

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

**August 12, 2010**

The Texas State Board of Examiners of Psychologists met in Austin, Texas on August 12, 2010. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Carlos Chacón; Angela Downes, J.D.; Narciso Escareno; Lou Ann Todd Mock, Ph.D.; and Leslie Rosenstein, Ph.D. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel.

**Thursday, August 12, 2010**

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. Jason Ray, attorney representing the Texas Association of Psychological Associates (TAPA) regarding independent practice for Licensed Psychological Associates (LPAs).
  - B. Susan Henricks, attorney representing the National Association of School Psychologists (NASP) and Texas Association of School Psychology (TASP) regarding specialty titles.
3. The Board moved into Item III, Executive Session, pursuant to Title 5, Chapter 551, Government Code, §551.071 at 9:07 a.m.
4. The Board returned from Executive Session at 9:52 a.m.

5. The Board discussed a response to the letter received from Jason Ray, Riggs Aleshire & Ray, P.C. regarding repeal of rules requiring the supervision of psychological associates.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO DRAFT A REPLY TO BE APPROVED BY DR. BRANAMAN. THE VOTE WAS UNANIMOUS.

6. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. MOCK TO APPROVE THE MINUTES OF THE MAY 6, 2010 BOARD MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.

7. The Board moved into Item V, Chair's Report.

- A. Ms. Lee reviewed the progress of Board goals for FY 2010 and stated that some goals had been completed.
- B. Dr. Branaman provided an update on Association of State and Provincial Psychology Boards (ASPPB) activities.
- C. Dr. Branaman stated he would be attending the ASPPB conference in January 2011.
- D. Dr. Branaman appointed Board members to committees:
  - i. Budget Committee - Dr. Branaman
  - ii. Compliance Committee - Ms. Campbell
  - iii. Customer Service Committee - Mr. Escareno
  - iv. Enforcement Committee - Ms. Black
  - v. Legislative Committee - Ms. Downes
  - vi. Oral Examination Committee - undetermined (Dr. Rosenstein and Dr. Branaman will assist)
  - vii. Personnel Committee - Ms. Campbell

viii. Rules Committee - Dr. Branaman

ix. Technology Committee - Mr. Chacón

x. Written Examination Committee - Dr. Mock

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

A. Ms. Lee stated that a relatively new employee had resigned. The position had been posted and interviews would be conducted the following week. Other licensing staff personnel are assisting as needed.

B. Ms. Lee stated that all efforts would be made to make the replacement data base go live by September 27, 2010.

C. Ms. Jennifer Noack, Fiscal Manager, informed the Board that the contract with DIR would expire at the end of August 2010; however DIR will support the current system until the end of November 2010 if necessary.

D. Ms. Noack stated that print jobs from DIR will be processed once a week unless another alternative can be made.

E. Ms. Lee stated that if anything on the server breaks, the agency will be responsible for the costs to repair or replace it.

F. Ms. Lee informed the Board that she and Ms. Noack would be meeting with the Legislative Budget Board staff in September.

G. Ms. Lee reviewed the proposed online newsletter article.

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

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

- i. Alfred R. Dooley, Ed.D. - regarding status of LSSP license.

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

- ii. Sharon Birkman Fink - regarding retiring her license.

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

- iii. Mark L. Foster, Ph.D. - regarding the use of an interpreter.

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

- iv. Barbara-Ann Hall, Ph.D. - regarding supervision.

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

- v. Sarah Arora and Crissy McDaniel - regarding employment.

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

- vi. Betsy Nacim, Ph.D. - regarding formal internship.

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

- vii. Tracy O'Loughlin, Ed.S. - regarding continuing education.

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

viii. Cynthia H. Trevino and Ida C. Saenz - regarding internship and trainees.

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

ix. Hanh Vo, Ph.D. - regarding EPPP examination extension.

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

x. Daniel J.T. Sciano - regarding medical hardship.

