
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Angela A. Downes, J.D.
Dallas

Ryan T. Bridges
Houston

Ronald S. Palomares Ph.D.
Dallas

The Texas State Board of Examiners of Psychologists met in Austin, Texas on February 14, 2019. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Herman Adler, M.A.; John Bielamowicz; Ryan Bridges; 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. Angela Downes, J.D. was absent.

Thursday, February 14, 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. Michael Flynn - spoke regarding child custody evaluation and complaints relating to the evaluations.
 - B. Elisabeth Middleton, Ph.D. - spoke regarding the consolidation.
 - C. David Hill, President elect CAPA - spoke regarding post doc and child custody evaluations.
 - D. Adrienne Tinder - spoke regarding the child custody evaluations and complaints filed against psychologists.
 - E. Rhonda Finney - spoke regarding child custody evaluators.

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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- F. Kristi Taylor - spoke regarding parental experiences.
- G. Sheryl Drocker - spoke regarding systemic issues.
- H. David Naylor - spoke on behalf of Lauren and Gaye Walker regarding child custody evaluations.
- I. Alissa Sherry, Ph.D. - spoke regarding child custody evaluations and the difficulty evaluators have after performing the evaluations.
- J. Kenda Dalrymple - spoke regarding a child custody evaluation crisis.
- K. Tiffany Procyk - spoke regarding providing protection for professionals from harassment or attacks from angry parents.
- L. Lara Dye, Ph.D. - spoke regarding parent alienation.
- M. Stephanie Gipson - spoke regarding forensic evaluations.
- N. Alison Gersch - spoke regarding potential reform points for child custody evaluators.
- O. Brandi Stokes - spoke regarding human rights abuses.
- P. Celina Harp - spoke regarding forensic psychology.
- Q. Cynthia Chibulth - spoke regarding child custody evaluator.
- R. Tim Mahoney - was not present to speak.
- S. Tara Coronado - will submit her comments to the Board.

The Board recessed for a break at 10:43 a.m.

The Board reconvened from a break at 10:51 a.m.

- 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 NOVEMBER 15, 2018 BOARD MEETING. THE VOTE WAS APPROVED UNANIMOUSLY.

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

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

A. ASPPB Update:

i. Dr. Palomares will be attending the Annual Meeting which will be held in Minneapolis, MN in October.

A MOTION WAS MADE BY MR. BIELAMOWICZ AND SECONDED BY DR. MOCK THAT DR. PALOMARES WILL ATTEND THE MEETING. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. Mr. Spinks updated the Board regarding the practice termination taskforce.

B. Mr. Spinks stated that the Sunset bill had been filled, however it had not been referred to committee. Mr. Spinks stated that the Board would need to take action at the May 2019 to determine who will represent the Board on the Executive Council.

C. The Board decided to wait until the ASPPB Practice Termination Taskforce has completed it's work before considering any changes to the Board's rules governing practice disposition.

D. Mr. Spinks stated that the School Psychology rule review advisory committee has had a conference call and Ms. Downes has assigned work groups to review rules.

E. Dr. Branaman discusses Board Committee Assignments:

i. Applications Committee - Mr. Zagouris and Dr. Palomares;

ii. Compliance Committee - Mr. Adler and Dr. Mock;

iii. Rules Committee - Dr. Branaman and Dr. Palomares;

iv. Personnel Committee - Mr. Bridges;

v. Jurisprudence Examination Committee - Dr. Fletcher and Ms. Downes; and

vi. Sunset Committee - Mr. Bielamowicz.

F. Election of Vice-Chair.

A MOTION WAS MADE BY DR. FLETCHER AND SECONDED BY DR. PALOMARES TO ELECT DR. MOCK AS THE VICE CHAIR. THE VOTE WAS APPROVED UNANIMOUSLY.

G. The Board reviewed an article by Dr. Branaman and published in the National Psychologist.

H. The Board reviewed a letter from Cheryl Hall, Ph.D. President, Texas Psychological Association regarding competency issues.

I. The Board reviewed a letter from Paul Andrews, Ph.D. regarding pathways for licensees.

J. Dr. Palomares, Mr. Adler, Mr. Bridges and Mr. Zagouris attended the Governor's Appointees Training Seminar held on December 18, 2018.

K. The Board reviewed the OAG Opinion by the Texas Board of Nursing regarding effects of Orders of Non-disclosure on Agency disciplinary actions.

L. The Board reviewed the written testimony from the Senate Finance Committee Hearing held on February 4, 2019.

M. The Board reviewed the TSBEP FY18 Legislative Workforce Summary.

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

A. Operations Update:

i. All fingerprint criminal history background checks have been completed.

B. Budget Update:

i. Mr. Spinks reviewed the 1st Quarter Performance Measures.

ii. Mr. Spinks reviewed the Annual Performance Measures.

iii. Mr. Spinks reviewed the Monthly Operating Budget.

