

Psychology Board Minutes
February 6-7, 2003

The Texas State Board of Examiners of Psychologists met in Austin, Texas on February 6-7, 2002. The following Board members were in attendance: Brian Stagner, Ph.D., Chair; Catherine B. Estrada; Arthur E. Hernandez, Ph.D.; Michael D. Nogueira; Ruben Rendon, Jr., M.S.; M. David Rudd, Ph.D.; Stephanie Sokolosky, M.P.S.; and Jess Ann Thomason. Also in attendance were Sherry L. Lee, Executive Director and Brett Norbraten, General Counsel. The following Board member was absent: Pauline A. Clansy, Ed.D., Vice-Chair.

THURSDAY, FEBRUARY 6, 2003

1. The meeting was called to order at 9:01 a.m. by Dr. Stagner.
2. The Board moved into Executive Session at 9:01 a.m. The Board returned to open session at 9:31 a.m.
3. The Board moved to item IV, Minutes.
A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. RUDD TO APPROVE THE MINUTES FROM THE NOVEMBER 7-8, 2002 BOARD MEETING WITH CHANGES TO ITEM (19) ENFORCEMENT COMMITTEE TO INCLUDE "IN FAVOR" TO ITEMS (vi) AND (vii). THE MOTION WAS UNANIMOUS WITH DR. CLANSY ABSENT.
4. The Board moved to item V, Proposal by Texas Psychological Association to approve and track Continuing Education.
 - A. Mr. David White, Executive Director Texas Psychological Association and Dr. Paul Birney, President Elect Designate presented the proposal for Outsourcing Continuing Education Tracking. i. audit 100% of licensees; ii. no defined current standards; and iii. better service to the public.
 - B. Ms. Jean Tanous, National Association of School Psychologists and Ms. Margaret Coltman, Public Affairs Chair also members of the Texas Association of School Psychologists discussed continuing education.
 - C. Mr. Brad Shields, Lobbyist for Texas Association of School Psychologists discussed the agency's continuing education statutes and Sunset Commission.
AFTER DISCUSSION DR. RUDD ASKED WHAT THE COST WOULD BE TO THE LICENSEES' FOR THE OUTSOURCING? MR. WHITE STATED AT THIS TIME, THAT THAT HAD NOT BEEN DETERMINED. THE TEXAS PSYCHOLOGICAL ASSOCIATION WILL PRESENT AT THE NEXT BOARD MEETING A PROPOSAL FOR THIS SERVICE.

5. The Board moved to Item VI, Annual Evaluation of Executive Director. Evaluations by each Board member were turned into the Executive Assistant.
6. The Board moved to Item VII, Chair's Report.
 - A. The Board discussed Board Goals for fiscal year 2003.
 - B. Dr. Stagner discussed items to be addressed at the ASPPB meeting:
 - i. the Board was invited to the luncheon;
 - ii. ASPPB has CPQ mobility issues; and
 - iii. Reciprocity agreement.
 - C. Ms. Lee presented the American Psychological Association letter regarding endorsement.
 - D. Dr. Stagner discussed continuing education review.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. THOMASON TO CONSIDER OUTSOURCING CONTINUING EDUCATION (MORE INFORMATION WILL BE GIVEN AT THE NEXT BOARD MEETING BY TEXAS PSYCHOLOGICAL ASSOCIATION AND AGENCY STAFF). THE MOTION WAS UNANIMOUS.
 - E. Ms. Lee reviewed information regards Continuing Education Requirements regarding Ethics.
 - F. Dr. Stagner will have a proposal at the May board meeting for out of state applicants for the website.

AFTER DISCUSSION THE BOARD DECIDED TO MOVE THIS ITEM TO THE MAY BOARD MEETING.
 - G. The Board presented Dr. Rudd with an appreciation plaque for his service.
7. The Board moved to Item VIII, Executive Director's Report.
 - A. Ms. Lee noted the agency is at full staff.
 - B. Ms. Lee stated that the Health Professions Council finished their complaint study and no major changes were made. The Small State Agency Task Force requested a law change to exempt small agencies from internal audits.
 - C. Ms. Lee discussed the Resource Efficiency Plan for the agency.
 - D. Ms. Lee stated that the internal audit for the Enforcement Division would be reviewed at the May Board Meeting.
 - E. Ms. Lee briefed the Board regarding on-line renewal:
 - i. 106 licensees were renewed online in January;
 - ii. system would not allow licensee to renew two licenses at one time, but this has now been corrected;
 - iii. system would not accept Discover Card or American Express, but this has been corrected; and
 - iv. overall, system is working quite well.

