

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

August 28, 2008

The Texas State Board of Examiners of Psychologists met in Austin, Texas on May 1, 2008. The following Board members were in attendance: Carl Settles, Ph.D., Chair; Gary R. Elkins, Ph.D., Vice-Chair; Donna L. Black, M.A.; Tim Branaman, Ph.D.; Jo Ann Campbell, M.S.; 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, May 1, 2008

1. The meeting was called to order at 9:10 a.m. by Dr. Settles.
2. The Board moved into Item III, Executive Session - no items to discuss.
3. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. BLACK TO APPROVE THE MINUTES OF THE MAY 1, 2008 BOARD MEETING. THE VOTE WAS UNANIMOUS.

4. The Board moved into Item V, Chair's Report.
 - A. Dr. Settles welcomed the new Board member:
 - i. Narciso Escareno - Public Member from Brownsville.

- B. Ms. Lee updated the Board regarding FY 2008 Board goals.
- C. Ms. Lee discussed the Association of State and Provincial Psychology Boards' (ASPPB) minutes.
- 5. The Board moved into Item II, Public Comments.
 - A. Kelly Anderson - GPR for Texas Association of School Psychologists spoke regarding Board Rule 463.9 subsection (g).
- 6. The Board moved into Item VI, Executive Director's Report.
 - A. Ms. Lee stated that the Health Professions Council discussed migration of the shared common system for six state agencies.
 - B. Ms. Lee reviewed the agency's Strategic Plan.
 - C. Ms. Lee stated that the agency would have to submit more reports and surveys for the upcoming legislative session.
 - D. Ms. Lee discussed the end-of-year expenditures and stated that the agency would be sharing the expense with the Optometry Board for new vinyl wood flooring for the entry way and hallway.
 - E. Ms. Lee reported that the 2008 Rulebooks were completed.
 - F. Ms. Lee stated that the online roster was updated on the website.
 - G. Ms. Lee discussed the new procedure for online renewal option for licensees who are audited.

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

- H. Ms. Lee reviewed the proposed newsletter article regarding audited licenses renewals online.

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

I. Ms. Lee reviewed SB 29 which requires the regulatory health licensing agencies to establish a program to collect a minimum data set of information on all licensees. Ms. Lee stated that the agency was allotted \$12,000 to implement the project. The information that will be collected will not be public information, but will be used for workforce planning.

J. Ms. Lee reviewed the newsletter article regarding SB 29.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. BLACK TO APPROVE THE NEWSLETTER ARTICLE. THE VOTE WAS UNANIMOUS.

K. Ms. Lee reviewed the State Auditor classification study on exempt positions.

L. The Board reviewed letters received from the following individuals.

i. F. Isaac Andrade, M.S. - regarding extension of renewal.

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

ii. Janet S. Bliss - regarding use of name in an exempt facility.

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

iii. Katherine Brehm, Ph.D. - regarding Board rule 463.9, Licensed Specialist in School Psychology.

AFTER MUCH DISCUSSION THE BOARD DECIDED TO MAKE A RULE CHANGE AND BRING BACK TO THE OCTOBER 2008 BOARD MEETING.

- iv. Faviola D. Gardner - regarding waiving of late renewal fee.

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

- v. Trista M. Huckleberry - regarding retire in good standing.

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

- vi. Marla Sue Ince, Ph.D. - regarding waive requirement for licensure.

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

- vii. Jeanne LeBlanc, Ph.D. - regarding license going void.

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

- viii. Jennifer Montgomery, Ph.D. - regarding EPPP exam requirement.

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

- ix. Brenda Stady - regarding informed consent in the public schools.

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

- x. L. Elise Gentry Swan, Psy.D. - regarding test time limitation.

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

- xi. John G. Furness, M.S. - regarding test protocols.

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

- xii. Judy A. Roberts, M.S. - regarding exempt facility phone interpretations.

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

The Board recessed for a break at 10:18 a.m.

The Board reconvened at 10:35 a.m.

