

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

April 14, 2011

The Texas State Board of Examiners of Psychologists met in Austin, Texas on April 14, 2011. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Jeffrey Baker, Ph.D.; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Carlos Chacón; Narciso Escareno; Lou Ann Todd Mock, Ph.D.; and Leslie Rosenstein, Ph.D. Also in attendance were Sherry L. Lee, Executive Director; Joe Thrash, Attorney General Representative and Dianne L. Izzo, General Counsel. Angela Downes, J.D. was absent from the meeting.

Thursday, April 14, 2011

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. Laurie Klose spoke regarding the Board not adopting the amendment to Board rule 465.38 and stated she had concerns about Board members speaking at public testimony before the Legislature.
 - B. Robin Hilsabeck stated rules were in place for the use of "psychologist" which is a protected title.
3. The Board moved into Item IX, Rules Committee - Dr. Branaman.

A. Dr. Branaman presented an update from the Attorney General's office regarding the request for an opinion on the use of the term "psychologist."

B. The Board reviewed Proposed Rule(s):

i. Amendment to Board rule 465.1, Definitions.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. BAKER TO APPROVE THE PROPOSED AMENDMENT. THE VOTE CARRIED WITH MS. BLACK OPPOSING THE RULE.

ii. Amendment to Board rule 465.18, Forensic Services.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MR. ESCARENO TO APPROVE THE PROPOSED AMENDMENT. THE VOTE CARRIED WITH MS. BLACK OPPOSING THE RULE.

4. The Board moved into Item V, Presentation by Joe Thrash, Assistant Attorney General, on Open Meetings.

A. Mr. Thrash gave an overview regarding open meetings. He noted applicable provision of the Open Meetings Act and discussed "walking quorums" identified in AG opinions and court cases. He presented information on conference calls and how they relate to this Act; how social occasions with Board members could avoid being violations of the Act; how Board committees should be limited to avoid being violations of the Act; and discussed the use of emails in regard to this Act.

5. The Board moved into Item III, Executive Session, pursuant to Title 5, Chapter 551, Government Code, §551.071 and §551.074 at 9:36 a.m.

6. The Board returned from Executive Session at 10:15 a.m.

The Board adjourned for a break at 10:15 a.m.

The Board reconvened at 10:30 a.m.

7. The Board moved into Item IV, Action on matters considered in executive session - No action was taken.

8. The Board moved into Item VI, Minutes.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. MOCK TO APPROVE THE MINUTES OF THE FEBRUARY 10, 2011 BOARD MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.

9. The Board moved into Item VII, Chair's Report - Dr. Branaman.

A. Ms. Lee discussed FY 2011 Board goals that were in process.

B. Dr. Branaman stated that three Board members were confirmed this session.

C. Dr. Branaman appointed Dr. Baker to the Applications Committee and Dr. Rosenstein to the Oral Examination Committee.

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

A. Ms. Lee stated that Dianne Izzo was resigning and that Jeanette Waldrop's spouse had died. She noted that staff had sent Ms. Waldrop a plant on behalf of the Board.

B. Ms. Lee discussed the Health Professions Council's (HPC) report on complaint resolution statistics from FY 2001 through FY 2010 for each HPC member agency.

C. Ms. Lee discussed the HPC's report on agency expenditures for a health licensure in Texas versus the expenditures for the same type of licenses in Florida.

D. Ms. Lee reviewed the State Office of Risk Management audit report for the Board.

E. The Board reviewed letters received from the following individuals:

- i. Gustavo E. Cavazos and Perla del Angel - regarding credentialing for neuro feedback.

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

- ii. Paula J. Haymond, Ed.D. - regarding psychological evaluation.

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

- iii. Lily A. Iteld, Ph.D. - regarding psychological services.

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

- iv. Thomas C. Johnson, Ph.D. - regarding on-line referral services.

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

- v. Melanie Roth Lemanski, Ph.D. - regarding EPPP examination extension.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MS. BLACK TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE WAS UNANIMOUS.

- vi. Dan Owen, Ph.D. - regarding renewal of license.

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

- vii. Maria Romero-Ramirez, Ph.D. - regarding APA accreditation.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. ESCARENO TO APPROVE THE DRAFTED RESPONSE. THE VOTE CARRIED WITH DR. BAKER ABSTAINING FROM VOTING.

viii. Maribel Smith - regarding confidentiality of her records.

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

ix. Rachel B. Stroud, Ph.D. - regarding the Oral Examination.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MR. ESCARENO TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE WAS UNANIMOUS.

x. Jack G. Wiggins, Ph.D. - regarding professional associations.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY DR. MOCK TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE WAS UNANIMOUS.

F. Ms. Jennifer Noack, Fiscal Manager gave information to the Board on the progress of the new shared database.

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

A. Ms. Black suggested that the IFC panel information be sent electronically to the panel members. Mr. Chacón stated that he would work with Ms. Lee on the feasibility of this option.