- F. Ms. Lee reported on the Security Conference that Microsoft was hit by the slammer worm due to the fact that they had not installed their "patches."
- G. Ms. Lee briefed the Board on the Summary of the Texas State Workforce by the State Auditor's Office.
- H. Ms. Lee informed the Board that the agency had received a performance award for Risk Management Sustained Safety Program for FY 2002.
- I. The Board reviewed letters with regards to the following individuals:
- i. Stacey Willis-Center, Ph.D. - regarding Dr. Willis-Center's letter concerning retaking the Jurisprudence Exam.
A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. RUDD TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.
 - ii. RaeLynn Alvarez, M.S. - regarding Ms. Alvarez's letter completing her post-doctoral year in Australia.
A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. RUDD TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.
 - iii. Paula Baker, DVM - regarding Ms. Baker's letter allowing Dr. Bain to retire her license.
A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. ESTRADA TO APPROVE THE DRAFTED RESPONSE. THE MOTION WAS UNANIMOUS.
 - iv. James V. Clark, Ph.D. - regarding Dr. Clark's letter about the Oral Examination.
A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE DRAFTED RESPONSE. THE MOTION WAS UNANIMOUS.
 - v. Silvia Jason - regarding Ms. Jason's letter about her credentials.
A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE DRAFTED RESPONSE. THE MOTION WAS UNANIMOUS.
 - vi. Lawrence S. Schoenfeld, Ph.D. - regarding Dr. Schoenfeld's letter on retention of records.
A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. RUDD TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.

- vii. Brent Wheeler, M.A. - regarding Mr. Wheeler's letter on re-licensure as licensee.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY DR. HERNANDEZ TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.

J. Ms. Lee discussed Proposed Policy Changes:

- i. Waiver of Requirement that supervised experience be consecutive - rescinded, incorporated into Rule 463.11.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. THOMASON VOTING TO APPROVE THE REPEAL. THE MOTION WAS UNANIMOUS.

- ii. Refunds of Application and Examination Fees.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. RUDD VOTING TO APPROVE THE POLICY. THE MOTION WAS UNANIMOUS.

- iii. Jurisprudence Exam - this will be discussed at May Board Meeting. iv. Retention of Opinion Letters.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY DR. HERNANDEZ VOTING TO APPROVE POLICY. THE MOTION WAS UNANIMOUS.

8. The Board moved to Item XI, Rules Committee.

A. The Board reviewed the Proposed Rules.

- i. i. The Board reviewed proposed amendments to Board rule §461.3, Former Board Members.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. HERNANDEZ TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.

- ii. The Board reviewed proposed amendments to Board rule §461.7, License Statuses.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. THOMASON TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.

- iii. The Board reviewed proposed amendments to Board rule §461.11, Continuing Education.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. HERNANDEZ TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION PASSED WITH

MS. SOKOLOSKY AND MS. ESTRADA ABSTAINING FROM VOTING.

- iv. The Board reviewed proposed amendments to Board rule §461.15, Compliance with Act, Rules, Board Directive and Orders. A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.
 - v. The Board reviewed proposed amendments to Board rule §461.17, Profile Information. A MOTION WAS MADE BY MS. THOMASON AND MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.
 - vi. . The Board reviewed proposed amendments to Board rules §463.1, Types of Licensure, §463.11, Licensed Psychologist, §463.12, Licensed Psychologists by Reciprocity, §463.15, Oral Examination. AFTER DISCUSSION THE BOARD DECIDED TO HOLD THESE AMENDMENTS UNTIL THE MAY BOARD MEETING.
 - vii. The Board reviewed proposed amendment to Board rule §463.2, Application Process. A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.
 - viii. The Board reviewed proposed amendment to Board rule §463.9, Licensed Specialist in School Psychology. A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. RUDD TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.
 - ix. The Board reviewed proposed amendment to Board rule §469.11, Legal Actions Reported. A MOTION WAS MADE BY MR. NOGUEIRA AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED AMENDMENTS WITH CHANGES. THE MOTION WAS UNANIMOUS.
- B. The Board reviewed the Adopted Rules.
- i. The Board reviewed the amendments to Board rule §463.11, Licensed Psychologist. A MOTION WAS MADE BY DR. RUDD AND SECONDED

BY MS. ESTRADA TO ADOPT AMENDMENTS TO BOARD RULE §463.11. THE MOTION WAS UNANIMOUS.

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

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MR. RENDON TO ADOPT AMENDMENTS TO BOARD RULE §465.1. THE MOTION WAS UNANIMOUS.

- iii. The Board reviewed the amendments to Board rule §465.3, Providers of Psychological Services.

A MOTION WAS MADE BY DR. RUDD AND SECONDED MS. THOMASON TO ADOPT AMENDMENTS TO BOARD RULE §465.3. THE MOTION WAS UNANIMOUS.

