

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

August 20, 2009

The Texas State Board of Examiners of Psychologists met in Austin, Texas on August 20, 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; Narciso Escareno and Lou Ann Todd Mock, Ph.D. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel. The following Board member was absent: Angela Downes, J.D.;

Thursday, August 20, 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. Betty Dawson passed out a letter to the Board from Ms. Marsha Menefee Lindahl regarding supervision.
 - B. Claudia Ghio, President, Texas Association of Psychological Associates spoke regarding changing the rule for supervision for licensed psychological associates.
3. The Board moved into Item III, Executive Session - no items to discuss.
4. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY DR. ELKINS TO APPROVE THE MINUTES OF THE APRIL 30, 2009 BOARD MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.

5. 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:
 - i. The task force on supervision guidelines has been delayed,
 - ii. ASPPB is working to become a reporting agent for HIPDB,
 - iii. ASPPB reviewed the APA model licensure act, and
 - iv. ASPPB plans to reduce the number of items on the EPPP examination.
 - C. Ms. Lee discussed the letter from Dr. Paul Andrews updating the Board on the Colleague Assistance Program. Dr. Branaman stated that Dr. Andrews had consulted with the committee and estimated that it would be two years before this program could be implemented.

6. The Board moved into Item VI, Executive Director's Report - Ms. Lee.
 - A. Ms. Lee stated that the daily operation was running smoothly and that there had been no staff turn over.
 - B. Ms. Lee discussed the Health Professions Council shared database migration.
 - C. Ms. Lee stated that the Ms. Jennifer Noack, Fiscal Manager had been to an HPC audit work group to share tips between agencies about audit's.

- D. Ms. Lee stated the Ms. Izzo had a similar meeting with other agency general counsels.
- E. Ms. Lee informed the Board that staff has been able to reduce off site storage that is used for the Oral Examination, thus reducing the expense for the agency.
- F. Ms. Lee stated that the agency would be replacing some computers from funding for the current biennium.
- G. Ms. Lee updated the Board on the Rulebook and stated that it was being printed by Texas Correctional Industries.
- H. Ms. Lee stated that the agency would soon have a draft of the online Roster.
- I. Ms. Lee advised the Board that the Texas Health and Human Services Commission (THHSC) has taken action on rule changes:
 - i. Rule 354.1281 to allow licensed psychological associates under the direct supervision of a licensed psychologist to provide Medicaid services. The rule was adopted in the June 12, 2009 Texas Register.
 - ii. Rule 355.8081 to set the reimbursement rate for services provided by licensed psychological associated to be 70% of the fee paid to licensed psychologists for the same service. This was filed with the Texas Register on June 15, 2009.
- L. Ms. Lee discussed the preliminary plan for implementation of fingerprint criminal history record checks for licensees.
 - i. Obtain an FBI criminal history record check on all licensees of the Board on a one-time basis.
 - ii. Licensees would be divided up by either license number or last names. This phase in

will be 4 years to begin on September 1, 2010.

iii. Information will be sent to licensees beginning in January 2010 to alert them of this new required procedure.

iv. Rule changes will need to be implemented and processes established in the new data base.

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

i. Craig Bittinger, M.A. - regarding waiving of the EPPP examination.

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

ii. Robert P. Borda, Ph.D. - regarding Medicare audit.

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

iii. Kay Campbell, Psy.D. - regarding Medicare rules.

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

iv. Maria Dobbins - regarding help in getting a supervisor.

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

v. Bruce W. Ebert, Ph.D. - regarding disciplinary action language on the Board's website.

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

- vi. Beverly Forte, Ph.D. - regarding inactive status for catastrophic medical reasons.

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

- vii. Maralyn Latzes Hershman, M.A. - regarding extension of inactive status, due to a catastrophic medical condition.

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

- viii. Lyn McDonald, M.A. - regarding sports psychology.

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

- ix. Leeanna M. Horne - regarding Jurisprudence examination.

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

- x. Michael G. Ditsky, Ph.D. - regarding pre-evaluate training.

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

N. The Board reviewed Policy changes:

- i. Agency Publications and Written Documentation - this policy change regarding fees had already been approved this was an oversight and was being corrected.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. MOCK TO APPROVE THE CHANGES TO THIS POLICY. THE VOTE WAS UNANIMOUS.

ii. Reactivation of Inactive Status.