7. The Board moved into Item XII, Budget Committee.
 - A. Ms. Lee summarized the 2010-2011 LAR requests in priority order.
 - B. Ms. Lee discussed the elimination of two performance measures by the LBB.
 - C. Ms. Lee discussed the possibility that additional requested appropriations from the legislature would necessitate raising fees.
 - D. Ms. Lee reviewed 3rd quarter measures.
 - E. Dr. Settles thanked staff for all of their hard work.
8. The Board moved into Item VII, Rules Committee.
 - A. The Board reviewed the Proposed Rules:
 - i. The Board reviewed the amendments to Board rule 461.11, Continuing Education.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 461.11. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed the amendments to Board rule 465.1, Definitions.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.1. THE VOTE WAS UNANIMOUS.

- iii. The Board reviewed the amendments to Board rule 465.18, Forensic Services.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.18. THE VOTE WAS UNANIMOUS.

- iv. The Board reviewed the amendments to Board rule 465.37, Compliance with All Applicable Laws.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY DR. BRANAMAN TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.37. THE VOTE WAS UNANIMOUS.

- v. The Board reviewed the amendments to Board rule 465.17, Therapy and Counseling.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.17. THE VOTE WAS UNANIMOUS.

- vi. The Board reviewed the amendments to Board rule 471.6, Renewal Penalty Waiver for Licensees on Military Deployment.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 471.6. THE VOTE WAS UNANIMOUS.

- vii. The Board reviewed the amendments to Board rule 461.6, File Updates.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 461.6. THE VOTE WAS UNANIMOUS.

viii. The Board reviewed the proposed new Board rule 461.18, Minimum Data Set Requirement for Online Renewals.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. BRANAMAN TO APPROVE THE NEW BOARD RULE 461.18. THE VOTE WAS UNANIMOUS.

B. The Board reviewed the Adopted Rules:

i. The Board reviewed the amendments to Board rule 469.1, Timeliness of Complaints.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

ii. The Board reviewed the amendments to Board rule 469.2, Public Complaints Notification Statement.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED MS. BLACK TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

iii. The Board reviewed the amendments to Board rule 469.3, Standardized Complaint Form.

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

iv. The Board reviewed the amendments to Board rule 469.4, Complaint Investigation.

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

v. The Board reviewed the amendments to Board rule 469.5, Complaint Disposition.

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

- vi. The Board reviewed the amendments to Board rule 469.6, Temporary Suspension of a Licensure.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- vii. The Board reviewed the amendments to Board rule 469.8, Rehabilitation Guidelines.

A MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY MS. CAMPBELL TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- viii. The Board reviewed the amendments to Board rule 469.11, Legal Actions Reported.

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

- ix. The Board reviewed the amendments to Board rule 469.12, Suspension of License for Failure to Pay Child Support.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- x. The Board reviewed the amendments to Board rule 469.13, Non-Compliance with Continuing Education Requirements.

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

- xi. The Board reviewed the amendments to Board rule 469.14, Monitoring of Licensees.

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

- 9. The Board moved into Item XIII, Written Examinations Committee.

- A. Dr. Mock updated the Board regarding the Jurisprudence Examination changes and stated that the new exam was already in use.
10. The Board into Item VIII, Enforcement Committee.
- A. Ms. Cynthia Barber, Enforcement Manager, presented dismissals for Board ratification:
 - i. 08-112;
 - ii. 07-231;
 - iii. 07-222;
 - iv. 07-187;
 - v. 07-206;
 - vi. 07-176;
 - vii. 07-226;
 - viii.07-210;
 - ix. 08-014;
 - x. 07-235;
 - xi. 07-224;
 - xii. 08-052;
 - xiii.08-100;
 - xiv. 07-230;
 - xv. 07-189;
 - xvi. 08-115;
 - xvii.08-053;
 - xviii.08-081;
 - xix. 07-171;

xx. 07-194;

xxi. 07-130;

xxii.08-102; and

xxiii.08-079

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

xxiv.07-142

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

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedule.
- D. The October 2008 IFC attendees will be Dr. Branaman, Ms. Downes, Dr. Mock and Mr. Escareno would be an observer.
- E. The February 2009 IFC attendees will be Dr. Elkins, Ms. Campbell, and Mr. Escareno.
- F. The April 2009 IFC attendees will be Dr. Mock, Ms. Black and Ms. Downes.
- G. Ms. Izzo presented the Agreed Orders for the Board's approval:
 - i. The Board reviewed Agreed Order No. 07-116-13953 in the matter of Jane Ann Green, M.A.

