

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

February 5, 2009

The Texas State Board of Examiners of Psychologists met in Austin, Texas on February, 2009. The following Board members were in attendance: Carl Settles, Ph.D., Chair; Gary R. Elkins, Ph.D., Vice-Chair; Donna L. Black, M.A.; Tim Branaman, Ph.D.; Jo Ann Campbell, M.S.; Carlos Chacón; Angela Downes, J.D.; Narciso Escareno and Lou Ann Todd Mock, Ph.D. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel.

Thursday, February 5, 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. Kelly Anderson - Texas Association of School Psychologists spoke thanking the Board for rule 463.9 changes.
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 MS. DOWNES AND SECONDED BY DR. BRANAMAN TO APPROVE THE MINUTES OF THE OCTOBER 30, 2008 BOARD MEETING. THE VOTE WAS UNANIMOUS.

5. The Board moved into Item V, Chair's Report.
 - A. Dr. Settles welcomed new Board member - Public member Mr. Carlos Chacón from El Paso.
 - B. Ms. Lee reviewed the Board goals for FY 2009.
6. The Board moved into Item VI, Executive Director's Report.
 - A. Ms. Lee stated that the Small State Agency Task Force met and heard presentations on legislative budgeting and the classification study on salaries for executive directors.
 - B. Ms. Lee informed the Board that the agency had no staff turnover for the past three years. She noted that the Texas Public Employees Association reports in the last 10 years that state employment has dropped by 4.3% and higher education employment was up 28%.
 - C. Ms. Lee discussed the Health Professions Council shared database migration for six state agencies.
 - D. Ms. Lee reviewed the proposed newsletter article regarding Provision of Psychological Services in the Public Schools without a License by LSSP Applicants for Licensure.

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

- E. Ms. Lee presented the costs per agency for the proposed shared database migration system.
- F. Ms. Lee presented the "Austin American Statesman" article regarding state schools not protecting residents due to understaffing and lack of communication.
- G. The Board reviewed letters received from the following individuals:
 - i. Ron Elliott, Ph.D. - regarding his license going void.

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

- ii. Judith Horvath, Ph.D. - regarding supervision.

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

- iii. Marco J. Mariotto, Ph.D. - regarding delinquent license status.

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

- iv. Pamla Palmer, Ph.D. - regarding approval of documents provided adhering to federal consultation.

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

- v. Romilia Ramirez, Ph.D. - regarding post doctoral supervision.

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

- vi. Marian Yeager, Ph.D. - regarding extension of time to complete continuing education requirements.

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

- vii. Frances B. Douglas, Psy.D. - regarding exempt facility.

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

viii. Don Goldston, Ph.D. - regarding public information for criminal records check.

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

The Board recessed at 10:03 a.m.

The Board reconvened at 10:16 a.m.

H. The Board reviewed the proposed policy change:

i. Policy for Travel and Accommodations for Board Members and State Employees.

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

ii. Policy on Pooling of Oral Examiners.

A MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY MR. CHACÓN TO APPROVE THE POLICY CHANGE. 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 469.1, Timeliness of Complaints.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. ESCARENO TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 469.1 WITH CHANGES. THE VOTE WAS UNANIMOUS.

ii. Repeal of Board rule 469.11, Legal Actions Reported.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. BLACK TO APPROVE THE REPEAL TO BOARD RULE 469.11. THE VOTE WAS UNANIMOUS.

- iii. New Board rule 469.11, Legal Actions Reported and Reciprocal Discipline.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. BLACK TO APPROVE THE NEW BOARD RULE 469.11. THE VOTE WAS UNANIMOUS.

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

- i. Amendments to Board rule 463.9, Licensed Specialist in School Psychology.

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

8. The Board moved into Item VII, Enforcement Committee - Ms. Black.

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

- i. 08-256;
- ii. 08-061 and 08-209;
- iii. 08-056;
- iv. 08-095;
- v. 08-258;
- vi. 08-233;
- vii. 08-255;
- viii. 08-059;
- ix. 08-210;
- x. 08-082;

xi. 07-190;
xii. 08-272;
xiii.08-103;
xiv. 08-113;
xv. 08-114;
xvi. 08-106;
xvii.08-107;
xviii.08-228;
xiv. 08-229;
xx. 08-078;
xxi. 08-096;
xxii.08-278; and
xxiii.08-279

