

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



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Texas State Board of Examiners of Psychologists

MINUTES

August 15, 2013

The Texas State Board of Examiners of Psychologists met in Austin, Texas on August 15, 2013. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Lou Ann Todd Mock, Ph.D., Vice-Chair; Jeffrey Baker, Ph.D.; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Carlos Chacón; Angela A. Downes, J.D.; and Leslie Rosenstein, Ph.D. Also in attendance were Darrel Spinks, Executive Director; Brian Creath, Deputy Executive Director and Kristin Starr, General Counsel. The following Board member was absent from the meeting: John R. Huffman, J.D.

Thursday, August 15, 2013

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. Paul Andrews, Ph.D., with Texas Psychological Association (TPA), spoke in favor of adopted changes to Board rule 461.11.
3. The Board moved into Item III, Executive Session, pursuant to Title 5, Chapter 551, Government Code §551.071 at 9:04 a.m.
4. The Board returned from Executive Session at 9:12 a.m.

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5. The Board moved into Item IV, Action on matters considered in Executive Session.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. MOCK TO APPROVE AN INCREASE IN THE EXECUTIVE DIRECTOR'S SALARY TO THE SALARY CAP FOR THE POSITION, THAT THE LEGISLATURE INCREASED TO TAKE EFFECT SEPTEMBER 1, 2013. THE VOTE WAS APPROVED UNANIMOUSLY.

6. The Board moved into Item V, Minutes.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. BLACK TO APPROVE THE MINUTES OF THE MAY 9, 2013 BOARD MEETING. THE VOTE WAS APPROVED UNANIMOUSLY.

7. The Board moved in Item VI, Chair's Report - Dr. Branaman.

- A. Dr. Branaman stated that the FY 2013 Board goals were on track.

- B. Mr. Spinks updated the Board regarding the Association of State and Provincial Psychology Board (ASPPB) PLUS system and stated staff had evaluated and felt like this was the way of the future. However, Mr. Spinks requested that the Board explore the PLUS systems through a pilot program.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO GIVE AUTHORITY TO THE EXECUTIVE DIRECTOR TO WORK WITH ASPPB TO DEVELOP A PILOT PROGRAM. THE VOTE WAS APPROVED UNANIMOUSLY.

- C. Dr. Branaman updated the Board regarding ASPPB changes.

- i. Change from fiscal year to calendar year.

- ii. Bylaw revisions to clarify the election process.

- iii. Termination of the ASPPB/National Register Designation Project in 2019.

- iv. Annual meeting will occur on October 16-20, 2013, Dr. Branaman will be attending.

- D. Dr. Branaman updated the Board on the Rules Advisory Committee.

- i. Thanked all the members for their hard work.

ii. Discussed the difficulty regarding the Supervision rule which is tied into the application process.

iii. Have the training program coordinators look at changes regarding Supervision.

E. Dr. Branaman reviewed correspondence received concerning the request for an opinion from the Attorney General's office regarding LSSPs.

8. The Board moved into Item VII, Executive Director's Report - Mr. Spinks.

A. Mr. Spinks stated that the Health Professions Council has hired a web administrator.

B. Mr. Spinks discussed operational issues:

i. Corrective actions are still underway regarding the DPS audit for criminal history reports.

ii. The Board is in compliance with NPDB/HIPDB reporting of disciplinary actions for the years of 2006-2011.

iv. Publication of information regarding staff compensation on the Board's website.

iv. Discussed Board rule 461.5 regarding the designation of the highest academic degree on the license.

C. Mr. Spinks stated that the Funeral Service Commission was now online with the other six HPC agencies and that there are no changes to report regarding the shared database migration.

D. The Board reviewed the proposed Newsletter Articles:

i. Professional Profiles.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED NEWSLETTER ARTICLE. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. Duty to Report Legal Actions.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED NEWSLETTER ARTICLE WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. Consent Document for LSSPs.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED NEWSLETTER ARTICLE. THE VOTE WAS APPROVED UNANIMOUSLY.

E. The Board reviewed the proposed Policy changes:

i. Professional Development Credit for Licensee Board Members.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED POLICY CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. Repeal Continuing Education Credit for Licensee Board Members.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE REPEAL OF THE POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. Repeal Continuing Education for Board Members.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE REPEAL OF THE POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

F. Mr. Spinks state that the Texas Psychological Association (TPA) convention would be held November 14 - 15, 2013 and that Dr. Branaman, Mr. Spinks and Ms. Starr would be attending.