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

I. The Board reviewed the Proposed Policy Changes:

i. Policy on Written Information Provided to the Board during Public Comments.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED POLICY CHANGE. THE VOTE WAS UNANIMOUS.

J. Ms. Lee reviewed the travel procedure with the Board.

9. The Board moved into Item VII, Report by Board Task Force regarding Texas Psychological Association (TPA) request concerning American Psychological Association (APA) accredited doctoral training programs - Dr. Branaman, Dr. Rosenstein and Mr. Chacon (Dr. Elkins was replaced by Dr. Branaman because his term had expired.)

A. Dr. Branaman stated that the task force considered TPA's request for the Boards'

consideration of competency standards to be included in Board rules.

i. An informal survey was conducted of how other jurisdictions incorporate APA accredited training. This was done by the Board's affiliation with ASPPB and had 19 responses by other jurisdictions within the United States and Canada. From the survey most applicants were generally required to graduate from a program that was APA accredited or a program equal to an APA program.

ii. The survey indicated that there was generally no waiver from licensing requirements for applicants who completed APA accredited programs.

B. Dr. Branaman stated that the concensus of the task force was that there is no basis to provide a waiver from any of the Board's present licensing standards for applicants from APA accredited programs.

10. The Board moved into Item VIII, Report by Board Task Force on training requirements for Licensed Psychological Associates - Ms. Black and Ms. Campbell

A. Ms. Black stated that the task force has been researching the types of training requirements that are required for the master's level profession of psychology. She stated that a report would be given at the October 2010 Board meeting.

11. The Board moved into Item IX, Rules Committee - Dr. Branaman

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

i. Amendments to Board rule 463.10,  
Provisionally Licensed Psychologists.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO TABLE THIS RULE UNTIL THE OCTOBER 2010 BOARD MEETING.

- ii. Repeal to Board rule 471.4, Guaranteed Student Loan Requirement.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED REPEAL TO BOARD RULE 471.4. THE VOTE WAS UNANIMOUS.

- iii. New Board rule 471.4, Guaranteed Student Loan Requirement.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. BLACK TO APPROVE THE NEW BOARD RULE 471.4. THE VOTE WAS UNANIMOUS.

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

- i. Amendments to Board rule 465.2, Supervision.

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

- ii. Amendments to Board rule 465.37, Compliance with All Applicable Laws.

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

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

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

C. Report by Rules Committee on Board requests for review of rules:

- i. Amendments to Board rule 465.6, Listings, Public Statements and Advertisements, Solicitations, and Specialty Titles.

AFTER MUCH DISCUSSION A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO TABLE THIS RULE UNTIL THE OCTOBER 2010 BOARD MEETING.

DR. BRANAMAN APPOINTED A TASK FORCE OF DR. ROSENSTEIN, MS. BLACK AND MR. CHACON TO FURTHER CONSIDER THIS DRAFTED RULE AND USE OF THE NATIONALLY CERTIFIED SCHOOL PSYCHOLOGIST (NCSP) TITLE. THE TASK FORCE WAS DIRECTED TO MAKE THEIR REPORT AT THE OCTOBER 2010 BOARD MEETING.

- ii. Amendments to Board rule 465.38,  
Psychological Services in the Schools.

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

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

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

- i. 10-026;
- ii. 10-007;
- iii. 10-005; and
- iv. 09-198

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

- v. 10-072;
- vi. 10-053; and
- vii. 10-058

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

- viii.10-039

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

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedule.
- D. The October 2010 IFC attendees will be Dr. Mock, Ms. Black and Mr. Chacón.
- E. The February 2011 IFC attendees will be Dr. Branaman, Dr. Mock and Mr. Escareno.

13. The Board moved into Item XI, Compliance Committee - Dr. Branaman

- A. Ms. Barber reviewed the Compliance Report.

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

- A. Ms. Izzo presented the Agreed Orders for the Board's approval:
  - i. The Board reviewed Soah Docket No. 520-10-3009, in the matter of Robert Marr Dunson, III, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 08-276-4631, in the matter of Jeffrey C. Siegel, Ph.D.

