

**Texas State Board of Examiners  
of Psychologists  
MINUTES**

**April 30, 2009**

The Texas State Board of Examiners of Psychologists met in Austin, Texas on April 30, 2009. The following Board members were in attendance: Carl Settles, Ph.D., Chair; Gary Elkins, Ph.D., Vice-Chair; Donna L. Black, M.A.; Tim Branaman, Ph.D.; Jo Ann Campbell, M.S.; Carlos Chacón; Angela Downes, J.D.; Narciso Escareno and Lou Ann Todd Mock, Ph.D. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel.

**Thursday, April 30, 2009**

1. The meeting was called to order at 9:00 a.m. by Dr. Settles.
2. The Board moved into Item II, Public Comment.
  - A. Kenda Dalrymple stated that she had a client that is a Licensed Specialist in School Psychology who then earned a Ph.D. Ms. Dalrymple stated that staff would not add her Ph.D. status to her license.
3. The Board moved into Item III, Executive Session at 9:03 a.m.
4. The Board returned from Executive Session at 9:13 a.m.

5. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. BLACK TO APPROVE THE MINUTES OF THE FEBRUARY 5, 2009 BOARD MEETING. THE VOTE WAS UNANIMOUS.

6. The Board moved into Item V, Chair's Report - Dr. Settles.

- A. Ms. Lee reviewed the progress in the Board goals for the FY 2009.
- B. Ms. Lee gave an update on ASPPB.
- C. Ms. Lee stated that ASPPB was seeking nominations for fellowship awards.

7. The Board moved into Item VI, Executive Director's Report - Ms. Lee.

- A. Ms. Lee stated that the 2.5% budget reduction apparently was not going to be required.
- B. Ms. Lee stated that Ms. Jennifer Noack, Fiscal Manager and Ms. Brenda Skiff, Administrative Assistant had been to training classes regarding changes in the way the agency will be mailing documents and postage rates.
- C. Ms. Lee discussed the Health Professions Council shared database migration.
- D. Ms. Lee stated that all agency staff had been given access to the Tamiflu vaccine.
- E. Ms. Lee reviewed the proposed newsletter article regarding the new rule for Legal Actions Reported and Reciprocal Discipline.

A MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY DR. MOCK TO APPROVE THE NEWSLETTER ARTICLE. THE VOTE WAS UNANIMOUS.

- F. Ms. Lee reviewed the proposed newsletter article regarding Renewal Fee Increase beginning September 1, 2009.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE NEWSLETTER ARTICLE. THE VOTE WAS UNANIMOUS.

- G. Ms. Lee reviewed the Post-Payment Audit corrective action plan.
- H. Ms. Lee reviewed the Risk Assessment Plan for FY 2008.
- I. Ms. Lee stated that the Texas Health and Human Services Commission (THHSC) had proposed new rules on Medicaid services that will allow licensed psychological associates under the direct supervision of a licensed psychologist to provide these services.
- J. The Board reviewed letters received from the following individuals:
  - i. Verl O. Childers, Jr., Ph.D. - regarding telepractice information on website and subscribers.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ESCARENO TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

- ii. Lyn McDonald, M.A. - regarding teletherapy.

A MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY DR. MOCK TO REQUEST CLARIFICATION OF THE REQUEST. THE VOTE WAS UNANIMOUS.

- iii. Amy Milkavich - regarding fellowship for the post doctoral year.

A MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY DR. ELKINS TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

- iv. Sangeeta Singg, Ph.D. - regarding waiver of late fees.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

8. The Board moved into VII, Request from Texas Psychological Association PA Task Force to Establish Peer Assistance Program.

- A. Dr. Paul Andrews presented to the Board a request from TPA for a colleague assistance program.

AFTER DISCUSSION BY THE BOARD THE RECOMMENDATION WAS TO HAVE A LIASION BETWEEN THE BOARD AND THIS TPA WORK GROUP. DR. BRANAMAN AND MS. BLACK WOULD BE THE LIASIONS FOR THE BOARD. FURTHER THE BOARD ASKED THAT THE WORK GROUP PROVIDE MORE SPECIFICS TO THE BOARD ABOUT HOW A PEER ASSISTANCE PROGRAM SHOULD BE ESTABLISHED BY THE BOARD.

THIS MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY DR. ELKINS. THE VOTE WAS UNANIMOUS.

9. The Board moved into Item XIII, Budget Committee - Dr. Settles.

- A. Ms. Lee discussed the status of the agency's budget requests in view of the Appropriation Bill passed by the 81<sup>st</sup> Texas Legislative. The Board reviewed the anticipated fee rates resulting from increased funding to the agency.

10. The Board moved into Item VIII, Rules Committee - Dr. Settles.

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

- i. Amendments to Board rule 473.3, Annual Renewal Fee (Not Refundable).

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 473.3. THE VOTE WAS UNANIMOUS.

- ii. Amendments to Board rule 470.10, Subpoenas.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.10. THE VOTE WAS UNANIMOUS.

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

- i. Amendments to Board rule 469.1, Timeliness of Complaints.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- ii. Repeal of Board rule 469.11, Legal Actions Reported.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO ADOPT THE REPEAL AS AMENDED. THE VOTE WAS UNANIMOUS.

- iii. New Board rule 469.11, Legal Actions Reported and Reciprocal Discipline.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO ADOPT THE NEW RULE. THE VOTE WAS UNANIMOUS.

The Board recessed at 10:32 a.m.

The Board reconvened at 10:46 a.m.