9. The Board moved into Item VIII, Rules Committee - Dr. Branaman

A. The Board reviewed Emergency Rule(s):

i. 473.3, Annual Renewal Fees (Not Refundable).

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE ADOPTED EMERGENCY RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

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

- i. 473.3, Annual Renewal Fees (Not Refundable).

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACON TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. 463.30, Licensing of Military Spouses and Applicants with Military Experience.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

- iii. 461.5, Contents of License.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

- iv. 461.7, License Statuses; 461.16, Inaccurate and False Information in Licensure Application/Documentation and for Annual Licensure Renewal Application/Documentation; 469.8, Rehabilitation Guidelines; 470.22, Schedule of Sanctions; and 471.5, Updated Information Requirements.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

C. The Board reviewed the Petition for Rulemaking:

- i. The Board reviewed a letter received from Dr. David Kahn regarding Board rules 463.9, Licensed Specialist in School Psychology and 463.10, Provisionally Licensed Psychologists.

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

D. The Board reviewed the Adopted Rules(s):

- i. 461.11, Professional Development.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE CARRIED WITH DR. ROSENSTEIN VOTING AGAINST THE AMENDMENT.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE WRITTEN RESPONSE TO PUBLIC COMMENTS THAT WERE RECEIVED REGARDING THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. 463.11, Licensed Psychologist.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE WRITTEN RESPONSE TO PUBLIC COMMENTS THAT WERE RECEIVED REGARDING THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

DR. MOCK REQUESTED THAT THE RULES COMMITTEE LOOK AT LSSPS USE OF TITLE.

iii. 463.13, Requirements for Licensed Out-of-State Applicants.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

iv. 463.20, Refunds of Application and Examination Fees.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

v. 463.31, Use of Titles during Practicum, Internship, and Supervised Experience When Applicant Holds another License.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACON TO APPROVE THE WRITTEN RESPONSE TO PUBLIC COMMENTS THAT WERE RECEIVED REGARDING THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

vi. 465.21, Termination of Services.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS CARRIED WITH DR. BAKER, MS. CAMPBELL AND DR. ROSENSTEIN VOTING AGAINST THE RULE.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE WRITTEN RESPONSE TO PUBLIC COMMENTS THAT WERE RECEIVED REGARDING THE RULE. THE VOTE CARRIED WITH MS. CAMPBELL AND DR. ROSENSTEIN VOTING AGAINST THE COMMENTS.

vii. 465.22, Psychological Records, Test Data and Test Protocols.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. MOCK TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

viii.469.13, Non-Compliance with Professional Development Requirements.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

471.4, Guaranteed Student Loan Requirement.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE REPEAL TO THE RULE. THE VOTE CARRIED WITH MS. DOWNES RECUSAL FROM THE VOTE.

x. 471.4, Nonrenewal for Default of Guaranteed Student Loan.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE NEW RULE. THE VOTE CARRIED WITH MS. DOWNES RECUSAL FROM THE VOTE.

xi. 473.7, Penalties.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

The Board adjourned for a break at 10:38 a.m.

The Board reconvened at 10:50 a.m.

10. The Board moved into Item IX, Enforcement Committee - Dr. Baker

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

i. 09-182;

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

ii. 13-254;

iii. 13-152;

iv. 13-233;

v. 13-185;

vi. 13-206;

vii. 13-148;

viii.13-234;

ix. 13-104;

x. 13-187;

xi. 13-103;

xii. 13-233;

xiii.13-210;

xiv. 13-151;

xv. 13-253;

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. BAKER TO APPROVE THE DISMISSALS. THE VOTE WAS APPROVED UNANIMOUSLY.

xvi. 13-255;

xvii.13-244;

xviii.13-171;

xix. 13-204;

xx. 13-205;

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MS. BLACK TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH DR. BRANAMAN, MS. CAMPBELL, MR. CHACON AND DR. MOCK RECUSED FROM VOTING.