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

7. The Board moved into Item VII, Rules Committee - Dr. Settles.

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

i. Amendments to Board rule 463.7, Criminal History Record Reports.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 463.7. THE VOTE WAS UNANIMOUS.

ii. Amendments to Board rule 465.2, Supervision,

A MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.2. THE VOTE WAS UNANIMOUS.

iii. Amendments to Board rule 469.7, Persons with Criminal Backgrounds.

A MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 469.7. THE VOTE WAS UNANIMOUS.

iv. Amendments to Board rule 470.2, Definitions.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.2. THE VOTE WAS UNANIMOUS.

v. Amendments to Board rule 473.5, Miscellaneous Fees (Not Refundable).

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 473.5. THE VOTE WAS UNANIMOUS.

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

i. Amendments to Board rule 470.10, Subpoenas.

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

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

A MOTION WAS MADE BY MS. BLACK TO HOLD THIS RULE UNTIL THE BOARD HAD REVIEWED BUDGET ITEMS.

8. The Board moved into Item XII, Budget Committee - Dr. Settles.

A. Ms. Lee discussed the 3rd Quarter Performance Measures.

B. Ms. Lee discussed the anticipated fee increases due to Legislative approval of the Board's exceptional items.

C. Ms. Lee stated that the Legislature had approved an increase for the Executive Director's salary that requires Board approval.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE INCREASE FOR THE EXECUTIVE DIRECTOR'S SALARY ESTABLISHED BY THE LEGISLATURE. THE VOTE WAS UNANIMOUS.

9. The Board moved item Item VII, Rules Committee - Dr. Settles.

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

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

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

- B. Ms. Lee stated that there would be an alert on the website for the fee increase.

The Board recessed at 10:10 a.m.

The Board reconvened at 10:20 a.m.

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

- A. Ms. Cynthia Barber, Enforcement Manager reviewed the Status Report.
- B. Ms. Barber discussed the Projected Time Schedule.
- C. Ms. Barber, Enforcement Manager, presented dismissals for Board ratification:
 - i. 09-191;
 - ii. 08-257;
 - iii. 09-100;
 - iv. 08-234;
 - v. 09-013;
 - vi. 09-033;
 - vii. 09-082;
 - viii. 09-083;
 - ix. 08-254;
 - x. 09-101;
 - xi. 09-085;
 - xii. 09-063;
 - xiii. 08-299;
 - xiv. 09-030;
 - xv. 08-232;

xvi. 08-253;

xvii.08-297;

xviii.09-130; and

xix. 09-096

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

xx. 08-140

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

D. The November 2009 IFC attendees will be Dr. Settles, Ms. Campbell and Ms. Downes.

E. The February 2010 IFC attendees will be Dr. Branaman, Ms. Black and Mr. Chacón.

F. The May 2010 IFC attendees will be Dr. Mock, Ms. Campbell and Ms. Downes.

G. The August 2010 IFC attendees will be Dr. Branaman, Dr. Mock and Mr. Chacón.

11. The Board moved into Item X, Compliance Committee - Dr. Branaman.

A. Ms. Barber reviewed the Compliance Report.

12. 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. 05-111-3089, No. 06-110-3089, SOAH Docket No. 520-08-4395, 520-08-4396 in the matter of Elizabeth J. Murphey, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 08-105-13378 in the matter of S. Marilyn Miller, Ph.D.

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

- iii. The Board reviewed Agreed Order No. 08-179-4932 in the matter of Deborah A. Parker, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 08-196-11346 in the matter of Scott D. Hammel, Ph.D.

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

- v. The Board reviewed Agreed Order No. 08-283-10971 in the matter of Rosanne T. McKenzie, Ph.D.

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

- vi. The Board reviewed Agreed Order No. 09-044-9387 in the matter of Richard R. Eiles, Ph.D.

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

vii. The Board reviewed Agreed Order No. 09-050-12665 in the matter of Kelli L. Wright, Ph.D.

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

viii. The Board reviewed Agreed Order No. 09-061-9034 in the matter of Amy T. Doolan, M.A.

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

ix. The Board reviewed Agreed Order No. 09-081-9713 in the matter of David W. Crawford, Ph.D.