11. The Board moved into Item IX, Enforcement Committee - Ms. Black.

A. Ms. Cynthia Barber, Enforcement Manager, presented dismissals for Board ratification:

- i. 09-049;
- ii. 09-035;
- iii. 09-043;
- iv. 08-298;
- v. 08-208;
- vi. 08-207;

- vii. 08-206;
- viii.09-057;
- ix. 08-193;
- x. 09-014;
- xi. 08-296;
- xii. 08-194;
- xiii.08-195;
- xiv. 09-018; and
- xv. 09-109

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

- xvi. 08-066;
- xvii.08-281;
- xviii.08-282; and
- xix. 09-001

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MR. CHACÓN TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH DR. MOCK, MS. BLACK AND MR. ESCARENO ABSTAINING FROM VOTING.

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedule.
- D. The August 2009 IFC attendees will be Dr. Mock, Dr. Branaman and Mr. Chacón.
- E. The November 2009 IFC attendees will be Dr. Settles, Ms. Campbell and Mr. Escareno.

- F. The February 2010 IFC attendees will be Dr. Branaman, Mr. Chacón and possibly Ms. Black.
- G. The May 2010 IFC attendees will be Dr. Mock, Ms. Campbell and Ms. Downes.
- 12. The Board moved into Item X, Compliance Committee - Dr. Branaman.
  - A. Ms. Barber reviewed the Compliance Report.
- 13. The Board moved into Item IX, Enforcement Committee - Ms. Black.
  - A. Ms. Izzo presented the Agreed Orders for the Board's approval:
    - i. The Board reviewed Agreed Order No. 07-030-7956 in the matter of Patrick John Dattore, Ph.D.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. MOCK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BRANAMAN, MS. BLACK AND MS. DOWNES ABSTAINING FROM VOTING.

- ii. The Board reviewed Agreed Order No. 07-137-8986 in the matter of Timothy O. Blanchard, M.A.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY DR. MOCK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. ELKINS, MS. CAMPBELL, MR. CHACÓN AND MS. DOWNES ABSTAINING FROM VOTING.

- iii. The Board reviewed Agreed Order No. 08-054-12439 in the matter of Kenneth Troy Sanchez, M.A.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MS. BLACK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. ELKINS AND MS. CAMPBELL ABSTAINING FROM VOTING.

- iv. The Board reviewed Agreed Order No. 08-180-2264 in the matter of Barry S. Coakley, Ph.D.

A MOTION WAS MADE MR. ESCARENO AND SECONDED BY MS. BLACK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. ELKINS AND MS. CAMPBELL ABSTAINING FROM VOTING.

- v. The Board reviewed Agreed Order No. 08-181-2095 in the matter of Jan Ford Mustin, Ph.D.

A MOTION WAS MADE MS. BLACK AND SECONDED BY MR. ESCARENO TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. ELKINS AND MS. CAMPBELL ABSTAINING FROM VOTING.

- vi. The Board reviewed Agreed Order No. 09-010-3148 in the matter of Nilsa S. Colon Ortiz, Ph.D.

A MOTION WAS MADE DR. MOCK AND SECONDED BY DR. ELKINS TO APPROVE THE AGREED ORDER. THE VOTE WAS UNANIMOUS.

- vii. The Board reviewed Agreed Order No. 09-029-13949 in the matter of Mary A. Noffsinger, Ph.D.

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

- viii. The Board reviewed Agreed Order No. 06-106-9146 in the matter of Alan Thomas Fisher, Ph.D.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MS. DOWNES TO APPROVE THE AGREED ORDER. THE VOTE WAS UNANIMOUS.

- ix. The Board reviewed Agreed Order No. 08-060-8714 in the matter of Gloria Kury, Ed.D.

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

- x. The Board reviewed Agreed Order No. 08-238-3071 in the matter of Chad Y. Morgan, Ph.D.

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

14. The Board moved into Item XI, Legislative Committee - Ms. Downes.
  - A. Ms. Lee stated that the agency was asked to respond to 22 fiscal notes.
  - B. Ms. Lee stated that Dr. Settles, Ms. Noack and she had attended three legislative budget committee hearings on proposed legislation and that the proposed legislation was being monitored by herself and Ms. Noack.
  - C. Ms. Lee discussed that the recent appointed Board members were waived from appearance before the Senate Nominations Committee.
15. The Board moved into Item XII, Legal Matters/General Counsel Report - Ms. Izzo - no items to discuss.
16. The Board moved into Item XIII, Budget Committee - Dr. Settles.
  - A. Ms. Lee reviewed the 2<sup>nd</sup> quarter performance measures.
17. The Board moved into Item XIV, Written Examinations Committee - Dr. Mock.
  - A. Dr. Mock stated that there would be a Jurisprudence Exam Consultants meeting in May 2009.
18. The Board moved into Item XV, Oral Examination Committee - Dr. Elkins.
  - A. Dr. Elkins stated that the next Oral Examination would be July 10-11, 2009.
  - B. Dr. Elkins stated there would be new examiners added to the exam pool.

19. The Board moved into Item XVI, Technology Committee - Mr. Chacón.
  - A. The Board reviewed the online renewal statistics.
  - B. Ms. Lee updated the Board on the minimum data set requirement implementation.
20. The Board moved into Item XVII, Applications Committee - Dr. Branaman.
  - A. Dr. Branaman stated that everything was going well.
21. The Board moved into Item XVIII, Personnel Committee - Ms. Campbell.
  - A. Ms. Campbell thanked the Board members for turning in Ms. Lee's evaluation.
  - B. Ms. Lee thanked the Board members for her favorable evaluation.
22. The Board moved into Item XIX, Customer Service Committee - Mr. Escareno - no item to discuss.
23. The Board moved into Item XX, Future Issues - no items to discuss.
24. The meeting was adjourned at 11:25 a.m. by Dr. Settles.