- iv. The Board reviewed the amendments to Board rule §465.33, Improper Sexual Conduct.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MR. RENDON TO ADOPT AMENDMENTS TO BOARD RULE §465.33. THE MOTION WAS UNANIMOUS.

- v. The Board reviewed the amendments to Board rule §465.35, Resolution of Allegations of Board Rule Violations.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. SOKOLOSKY TO ADOPT AMENDMENTS TO BOARD RULE §465.35. THE MOTION WAS UNANIMOUS.

- vi. The Board reviewed the amendments to Board rule §465.36, Code of Ethics.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MR. RENDON TO ADOPT REPEAL TO BOARD RULE §465.36. THE MOTION WAS UNANIMOUS.

C. The Board reviewed the adoption of Rule Review:

- i. i. Chapter 461, General Rules and Chapter 463 (§463.1 - §463.15), Applications and Examinations.
- ii. Chapter 463 (§463.16 - §463.29), Applications and Examinations and Chapter 469, Complaints and Enforcement.
- iii. Chapter 465 (§461.11 - §465.20), Rules of Practice.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. THOMASON TO ADOPT THE RULE REVIEW. THE MOTION WAS UNANIMOUS.

9. The Board moved to item IX, Legislative Committee.

A. Ms. Lee discussed legislation:

- i. House Bill 1593 regarding subpoena power, which the Texas Psychological Association will introduce.

- ii. House Bill 459 regarding annual leave accrual for state employees.
 - B. Ms. Lee updated the Board regarding committees that the agency will testify before this fiscal year.
 - C. Ms. Lee discussed the Comptrollers' report to consolidate Health and Human Service Agencies.
 - D. Ms. Lee reviewed with the Board the State Auditors' Office Workforce Analysis report.
 - E. Ms. Lee updated the Board on the Conservative Coalition Report.
10. The Board moved to Item XII, Budget Committee.
- A. Ms. Lee discussed the agency's mandated 7% budget cut for the remaining seven months of fiscal year 2003.
 - B. Ms. Lee reviewed the estimated 2003 baseline budget, which must be cut 12.5% for fiscal years 2004-2005.
 - i. no microfiche;
 - ii. reduce Board Meetings to four per year;
 - iii. reduce travel;
 - iv. . reduction in fee paid to Oral Examiners from \$200 to \$150;
 - v. eliminate Westlaw contract;
 - vi. eliminate capital expenditures;
 - vii. no new computers;
 - viii. business machine repair and pager contracts eliminated; and
 - ix. no internal auditor, must use unpaid interns.
 - C. Ms. Lee presented to the Board the Annual Report of Non-Financial Data.
 - D. Ms. Lee reviewed the 1st Quarter Performance Measures.
 - E. Ms. Lee updated the Board regarding the Legislative Budget Board.
 - F. Ms. Lee reviewed Talking Points for the legislators requesting additional funding from the Legislature.
 - G. Ms. Lee discussed the letter that all state agencies received from Governor Perry regarding cutbacks in funding. (Dr. Rudd excused himself from the meeting at 3:00 p.m.)
11. The Board moved to Item XIII, Legal Matters.
- A. Dr. Stagner stated the American Psychological Association is going to sending out a publication on HIPPA going state by state identifying were state law supercedes the federal rule.
12. The Board moved to Item XIV, Technology Committee.
- A. Ms. Lee reported that online renewals were going well. (Ms. Thomason excused herself from the meeting at 3:05 p.m.)
13. The Board moved to Item XV, Oral Examination Committee.

- A. Dr. Hernandez reported on his review of additional information for the Oral Examination applicant.
 - B. Dr. Hernandez spoke on various possible changes to the Oral Exam process:
 - i. feedback forms to focus on accuracy in the vignettes;
 - ii. examiners following standard procedures;
 - iii. all examiners get an abbreviated training;
 - iv. . keep track of examiners test times; and
 - v. new examiners would observe an oral exam from beginning to end.
 - C. Dr. Hernandez reviewed previous oral examination results.
14. The Board moved to Item XVI, Written Examination Committee.
- A. Mr. Rendon stated Jurisprudence Exams are going well.
 - B. Ms. Lee updated the board regarding PES'EPPP exam role feedback fee increase from \$50 to \$75.
 - C. Dr. Stagner and Ms. Sokolosky will bring updates on the EPPP from the ASPPB meeting in San Antonio.
15. The Board moved to Item XVII, Enforcement Committee.
- A. A. Mr. Norbraten presented the Agreed Orders and Proposal for Decision for the Board's approval:
 - i. The Board reviewed Agreed Order No. 02-703-2232 in the matter of Wei-Ning Change, Ph.D.
A MOTION WAS MADE BY MR. RENDON AND
SECONDED BY MS. ESTRADA TO APPROVE THE
AGREED ORDER. THE MOTION WAS UNANIMOUS WITH
DR. RUDD AND MS. THOMASON ABSENT.
 - ii. The Board reviewed SOAH Docket No. 520-03-0264 in the matter of Thomas H. Cook, Ph.D.
A MOTION WAS MADE BY MS. ESTRADA AND
SECONDED BY MR. NOGUEIRA TO APPROVE THE SOAH
ORDER. THE MOTION PASSED WITH MS. SOKOLOSKY
ABSTAINING FROM VOTING.
 - iii. The Board reviewed Agreed Order No. 02-742-2365 in the matter of Windel L. Dickerson, Ph.D.
A MOTION WAS MADE BY MR. RENDON AND
SECONDED BY MS. ESTRADA TO APPROVE THE
AGREED ORDER. THE MOTION WAS UNANIMOUS.
 - iv. The Board reviewed Agreed Order No. 01-487-9529 in the matter of Robert E. Hanson, Ph.D.
A MOTION WAS MADE BY MS. SOKOLOSKY AND
SECONDED MY MR. NOGUIERA TO APPROVE THE

