

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

February 1, 2007

The Texas State Board of Examiners of Psychologists met in Austin, Texas on February 1, 2007. The following Board members were in attendance: Pauline A. Clansy, Ed.D, Chair; Gary R. Elkins, Ph.D., Vice-Chair; Penny Angelo; Arthur E. Hernandez, Ph.D.; Carl E. Settles, Ph.D.; Catherine B. Estrada, M.Ed.; Ruben Rendon, Jr., M.S. and Stephanie Sokolosky, M.P.S. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel. Board member absent: Michael D. Noguiera.

Thursday, February 1, 2007

1. The meeting was called to order at 9:03 a.m. by Dr. Clansy.
2. The Board moved into Item II, Public Comment.
 - A. Leigh Ann Montgomery, Ph.D.- spoke regarding her physical disabilities and the effects it has on her ability to take and pass the EPPP examination.
3. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. ELKINS TO APPROVE THE MINUTES OF THE NOVEMBER 9, 2006 MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. ANGELO TO APPROVE THE MINUTES OF THE DECEMBER 8, 2006 MEETING. THE VOTE WAS UNANIMOUS.

4. The Board moved into Item VI, Executive Director's Report.
 - A. Ms. Lee stated that the Small State Agency Task Force was reviewing proposed methods for consolidating Human Resources:
 - i. create a statewide Human Resource agency where all state agencies would have to participate, and employees would enter their own leave with supervisor approval; or
 - ii. human resources for smaller agencies could be performed by larger ones.
 - B. Ms. Lee thanked the Board for the staff Christmas party.
 - C. Ms. Lee stated that the State Auditor would be with the agency through February to review the agency performance measures.
 - D. Ms. Lee informed the Board that Northup Grumman (contractor that hosts the RAES computer system) has stated that our server is old and is breaking down. The server cannot be upgraded, because the software will not work. The situation will get worse. However, an RFP is being sent out by DIR to have a possible generic licensing system.

Ms. Estrada arrived at 9:25 a.m.

- E. Ms. Lee stated that the agency has reached 100% required Open Records training for Board members.
- F. Ms. Lee advised the Board that the Sunset Advisory Commission has approved the agency's implementation of Act changes resulting from the Sunset Review.
- G. Ms. Lee reviewed an opinion letter to the Council on Sex Offender Treatment regarding adopted rules relating to HB 2036.

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

H. Proposed Policy:

- i. Licensees Who Work In Exempt Facilities and Licensees Who Contract With Exempt Entities.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. HERNANDEZ TO APPROVE THE POLICY. THE VOTE WAS UNANIMOUS.

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

- i. Michael J. Parker, Ph.D. - regarding use of the title "School Psychologist."

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE DRAFTED RESPONSE. THE MOTION CARRIED WITH DR. HERNANDEZ, MS. ESTRADA AND MS. ANGELO VOTING IN FAVOR OF THE MOTION; MR. RENDON AND MS. SOKOLOSKY VOTING AGAINST THE MOTION.

- ii. Leonard M. Bohanon, Ph.D. - regarding concerns about the Council on Sexual Offender Treatment.

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

- iii. Joan M. Franklin, Ph.D. - regarding failure to renew inactive status.

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

- iv. Joanne Guernette, Ph.D. - regarding disciplinary action.

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

- v. Maralyn Hershman - regarding renewal of her license.

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

- vi. Michael B. Johnson, Ph.D. - regarding internship.

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

- vii. Kim R. Jonason, Ph.D. - regarding compliance with ASPPB reciprocity agreement.

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

- viii. Richard G. Jones, Ph.D. - regarding medical difficulties and extension of inactive status.

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

- ix. Susan Matlock-Hetzel, Ph.D. - regarding transfer of professional fee.

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

- x. Walter E. O'Connell, Ph.D. - regarding extension of license.

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

- xi. Jan Watson - regarding clarification of educational laws.

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

xii. Marion Yeager, Ph.D. - regarding refund of late fee due to medical circumstances.

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

xiii. Allyson Baker, Psy.D. - regarding transfer of oral examination fee.

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

xiv. Rita Cowan, Ph.D. - regarding transfer of oral examination fee.