B. Ms. Barber reviewed the Status Report.

C. Ms. Barber discussed the Projected Time Schedule.

D. Ms. Black requested that staff provide the yearly disciplinary breakdown pie chart.

E. October 2013 ISC attendees will be Dr. Baker, Ms. Campbell and Mr. Chacón.

F. February 2014 ISC attendees will be Dr. Baker, Ms. Campbell, and Mr. Chacón.

G. May 2013 ISC attendees will be Dr. Baker, Ms. Black and Ms. Downes.

H. August 2014 ISC attendees will be Dr. Rosenstein, Ms. Campbell and Mr. Chacon.

I. Ms. Starr presented the Agreed Orders for the Board's approval:

i. The Board reviewed Agreed Order No. 13-021-2583, in the matter of E. Edward Reitman, Ph.D.

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

ii. The Board reviewed Agreed Order No. 13-070-3100, in the matter of Dana E. Griffin, M.A.

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

iii. The Board reviewed Agreed Order No. 13-098-694, in the matter of Susan Dalton Gifford, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 13-099-10738, in the matter of Ann Marie Leist, Psy.D.

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

- v. The Board reviewed Agreed Order No. 13-113-1559, in the matter of Richard Gerald Brake, Psy.D.

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

- vi. The Board reviewed Agreed Order No. 13-142-4154, in the matter of Victoria Lee Perez, M.A.

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

- vii. The Board reviewed Agreed Order No. 13-179-3272, in the matter of Laurel Lee Strahan, Ph.D.

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

- viii. The Board reviewed Agreed Order No. 13-038-745, in the matter of James E. Goggin, Ph.D.

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

- ix. The Board reviewed Agreed Order No. 13-101-6974, in the matter of Karen Kelly Gollaher, Psy.D.

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

- x. The Board reviewed Agreed Order No. 13-170-12547, in the matter of Emily Winakur, Ph.D.

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

- xi. The Board reviewed Agreed Order No. 13-191-4207, in the matter of Melissa G. Hernandez, M.S.

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

- 11. The Board moved into Item X, Compliance Committee - Ms. Black - nothing to discuss.
- 12. The Board moved into Item XI, Legal Matters/General Counsel Report.
 - A. Ms. Starr stated that nine cases were going to the State Office of Administrative Hearings (SOAH).
 - B. Ms. Starr stated that the Texas Medical Association had filed suit against the Chiropractic Board regarding exceeding scope of practice. The District court issued a split decision, and the matter is being appealed to the 3rd Court of Appeals for final decision.
- 13. The Board moved into Item XII, Legislative Committee - Ms. Downes
 - A. Mr. Spinks discussed the proposed legislation that could affect the agency:
 - i. SB 152, Duty to Report this will be placed on the website.
 - ii. SBS 162, Military Service
 - iii. HB 646, Board Membership
 - iv. HB 807, change in Exempt Statue
 - v. HB 808, Delegation
 - vi. HB 1657, HB 1213, HB 3198, SB 1396, HB 2851, HB 2948, HB 3020 left pending in committee

vii. HB 12, Information Regarding Staff Compensation this will be place on the website.

viii.HB 746, Registration of Volunteer Health Practitioners during a Disaster

14. The Board moved into Item XIII, Budget Committee - Dr. Branaman
 - A. Mr. Spinks reviewed the 3rd Quarter Performance Measures.
 - B. Mr. Spinks reviewed SB 1, General Appropriations Bill.
15. The Board moved into Item XIV, Written Examinations Committee - Dr. Mock - no items to discuss.
16. The Board moved into Item XV, Oral Examination Committee - Drs. Baker and Rosenstein
 - A. Dr. Rosenstein stated that there were more failures at the July examinations however we had quite a few more candidates.
 - B. Discussed the vignette language as it relates to the new DSM-V and staying in line with ASPPB.
 - C. There will be a vignette writing meeting on August 30, 2013.
17. The Board moved into Item XVI, Technology Committee - Mr. Chacón
 - A. Mr. Chacón reviewed the online renewal statistics.
 - B. Mr. Chacón updated the Board on website changes.
18. The Board moved into Item XVII, Applications Committee - Dr. Rosenstein - no items to report.
19. The Board moved into Item XVIII, Personnel Committee - Ms. Campbell
 - A. Danielle Hamilton was hired as the Enforcement Assistant.
20. The Board moved into Item XIX, Customer Service Committee - Mr. Huffman - no items to report.
21. The Board moved into Item XX, Future Issues and Other Requested Agenda Items - no items to report.

22. The meeting was adjourned at 11:50 p.m. by Dr. Branaman.