C. Proposed Newsletter Article:

- i. Court cases, market forces reshaping psychology.

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

D. Opinion Letter(s):

- i. Katherine E. Cutitta, Ph.D. - regarding specialty title.

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

- E. Mr. Spinks discussed the bills introduced in the 86th legislature that affects our agency.

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

A. The Board reviewed the Proposed Rules:

- i. 461.7, License Statuses

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

- ii. 463.11, Licensed Psychologists - tabled until the May 2019 Board meeting.
- iii. 463.22, Reinstatement of a License.

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

- iv. 465.6, Public Statements, Advertisements, and Specialty Titles.

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

- vi. 470.17, Motion of Rehearing.

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

- vii. 473.1, Application Fees.

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

- viii. 473.2, Examination Fees.

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

- ix. 473.4, Late Fees for Renewals.

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

B. The Board reviewed the Adopted Rules:

- i. 463.9, Licensed Specialist in School Psychology.

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

- ii. 463.11, Licensed Psychologist.

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

- iii. 465.22, Psychological Records, Test Data and Test Materials.

NO ACTION NEEDED TO BE TAKEN, SINCE IT WAS JUST A TYPOGRAPHICAL ERROR, TEXAS REGISTER MADE THE CHANGE.

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

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

i. 2014-00176-5758

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

ii. 2018-00118-8691;

iii. 2018-00122-8691;

iv. 2019-00010-12940; and

v. 2019-00011-12940

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

vi. 2017-00105-780

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

vii. 2018-00003-10730

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

B. Mr. Fernandez reviewed the Status Report.

C. Mr. Fernandez discussed the Projected Time Schedule.

D. May 2019 ISC attendees will be Mr. Zagouris, Ms. Downes, and Dr. Mock.

- E. August 2019 ISC attendees will be Dr. Palomares, Mr. Adler and Mr. Bielamowicz.
- 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. Mr. Hyde presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 2018-00101-15073, in the matter of Milse Rocha Magalhaes Furtado, Psy.D.

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

- ii. The Board reviewed Agreed Order No. 2018-00084-5038, in the matter of Nicole Colette Garza, M.A.

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

- iii. The Board reviewed Agreed Order No. 2017-00069-7192, in the matter of Mary Zoila Ponce, Psy.D.

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

- I. The Board reviewed the motion for rehearing in the complaint No. 207-00049-2375, Brian E. Pope, Ph.D.

A MOTION WAS MADE BY MR. ADLER AND SECONDED BY DR. MOCK TO MODIFY THE PREVIOUSLY ENTERED ORDER. THE VOTE CARRIED WITH DR. FLETCHER AND MR. BIELAMOWICZ VOTING AGAINST THE MOTION.

The Board recessed for a break at 12:59 p.m.

The Board reconvened from a break at 1:10 p.m.

- 8. The Board moved into Item XVIII, Compliance -Dr. Mock - 1 out of compliance.

9. The Board moved into Item IX, Jurisprudence Examination Committee - Dr. Fletcher.

A. Mr. Spinks informed the Board that the agency had contracted with third parties to conduct a psychometric analysis of exam statistics and assist with validation of the exam.

10. The Board moved into Item X, Applications Committee - Mr. Zagouris and Dr. Palomares.

A. Applications:

i. The Board reviewed the application for Aisha Iqbal, M.A. for licensed psychological associate.

A MOTION WAS MADE BY DR. FLETCHER AND SECONDED BY MR. BIELAMOWICZ TO APPROVE THE APPLICATION. THE VOTE CARRIED WITH DR. PALOMARES VOTING AGAINST THE MOTION.

ii. The Board reviewed the application for Kathleen McCord Darrah, M.Ed. for licensed specialist in school psychology.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ZAGOURIS TO APPROVE THE APPLICATION WITH CONDITIONS. THE VOTE WAS APPROVED UNANIMOUSLY.

11. The Board moved into Item XI, Personnel Committee - Mr. Zagouris.

A. The Board reviewed the Executive Directors evaluation. The Board members were very satisfied with Mr. Spinks performance.

B. Mr. Spinks stated that the LSSP Coordinator will be processing the licensed psychological associate applications.

B. Dr. Palomares discussed the survey utilized to gather staff input when conducting future annual evaluations of the Executive Director. The Board decided to table this item until the May Board meeting.

12. The Board moved into Item XII, Future Issues and Other Requested Agenda Items.

A. Dr. Fletcher stated that the Board needs to have a conversation regarding child custody evaluations. The Board

discussed that the Rules committee, Mr. Spinks and Mr. Hyde could possibly bring recommendations back to the Board and then the Board could have Town Hall meetings to discuss this issue.

13. The Board moved into Item XIII, Executive Session pursuant to Tex. Gov't Code Ann. §551.071 at 3:26 p.m.
14. The Board returned from Executive Session at 3:41 p.m.
15. The meeting was adjourned at 3:41 p.m. by Dr. Branaman.