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

xv. Martin Halvorsen, Ed.S. - regarding extension of LSSP trainee status.

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

xvi. Mary Lou Shelton, Ph.D. - regarding continuing education requirements.

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

xvii. Stephen McCutcheon, Ph.D. - regarding consortia.

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

The Board recessed for a break at 10:33 a.m.

The Board reconvened at 10:43 a.m.

5. The Board moved into Item VII, Board Response to TPA Proposal on Revision to CE Requirements.

AFTER A LONG DISCUSSION A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. ELKINS TO SEND A LETTER TO TPA AND THE OTHER ASSOCIATIONS TO OBTAIN FEEDBACK ON DIVERSITY TRAINING. THE MOTION CARRIED WITH MR. RENDON, MS. ESTRADA, MS. SOKOLOSKY AND MS. ANGELO VOTING IN FAVOR OF THE MOTION; DR. SETTLES VOTING AGAINST THE MOTION.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO OBTAIN CONTINUING EDUCATION DIVERSITY TRAINING REQUIREMENTS FROM OTHER JURISDICTIONS. THE MOTION CARRIED WITH DR. ELKINS, MR. ESTRADA AND MS. SOKOLOSKY VOTING IN FAVOR OF THE MOTION; DR. SETTLES AND MS. ANGELO VOTING AGAINST THE MOTION. DR. HERNANDEZ AND DR. ELKINS WILL DRAFT A LETTER AND THEN FORWARD TO DR. CLANSY FOR FINAL APPROVAL.

6. The Board moved into Item VIII, Rules Committee.

- A. The Board reviewed a Proposed rule for withdrawal:

- i. The Board reviewed Board rule 470.21, Disciplinary Guidelines to be withdrawn.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE WITHDRAWAL OF BOARD RULE 470.21. THE VOTE WAS UNANIMOUS.

- B. The Board reviewed the Proposed Rules:

- i. The Board reviewed the amendments to Board rule 470.21, Disciplinary Guidelines.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE 470.21. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed the amendments to Board rule 461.16, Witness Fees.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ANGELO TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE 461.16 WITH CHANGES. THE VOTE WAS UNANIMOUS.

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

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE 465.1. THE VOTE WAS UNANIMOUS.

- iv. The Board reviewed the amendments to Board rule 465.4, Employment of Individuals Not Licensed by This Board.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ANGELO TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE 465.4. THE VOTE WAS UNANIMOUS.

- v. The Board reviewed the amendments to Board rule 465.5, Practice of Psychology.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE 465.5. THE VOTE WAS UNANIMOUS.

- vi. The Board reviewed the amendments to Board rule 465.6, Listings, Public Statements and Advertisements, Solicitations, and Specialty Titles.

A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE 465.6. THE VOTE WAS UNANIMOUS.

- vii. The Board reviewed the amendments to Board rule 465.7, Display of License/Renewal Permit.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE 465.7. THE VOTE WAS UNANIMOUS.

- viii. The Board reviewed the amendments to Board rule 465.9, Competency.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE 465.9. THE VOTE WAS UNANIMOUS.

- ix. The Board reviewed the amendments to Board rule 465.22, Psychological Records, Test Data and Test Protocols.

A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY MR. RENDON TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE 465.22. THE VOTE WAS UNANIMOUS.

- x. The Board reviewed the amendments to Board rule 473.7, Miscellaneous Fees (Not Refundable).

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 473.7. THE VOTE WAS UNANIMOUS.

C. The Board reviewed the Adopted Rules:

- i. The Board reviewed the amendments to Board rule 461.16, Witness Fees.

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

- ii. The Board reviewed the amendments to Board rule 470.2, Definitions.

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

- iii. The Board reviewed the amendments to Board rule 470.4, Records of Official Action.

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

- iv. The Board reviewed the amendments to Board rule 470.5, Conduct and Decorum.

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

- v. The Board reviewed the amendments to Board rule 470.15, Proposal for Decision.

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

- vi. The Board reviewed the amendments to Board rule 470.6, Agreement to be in Writing.

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

- vii. The Board reviewed the amendments to Board rule 470.9, Witness Fess.