AGREED ORDER. THE MOTION PASSED WITH MR. RENDON, MS. ESTRADA AND DR. HERNANDEZ ABSTAINING FROM VOTING.

- v. The Board reviewed Agreed Order No. 02-648-711 in the matter of Joanne James, M.A.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE AGREED ORDER. THE MOTION PASSED WITH MS. ESTRADA AND MR. NOGUIERA ABSTAINING FROM VOTING.

- vi. The Board reviewed Agreed Order No. 01-478-828 in the matter of Betty Lanier, Ed.D.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE AGREED ORDER. THE MOTION PASSED WITH MS. ESTRADA AND MR. NOGUIERA ABSTAINING FROM VOTING.

- vii. The Board reviewed Agreed Order Nos. 02-726-8559 and 02-727-1212 in the matter of Mary M. Riley, M.A.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE AGREED ORDER. THE MOTION PASSED WITH MR. RENDON ABSTAINING FROM VOTING.

- B. Ms. Cynthia Barber, Enforcement Manager, presented dismissals for Board ratification.

A MOTION WAS MADE BY MR. NOGUIERA AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE DISMISSALS. THE MOTION WAS UNANIMOUS.

- C. Ms. Barber presented dismissal for Board ratification case No. 01-480-4034.

A MOTION WAS MADE BY MR. NOGUIERA AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE DISMISSAL. THE MOTION WAS PASSED WITH MR. RENDON, DR. HERNANDEZ AND MS. ESTRADA ABSTAINING FROM VOTING.

- D. Ms. Barber presented dismissal for Board ratification case No. 02-585-5149.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. HERNANDEZ TO APPROVE THE DISMISSAL. THE MOTION WAS PASSED WITH MS. ESTRADA AND MR. NOGUIERA ABSTAINING FROM VOTING.

- E. Ms. Barber reviewed the Status Report.

- F. Ms. Barber discussed the Complaint List.
 - G. Mr. Norbraten discussed the need for an extra day for the Informal Settlement Conference held on May 13th and 14th.
16. The Board moved to item XX, Publications/Public Information Committee.
- A. Ms. Lee reviewed the changes made to the agency's website.
 - i. Metatags added to home page;
 - ii. updated important date list;
 - iii. newsletter articles added;
 - iv. updated "how to become licensed" page with info on out of state applicants;
 - v. Board minutes added;
 - vi. updated Board officers;
 - vii. Homeland Security icon link added; and
 - viii. Texas online renewal link added.
 - B. Ms. Lee reviewed with the Board the website statistics.
17. The Board moved to item XXI, Future Issues.
- A.

A. Dr. Stagner requested that Dr. Hernandez be the point of contact for the task force for Sunset.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. RENDON TO APPROVE DR. HERNANDEZ AS POINT OF CONTACT FOR THE AGENCY REGARDING SUNSET. THE MOTION PASSED WITH DR. HERNANDEZ ABSTAINING FROM VOTING.

18. The meeting was adjourned at 4:21 p.m. by Dr. Stagner.
19. The meeting was called back in session at 4:24 p.m. by Dr. Stagner.
20. The Board moved to Item VI, Executive Director's Evaluation.
- A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. NOGUIERA TO DISCUSS THIS ISSUE AT THE MAY 15TH -16TH BOARD MEETING. THE MOTION WAS UNANIMOUS.**
21. The meeting was adjourned at 4:25 p.m. by Dr. Stagner.

FRIDAY, FEBRUARY 6, 2003

22. The meeting was called to order at 9:36 a.m. by Dr. Stagner.
23. Dr. Stagner stated no further items were on the agenda and no quorum for meeting.
24. The meeting was adjourned at 9:37 a.m. by Dr. Stagner.