

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR
Darrel D. Spinks

Texas State Board of Examiners of Psychologists

MINUTES

November 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.
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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 November 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. Also in attendance were: Sarah Wolfe, Governor's Office; Erin Bennett, Legislative Budget Board; and Chris Smith, Governor's Office. The following Board member was absent: Angela Downes, J.D.;

Thursday, November 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. Mari Overlock, Ph.D. - spoke regarding internship exception.
 - B. Michael Flynn - spoke regarding Dr. Overlock request.
3. The Board moved into Item III, Meeting Minutes and Certified Agenda.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BRIDGES TO APPROVE THE MINUTES OF THE AUGUST 15, 2019 BOARD MEETING WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

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NO CERTIFIED AGENDA FOR THE AUGUST 15, 2019 BOARD MEETING.

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

A. ASPPB Update:

- i. Dr. Branaman stated that Mr. Spinks was presented the Ming Fisher Award at the Annual Meeting held in Minneapolis, MN, which is awarded annually to a state psychology licensing Board administrator or staff person who has given stellar service to their Board and who has also contributed to ASPPB.
- ii. Dr. Palomares stated that the main topics at the Annual Meeting were:
 - a. Discussion about the anti-regulatory movement and why it is important to be able to explain why the regulatory functions of the state agencies are so important;
 - b. Consistency in licensure across jurisdictions;
 - c. New APA standards regarding equivalency; and
 - d. Suicide assessments.
- iii. Dr. Branaman stated that the April ASPPB meeting will be held in Montreal, Canada and he would like to attend.

A MOTION WAS MADE BY MR. BIELAMOWICZ AND SECONDED BY DR. MOCK TO APPROVE DR. BRANAMAN ATTENDANCE AT THE APRIL ASPPB MEETING. THE VOTE WAS APPROVED UNANIMOUSLY.

- iv. Dr. Mock stated that the EPPP2 examination was very straight forward and contained common sense questions. She felt like it was a combination of the EPPP and Jurisprudence examination.
- v. Dr. Jackie Horn, ASPPB discussed the possible adoption of the EPPP2 examination.
 - a. ASPPB established a Diversity committee which has evaluated each question.
 - b. 7 states have fully approved the EPPP2 examination and 15 states are considering adoption.

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY DR. MOCK TO APPROVE THE ADOPTION OF THE EPPP2 EXAMINATION. THE VOTE WAS APPROVED UNANIMOUSLY.

B. Update regarding PsyPact:

- i. Mr. Hyde stated that the Commission has begun the rulemaking process.
- ii. Mr. Hyde stated that at the November 21, 2019 meeting they would be discussing a residency requirement for training programs, something Texas does not currently have.

C. Update regarding Texas Behavioral Health Executive Council Operations:

- i. Mr. Spinks discussed the October 15, 2019 meeting:
 - a. TSBEP was tasked with MOUs/IACs for Interim Director; Accounting services; Training and General Counsel services.
 - b. Hiring Committee was established for the job posting, interview process and presenting the final selection of candidates for the Executive Director position to the Council. The committee will be Jennifer Smotherman, Steve Christopher, Tim Brown, and John Bielamowicz.

D. The Board reviewed the proposed revisions to the investigation process for complaints arising out of court-ordered evaluations, e.g. child custody evaluations.

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY DR. FLETCHER TO RECOMMEND THE NEW PROCESS TO THE COUNCIL. THE VOTE WAS APPROVED UNANIMOUSLY.

E. The Board reviewed the Letter from Governor Abbott regarding the gubernatorial rule review process.

F. The Board discussed allowing licensees to bank professional development hours and currently the technology is not available to the agency. The Board expressed hope this would be a matter taken up by the Executive Council.

G. The Board discussed the number of required professional development hours for ethics and cultural diversity and the need for suicide and prevention training. The Board

discussed formation of an adhoc committee for the purpose of studying these issues and bringing recommendations back to the Board.

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY DR. FLETCHER TO ESTABLISH A WORKGROUP TO REVIEW THE CURRENT PROFESSIONAL DEVELOPMENT REQUIREMENTS.