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

x. The Board reviewed Agreed Order No. 08-273-14736 in the matter of Amanda M. Foy, M.A.

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

xi. The Board reviewed Agreed Order No. 08-280-14747 in the matter of Ivy A. Salinas, M.A.

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

xii. The Board reviewed Agreed Order No. 09-045-14859 in the matter of David A. Keithley, M.A.

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

xiii. The Board reviewed Agreed Order No. 09-056-14892 in the matter of Priscilla A. Lorente, M.S.

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

xiv. The Board reviewed Agreed Order No. 09-062-14629 in the matter of James W. Manuel, Psy.D.

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

xv. The Board reviewed Agreed Order No. 09-080-14960 in the matter of Amanda M. Martinez, M.S.

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

xvi. The Board reviewed Agreed Order No. 09-051-3980 in the matter of Lindley E. Doran, Ph.D.

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

xvii. The Board reviewed Agreed Order No. 09-078-11136 in the matter of Karyn M. Munson, M.A.

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

xviii. The Board reviewed Agreed Order No. 09-117-14918 in the matter of Brandon J. Rennie, Ed.S.

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

- B. Ms. Black stated that the disciplinary actions on the website should have some time limit as to when they should be removed from the list and possibly an intro section at the beginning to explain the seriousness of the different categories of complaints. Ms. Lee stated staff would look into this suggestion and bring back their research to the Board at a later date.
13. The Board moved into Item XIII, Written Examination Committee - Dr. Mock - no items to discuss.
14. The Board moved into Item XIV, Oral Examination Committee - Dr. Elkins.
- A. Dr. Elkins stated that staff once again did an excellent job at the July oral examinations.
 - B. Dr. Elkins stated that the Oral Examination Review Committee would be meeting again to review procedures for the exam.
15. The Board moved into Item XV, Technology Committee - Mr. Chacón.
- A. Mr. Chacón discussed the website changes.
 - B. Mr. Chacón reviewed the online renewal statistics.
16. The Board moved into Item X, Legislative Committee - Ms. Downes.
- A. Ms. Noack stated that the agency would adhere to the federal guidelines that the State adopted regarding reimbursement for hotel and meals beginning September 1, 2009. From September 1, 2009 - March 31, 2010: hotel reimbursement is \$114 per day and meal reimbursement is \$54 per day. Beginning April 1, 2010 - August 31, 2010: hotel reimbursement is \$107 per day and meal reimbursement is \$54 per day.
 - B. Ms. Noack stated that different rates will apply for different cities. If the travel city is not on the list, it will revert to \$85 per day hotel reimbursement and \$36 per day meal reimbursement.

- C. Ms. Noack stated that the mileage will remain at \$.55/mile.
- D. Ms. Lee discussed the legislation that passed that will effect the agency:
 - i. HB 963 relating to criminal history evaluation letter determining occupational license eligibility;
 - ii. HB 2808 relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings;
 - iii. HB 4504 relating to reporting requirements for health occupation regulatory agencies;
 - iv. SB 1068 relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general;
 - v. HB 2004 relating to a breach of computer security involving sensitive personal information and the confidentiality of protected health information; and
 - vi. HB 2196 relating to the establishment of a workgroup to study and make recommendations on the integration of health and behavioral health services.
- 17. The Board moved into Item XI, Legal Matters/General Counsel Report - Ms. Izzo - no items to discuss.
- 18. The Board moved into Item XVI, Applications Committee - Dr. Branaman - no items to discuss.
- 19. The Board moved into Item XVIII, Personnel Committee - Ms. Campbell - no items to discuss.
- 20. The Board moved into Item XVIII, Customer Service Committee - Mr. Escareno.

- A. Mr. Escareno discussed the overall customer service survey for FY 2008.
 - B. Mr. Escareno congratulated staff for having a consistent approval rating from the survey results.
 - C. Dr. Settles also thanked staff and also the new Board members.
21. The Board moved into Item XIX, Future Issues.
- A. Mr. Chacón informed the Board that he had been in contact with the Governor's office to request that he be appointed to a full term, since he was just completing a prior Board members term.
 - B. Dr. Settles stated that he would like to have the Board members, staff and spouses to his house for the Christmas party.
22. The meeting was adjourned at 11:20 a.m. by Dr. Settles.