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

- viii. The Board reviewed the amendments to Board rule 470.16, Final Decision.

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

- ix. The Board reviewed the amendments to Board rule 470.18, The Record.

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

- x. The Board reviewed the amendments to Board rule 470.22, Schedule of Sanctions.

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

- xi. The Board reviewed the amendments to Board rule 470.23, Aggravating and Mitigating Circumstances.

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

- xii. The Board reviewed the amendments to Board rule 470.24, Enforcement of Orders, Decisions and Rules.

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

- xiii. The Board reviewed the amendments to Board rule 471.1, Notification of Renewal.

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

- xiv. The Board reviewed the amendments to Board rule 471.5, Updated Information Requirements.

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

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

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

- D. The Board reviewed the Proposed rule review for February 2007.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO APPROVE THE RULE REVIEW. THE VOTE WAS UNANIMOUS.

E. The Board reviewed the Adopted rule review for November 2006.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. SETTLES TO APPROVE THE RULE REVIEW. THE VOTE WAS UNANIMOUS.

The Board recessed for a break at 11:44 a.m.

The Board reconvened at 11:46 a.m.

7. The Board moved into Item IX, Enforcement Committee.

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

- i. 06-051;
- ii. 06-064;
- iii. 06-004;
- iv. 06-162;
- v. 06-015; and
- vi. 06-073

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO APPROVE THE DISMISSALS. THE VOTE WAS UNANIMOUS.

- vii. 05-120

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH DR. HERNANDEZ, MS. ANGELO AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

B. Ms. Barber reviewed the Status Report.

C. Ms. Barber discussed the Projected Time Schedule.

D. The May 2007 IFC attendees will be Dr. Elkins, Mr. Rendon and Ms. Angelo.

- E. The August 2007 IFC attendees will be Dr. Clansy, Ms. Sokolosky (if still on the Board) and Ms. Estrada.
- F. The October 2007 IFC attendees will be Dr. Elkins and Mr. Rendon.
- G. The February 2008 IFC attendees will be Dr. Settles, Ms. Sokolosky (if still on the Board) and Ms. Estrada.
- H. Ms. Lee explained the chart on trends in complaint resolution for fiscal year 2006.
- I. Ms. Lee reviewed the status of initial DPS quarterly criminal history record checks on all licensees.
- J. Ms. Izzo presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 06-013-6147 in the matter of Pamela Horton, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 05-151-5893 in the matter of Sherry Crowell, Ph.D.

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

- iii. The Board reviewed Agreed Order No. 04-049-7250 and 04-086-7250 in the matter of Malcolm M. Housson, Ph.D.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. ANGELO TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. ELKINS, MS. SOKOLOSKY AND MS. ESTRADA ABSTAINING FROM VOTING.

- iv. The Board reviewed Agreed Order No. 06-031-1806 in the matter of Michael R. LaValle, Ph.D.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. ANGELO TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. ELKINS, MS. SOKOLOSKY AND MS. ESTRADA ABSTAINING FROM VOTING.

- v. The Board reviewed Agreed Order No. 05-138-11009 in the matter of Jana Reddin Long, Ph.D.

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

- vi. The Board reviewed Agreed Order No. 06-092-4767 in the matter of Jimmie C. Whitley, Ed.D.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. SETTLES, DR. ELKINS AND MR. RENDON ABSTAINING FROM VOTING.

K. Ms. Izzo reviewed the Compliance Report.

8. The Board moved into Item XI, Legislative Committee.

A. Ms. Lee gave a synopsis of introduced legislation.

Ms. Sokolosky left at 12:30 p.m.

9. The Board moved into Item XIII, Budget Committee.

A. Ms. Lee reviewed the 1st Qtr Performance Measures.

B. Ms. Lee discussed the Legislative Budget Board funding.

10. The Board moved into Item XV, Oral Examination Committee.

A. Dr. Elkins stated that the January 2007 oral examinations went well.

11. The Board moved into Item XVI, Technology Committee.

A. Ms. Lee discussed the updates to the website.

- B. Ms. Lee reviewed the online renewal statistics.
12. The meeting was adjourned at 12:40 p.m. by Dr. Clansy.