- H. The Board reviewed the Texas Safety Action Report from the Governor's office.
- I. The Board reviewed an email from Carol Miller, HHSC to determine if the agency has the authority to create a specialty designation for applied behavior analysis. The Board determined that it does not have the authority to create that specialty designation.
- J. The Board reviewed Governor Abbott's October 8, 2019 letter, regarding review of licensing regulations together with a draft response.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BIELAMOWICZ TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS APPROVED UNANIMOUSLY.

- 5. The Board moved into Item V, the Executive Director's Report - Mr. Spinks
 - A. Budget Update:
 - i. Mr. Spinks reviewed the 4th Qtr. Performance Measures for FY 2019. Special recognition was given to Mr. Hyde and Mr. Fernandez for their hard work regarding complaint resolutions.
 - ii. Mr. Spinks reviewed the Year-to-Date Financial report.
 - B. Newsletter(s):
 - i. November 2020 Newsletter.

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

DR. PALOMARES WILL WRITE A NEWSLETTER ARTICLE REGARDING MR. SPINKS AWARD.

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

A. The Board reviewed the Proposed Rules:

i. 463.10, 463.11 and 465.9 were reviewed by the Board, but no action was taken.

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

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

i. 2019-00066;

ii. 2019-00037-896;

iii. 2019-00023-7864;

iv. 2019-00008-4390;

v. 2019-00075-10646;

vi. 2019-00012-12297;

vii. 2019-00049-13401;

viii. 2019-00009-8059;

ix. 2019-00126-7554;

x. 2019-00050-7554;

xi. 2018-00129-10727;

xii. 2018-00121-103526;

xiii. 2019-00030-13024;

xiv. 2020-00020-11338;

xv. 2018-00080-1354;

xvi. 2018-00060;

xvii. 2018-00063-12611;

xviii. 2018-00052-10023;

xix. 2018-00043-9946;

- xx. 2018-00061-10286;
- xxi. 2020-00019-12893;
- xxii.2018-00019-9966;
- xxiii.2018-00034-10329;
- xxiv.2018-00047-6300;
- xxv. 2018-00029-3974; and
- xxvi.2018-00030-2597

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

- i. 2018-00115-9883

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

- ii. 2018-00050-3127 and 2018-00069-3901

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

- C. Mr. Fernandez reviewed the Status Report.
- D. Mr. Fernandez discussed the Projected Time Schedule.
- E. February 2020 ISC attendees will be Dr. Fletcher, Mr. Adler and Mr. Bielamowicz.
- F. May 2020 ISC attendees will be Dr. Fletcher, Mr. Bielamowicz and Mr. Zagouris.
- G. August 2020 ISC attendees will be Dr. Palomares, Mr. Bielamowicz and Mr. Bridges.
- H. November 2020 ISC attendees will be Dr. Mock, Mr. Zagouris and Mr. Bielamowicz.
- I. The Board reviewed Cumulative Disciplinary Data and Charts.

J. Mr. Hyde presented the Resignation Order approved by the Executive Director:

i. The Board reviewed Agreed Order No. 2017-000120-12923, in the matter of David Dubin, Ph.D.

K. Mr. Hyde presented the Agreed Orders for the Board's approval:

i. The Board reviewed Agreed Order No. 2020-00026-15797, in the matter of Manmeet Rattu, Psy.D.

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

ii. The Board reviewed Agreed Order No. 2019-00111-6903, in the matter of Monte Miller, Psy.D.

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

iii. The Board reviewed Agreed Order No. 2019-00131-15785, in the matter of Michael Colombatto, 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 AND MR. ZAGOURIS RECUSED FROM VOTING.

iv. The Board reviewed Agreed Order No. 2019-00124-14267, in the matter of Ashley Waters, 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 AND MR. ZAGOURIS RECUSED FROM VOTING.

v. The Board reviewed Agreed Order No. 2020-00033-5611, in the matter of Lezlie Smijohn, M.A.

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

vi. The Board reviewed Agreed Order No. 2020-00018-15136, in the matter of Eric Escamilla, M.A.

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

8. The Board moved into Item VII, Executive Session pursuant to Tex. Gov't Code Ann. §551.071 at 12:03 p.m.
9. The Board returned from Executive Session at 12:20 p.m.