B. Ms. Black noted that the IFC packets should contain more information.

C. Ms. Cynthia Barber, Enforcement Manager, informed the Board that she had been at a conference that discussed special education and informed consent and communication in the public schools.

D. Ms. Black requested stronger language on cease and desist be added to the continuing education complaint notices.

E. Ms. Barber presented dismissals for Board ratification:

i. 11-100;

ii. 11-029; and

iii. 11-023;

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

iv. 11-026;

v. 11-028;

vi. 10-122;

vii. 11-091;

viii. 11-077; and

ix. 11-073;

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MR. ESCARENO TO APPROVE THE DISMISSALS. THE VOTE WAS UNANIMOUS.

F. Ms. Barber reviewed the Status Report.

G. Ms. Barber discussed the Projected Time Schedules.

H. The August 2011 IFC attendees will be Dr. Branaman, Dr. Rosenstein, Mr. Chacón and Dr. Baker will be observing.

I. The November 2011 IFC attendees will be Dr. Branaman, Ms. Campbell and Mr. Chacón.

J. The February 2012 IFC attendees will be Dr. Mock, Dr. Baker and Mr. Chacón.

K. Ms. Izzo presented the Agreed Orders for the Board's approval:

i. The Board reviewed Agreed Order No. 520-09-2882, in the matter of George C. Denkowski, Ph.D.

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

ii. The Board reviewed Agreed Order No. 10-094-4246, in the matter of William M. Kennedy, Ed.D.

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

iii. The Board reviewed Agreed Order No. 11-055-6053, in the matter of Bonnie Lou Brookshire, Ph.D.

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

11. The Board moved into Item XI, Compliance Committee - Ms. Campbell.

A. Ms. Barber reviewed the Compliance Report.

12. The Board moved into Item XII, Legislative Committee - Ms. Downes.

A. Ms. Lee discussed the proposed legislation that could possibly affect the agency:

i. HB 142 would amend the Psychologists Licensing Act to require that LPAs be supervised by licensed psychologists.

- ii. SB 709 (HB 899) would amend the Psychologists Licensing Act to allow a person who holds the LSSP and who holds the NCSP credential to use the title nationally certified school psychologist.
- 13. The Board moved into Item XI, Legal Matters/General Counsel Report - Ms. Izzo.
 - A. Ms. Izzo stated that two cases have been drafted to go to SOAH.
- 14. The Board moved into Item XIII, Budget Committee - Dr. Branaman.
 - A. Ms. Lee stated that for the current biennium funding has been reduced by \$49,000
 - B. Ms. Lee stated that the next biennium base line funding would be a reduction of \$86,000 per fiscal year.
 - C. Ms. Lee discussed the 2nd Quarter Performance Measures.
 - D. Ms. Lee discussed fiscal notes that were requested of the Board by the Legislative Budget Board regarding proposed legislation.
- 15. The Board moved into Item XV, Written Examinations Committee - Dr. Mock.
 - A. Dr. Mock stated that the next meeting of the Jurisprudence Exam committee was set for May 2011.
- 16. The Board moved into Item XVI, Oral Examinations Committee - Dr. Rosenstein and Dr. Branaman - no items to discuss.
- 17. The Board moved into Item XV, Technology Committee - Mr. Chacón.
 - A. Mr. Chacón reviewed the changes to the Board's website.

- B. Mr. Chacón reviewed the latest online renewal statistics.
18. The Board moved into Item XVI, Application Committee - Dr. Rosenstein - no items to discuss.
19. The Board moved into Item XVI, Personnel Committee - Ms. Campbell
- A. Ms. Campbell discussed the policy on providing acknowledgements to Board members and staff stating that Board members will only pay for the exiting Board chair.
 - B. Ms. Skiff presented to the Board two different plaques and the wording for the plaque that a Board member could purchase once the member's term on the Board had ended.
- A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE WORDING ON THE PLAQUE FOR A EXITING BOARD MEMBER. THE MOTION CARRIED WITH MR. CHACÓN ABSTAINING FROM VOTING.
- C. Dr. Branaman designated Ms. Downes and Ms. Campbell to consider the initial screening tool used to review applications for the general counsel position.
 - D. Dr. Branaman designated that the general counsel interview process will include - Dr. Branaman, Dr. Mock, Dr. Baker, Ms. Lee, Mr. Creath and Mr. Chacón will be an alternate.
 - E. Dr. Rosenstein asked about appointments for the three Board members whose term will be expiring in October 2011.
20. The Board moved into Item XVII, Customer Service Committee - Mr. Escareno - no items to discuss.
21. The Board moved into Item XIX, Future Issues - Dr. Branaman - Ms. Black asked for a future agenda item to discuss a Board member testifies before the Legislature.
22. The meeting was adjourned at 12:35 p.m.