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

- iii. The Board reviewed Agreed Order No. 09-222-9513, in the matter of Stanley Brein, M.S.

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

CARRIED WITH DR. MOCK, MS. CAMPBELL AND MR. CHACÓN  
ABSTAINING FROM VOTING.

- iv. The Board reviewed Agreed Order No. 10-001-  
1926, in the matter of Richard Trent, Ph.D.

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

- v. The Board reviewed Agreed Order No. 10-029-  
9583, in the matter of Lourene Williams-  
Medlow, M.A.

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

- vi. The Board reviewed Agreed Order No. 10-038-  
3957, in the matter of Harvey G. Davisson,  
Ph.D.

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

- vii. The Board reviewed Agreed Order No. 09-084-  
3042, in the matter of Melody M. Potter,  
Ph.D.

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

- viii. The Board reviewed Agreed Order No. 10-031-  
14016, in the matter of Susan E. Hofkamp,  
Ph.D.

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

- ix. The Board reviewed Agreed Order No. 10-093-9207, in the matter of Shirley A. Winslow, M.A.

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. 09-184-9999, in the matter of Marc J. Ackerman, Ph.D.

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

- 15. The Board moved into Item XXI, Presentation of Recognition of Service Plaque to Carl Settles, Ph.D.

- A. Dr. Settles thanked the Board and staff for the wonderful job that they had done during his tenure.

The Board recessed for lunch at 12:20 p.m.

The Board reconvened from lunch at 1:59 p.m.

- 16. The Board moved into Item XII, Legislative Committee - Ms. Downes - no items to discuss.

- 17. The Board moved into Item XIII, Legal Matters/General Counsel Report - Ms. Izzo - no items to discuss.

- 18. The Board moved into Item XIV, Budget Committee - Dr. Branaman

- A. Dr. Branaman stated that there would be statewide budget cuts.

- B. Ms. Lee presented to the Board an overview of the Legislative Appropriation Request for FY 2012 - 2013.

- C. Ms. Lee discussed the 3<sup>rd</sup> Quarter Performance Measures.

19. The Board moved into Item XX, Customer Service Committee - Mr. Escareno
  - A. Mr. Escareno presented to the Board an overview of the 2009 Customer Service Survey which had an increase of customer satisfaction from 86% to 90.38%.
  - B. Mr. Escareno stated that this shows what an excellent job that Ms. Lee and agency staff are doing.
  
20. The Board moved into Item XV, Written Examinations Committee - Dr. Mock
  - A. Dr. Mock stated that the Written Examination Committee met in May and discussed the following items:
    - i. Questions on the exam to make sure that they were fair and gender neutral;
    - ii. Examination items were updated;
    - iii. Several items on the examinations were added; and
    - iv. The overall determination that the written examination is a good exam.
  
21. The Board moved into Item XVI, Oral Examination Committee - Dr. Branaman
  - A. Dr. Branaman stated that the July 2010 oral examination was administered to over 70 applicants.
  - B. Dr. Branaman thanked staff for a very organized and smoothly run examination.
  
22. The Board moved into Item XVII, Technology Committee - Mr. Chacón
  - A. Mr. Chacón stated that latest online renewal statistics were at 92%.

- B. Mr. Chacón presented the website updates since the last Board meeting.
- 23. The Board moved into Item XIX, Personnel Committee - Ms. Campbell - no items to discuss.
- 24. The Board moved into Item XVIII, Applications Committee - Dr. Branaman - no items to discuss.
- 25. The Board moved into Item XXIII, Election of Vice Chair

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MR. CHACÓN TO NOMINATE DR. MOCK AS VICE CHAIR OF THE BOARD. THE VOTE WAS UNANIMOUS.

- 26. The Board moved into Item XXIII, Future Issues
  - A. Dr. Rosenstein asked that if the 10% budget cut were to happen could the Board do video conferencing.
- 27. The meeting was adjourned at 2:31 p.m.