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

- ii. The Board reviewed Agreed Order No. 08-162-13659 in the matter of Kevin Jostan Prince, Ph.D.

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

- iii. The Board reviewed Agreed Order No. 08-141-14512 in the matter of Floyd Emory Harrison, Ed.S.

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

- iv. The Board reviewed Agreed Order No. 07-032-1785 in the matter of Jo Anne P. Johnson, Ph.D.

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

- v. The Board reviewed Agreed Order No. 07-102-2162 in the matter of Larry Herbert Brown, Ph.D.

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

- vi. The Board reviewed Agreed Order No. 07-107-2774 in the matter of Harold Aaron Jewell, Ph.D.

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

- vii. The Board reviewed Agreed Order No.07-133-13540 in the matter of Richard K. Yuen, Ph.D.

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

- viii. The Board reviewed Agreed Order No. 07-191-3020 in the matter of Susan Lorene McMillan, Ph.D.

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

- ix. The Board reviewed Agreed Order No. 08-109-9860 in the matter of Charles N. Silverman, M.S.

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

- x. The Board reviewed Agreed Order No. 07-215-6053 in the matter of Bonnie Lou Brookshire, Ph.D.

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

- xi. The Board reviewed Agreed Order No. 08-041-9042 in the matter of Barbara South Lee, M.A.

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

- xii. The Board reviewed Agreed Order No. 08-068-9298 in the matter of Anne Marie Cameron, Ph.D.

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

- xiii. The Board reviewed Agreed Order No. 07-181-7137 and 07-205-7137 in the matter of Gail Driskell Lambeth, Ph.D.

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

- ix. The Board reviewed Agreed Order No. 08-200-8200 in the matter of Julie Ann Graham, M.A.

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

- x. The Board reviewed Agreed Order No. 8-108-14445 in the matter of Christina Marie Proctor, M.A.

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

- 11. The Board moved into Item IX, Compliance Committee.
 - A. Ms. Izzo stated that all of the agreed orders were in compliance at this time.
- 12. The Board moved into Item X, Legislative Committee.
 - A. Ms. Lee spoke regarding the upcoming legislative session.
- 13. The Board moved into Item XV, Technology Committee.
 - A. The Board reviewed the online renewal statistics.
 - B. The Board reviewed recent changes to the website.
- 14. The Board moved into Item XVI, Applications Committee.
 - A. The Board reviewed a letter from L-1 Identity Solutions indicating that they had had a security breach with documents stolen from a home office of one of their employees.
- 15. The Board moved into Item XI, Legal Matters/General Counsel Report.
 - A. Ms. Izzo stated the agency had five cases filed with SOAH.
- 16. The Board moved into Item XIV, Oral Examination Committee.
 - A. Dr. Elkins stated that they are trying to recruit new oral examiners.

- B. The Texas Psychological Association has added a statement to the weekly notice about becoming an oral examiner.
 - C. Dr. Elkins stated that the committee is always trying to develop more vignettes.
 - D. Dr. Settles encourage Board members to attend an oral examination.
17. The Board moved into Item XVII, Personnel Committee.
- A. Ms. Skiff updated the Board regarding donation of monies and expenses.
18. The Board moved into Item XVIII, Customer Service Committee.
- A. Dr. Settles appointed Mr. Escareno to the Customer Service Committee.
 - B. Mr. Escareno spoke briefly regarding FY 2007 customer service report.
19. Dr. Settles asked the Board members to review the Strategic Plan.
20. The Board moved item Item XIX, Future Issues - no items to discuss.
21. The meeting was adjourned at 2:10 p.m. by Dr. Settles.