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

xxiv.08-277; and
xxv. 08-203

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

xxvi.08-027

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

B. Ms. Barber reviewed the Status Report.

- C. Ms. Barber discussed the Projected Time Schedule.
- D. Ms. Barber discussed the Informal Settlement Conference panel list since May 2007.
- E. The August 2009 IFC attendees will be Dr. Settles, Dr. Branaman and Mr. Chacón.
- F. The November 2009 IFC attendees will be Dr. Mock, Ms. Campbell and Mr. Escareno.
- G. Ms. Izzo presented the Agreed Orders for the Board's approval:
 - i. The Board reviewed Agreed Order No. 07-118-6374 in the matter of George S. Park, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 07-192-1908 in the matter of Jay Solomon, Ph.D.

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

- iii. The Board reviewed Agreed Order No. 08-017-4550 in the matter of Walter Y. Quijano, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 08-104-9684 in the matter of Fernando J. Esparza, Psy.D.

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

- v. The Board reviewed Agreed Order No. 07-233-2706 in the matter of Charles Lewis Hollweg, Ph.D.

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

- vi. The Board reviewed Agreed Order No. 08-197-12235 in the matter of Ricky Lynn Lange, Ed.S.

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

- vii. The Board reviewed Agreed Order No. 08-204-3275 in the matter of Linda L. Rayha, Ph.D.

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

- viii. The Board reviewed Agreed Order No. 08-275-13907 in the matter of Robert C. Cramer, Psy.D.

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

- ix. The Board reviewed Agreed Order No. 08-036-13828 in the matter of Larry Al Wilson, Ph.D.

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

- x. The Board reviewed Agreed Order No. 08-271-5417 in the matter of Houston Fain Braly, Ph.D.

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

- xi. The Board reviewed Agreed Order No. 08-274-13743 in the matter of Belinda Martinez, M.A.

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

- xiii. The Board reviewed Agreed Order No. 08-290-12757 in the matter of Erica S. Porter, SS Psy.

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

- 9. The Board moved into Item IX, Compliance Committee - Dr. Branaman.
 - A. Ms. Barber reviewed the compliance of Agreed Orders.
- 10. The Board moved into Item X, Legislative Committee - Ms. Downes.
 - A. Ms. Lee discussed the fiscal note to SB 484 regarding psychological associates not engaging in the practice of psychology unless supervised by a psychologist. Ms. Lee stated there would be no cost to the agency if this bill is passed.
 - B. Ms. Lee discussed HB 963, which would allow a person interested in becoming licensed by a regulatory board to submit a request for evaluation of his/her past criminal history. This bill would allow the agency to charge a fee to recover its costs for the implementation.
- 11. The Board moved into Item XII, Budget Committee - Dr. Settles.
 - A. Jennifer Noack, Fiscal Manager reviewed the 1st quarter performance measures. This is the first

time that we have met or exceeded all key measures in a quarterly report.

- B. Ms. Lee updated the board regarding the agency's budget requests to the 81st Legislature.
 - C. Ms. Lee discussed the 2.5% budget reduction letter from Lieutenant Governor David Dewhurst and House Speaker Joe Straus.
12. The Board moved into Item XI, Legal Matters/General Counsel Report - Dianne Izzo - no items to discuss.
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 there had been an oral exam vignette writing workshop in Austin. Neuropsychological vignettes were reviewed and updated and one additional vignette was added.
15. The Board moved into Item XV, Technology Committee - Ms. Campbell.
- A. The Board reviewed the online renewal statistics.
 - B. Dr. Settles stated that Mr. Chacón would be the new Technology Committee chair and Ms. Campbell would be the new Personnel Committee chair.
 - C. Ms. Lee reviewed the recent changes to the website.
 - D. Ms. Lee discussed the letter that will be sent to licensees regarding the requirement for the Minimum Data Set (MDS) for online renewals and the beginning of online renewals of licenses that are audited.
16. The Board moved into Item XVI, Applications Committee - Dr. Branaman - no items to discuss.
17. The Board moved into Item XVII, Personnel Committee - Ms. Downes - no items to discuss.

18. The Board moved into Item XVIII, Customer Service Committee - Mr. Escareno - no items to discuss.
19. The Board moved into Item XIX, Future Issues.
 - A. Ms. Lee will continue to monitor any legislation regarding the agency.
20. The meeting was adjourned at 11:25 a.m. by Dr. Settles.