The Board recessed for a break at 12:20 p.m.

The Board reconvened from a break at 12:30 p.m.

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

A. Mr. Hyde presented the Proposal for Decision and Disposition of SOAH Docket No. 520-19-5314 and TSBEP No. 2018-00066-13961, in the matter of Janease Traylor, M.S.

AFTER DISCUSSION WITH MS. TRAYLOR AND MR. HYDE, A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ZAGOURIS TO APPROVE THE PROPOSAL FOR DECISION ITEMS 1-12 AND AMEND ITEM 13 WITH A 2 YEAR PROBATED SUSPENSION AND ADDITIONAL 6 HOURS IN ETHICS FOR PROFESSIONAL DEVELOPMENT. THE VOTE CARRIED WITH DR. PALOMARES, MR. ADLER AND MR. BRIDGES RECUSED FROM VOTING.

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

A. Mr. Hyde presented the Proposal for Decision and Disposition of SOAH Docket No. 520-19-5142, in the matter of Brenda Obe, M.S.

AFTER DISCUSSION WITH MS. OBE AND MR. HYDE, A MOTION WAS MADE BY MR. BIELAMOWICZ AND SECONDED BY DR. MOCK TO ADOPT THE PROPOSAL FOR DECISION, WITH AN ADDITIONAL FINDING OF FACT - THE APPLICANT COMPLETED A DISSERTATION WITHIN HER GRADUATE DEGREE PROGRAM THAT WAS SUPERVISED BY A PSYCHOLOGIST IN THE UK. THE PFD WAS TO BE MODIFIED AS TO CONCLUSION OF LAW #6 - APPLICANT'S DISSERTATION AT UNIVERSITY COLLEGE LONDON BE TREATED AS SATISFACTORY SUPERVISED EXPERIENCE. THE MOTION WAS APPROVED UNANIMOUSLY.

12. The Board moved into Item VIII, Compliance - Dr. Mock and Mr. Adler - no items to report.

13. The Board moved into Item IX, Jurisprudence Examination Committee - Dr. Fletcher and Ms. Downes.

A. Mr. Creath stated that the meeting was held August 28, 2019 and no significant changes needed to be made.

B. The Committee and staff agreed to review the Board's test content allocation plan.

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

A. The Board discussed Mari Overlock, Ph.D. recent denial of licensure. No additional action needs to be taken.

B. Mr. Hyde discussed acceptability of internships which are completed while enrolled in a doctoral degree program, but which are not actually part of the degree program.

15. The Board moved into Item XI, Personnel Committee - Mr. Bridges report.

A. Mr. Spinks discussed the approval of the Memorandum of Understanding and authorization of the Executive Director to serve as the Interim Director for the Texas Behavioral Health Executive Council and additional compensation to be paid the Executive Director for serving as the Interim Director.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ADLER TO APPROVE THE MEMORANDUM OF UNDERSTANDING FOR THE INTERIM DIRECTOR POSITION. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BRIDGES TO APPROVE SALARY INCREASE TO THE SALARY CAP IN THE GAA, EFFECTIVE NOVEMBER 1, 2019. THE VOTE WAS APPROVED UNANIMOUSLY.

B. Mr. Spinks discussed the Memorandum of Understanding with the Texas Behavioral Health Executive Council for Accounting/Purchasing services and General Council services.

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

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

- A. Dr. Fletcher spoke regarding Board rule 465.22(c) regarding releasing test material/test data. After discussion Dr. Fletcher will write a newsletter article regarding this issue.
- B. Mr. Bielamowicz discussed the use of Roberts Rule of Order.
- C. The Board discussed the Board meeting dates for 2021-2022.

A MOTION WAS MADE BY DR. FLETCHER AND SECONDED BY MR. BIELAMOWICZ TO APPROVE THE DATES. THE VOTE WAS APPROVED UNANIMOUSLY.

- 17. The Board moved in Item XIII, Board and Council member training required by Sections 501.059 and 507.059 of the Occupations Code and Sections 4.002 and 4.004 of Tex. H.B. 1501, 86th Leg., R.S. (2019).
 - A. Mr. Spinks performed the Board member training.
- 18. The meeting was adjourned at 3:15 p.m. by Dr. Branaman.