

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

February 9, 2006

The Texas State Board of Examiners of Psychologists met in Austin, Texas on February 9, 2006. The following Board members were in attendance: Pauline A. Clansy, Ed.D, Chair; Gary R. Elkins, Ph.D., Vice-Chair; Carl E. Settles, Ph.D.; Catherine B. Estrada, M.Ed.; Ruben Rendon, Jr., M.S.; Stephanie Sokolosky, M.P.S. and Betty Lou "Penny" Angelo. Also in attendance were Sherry L. Lee, Executive Director and Joe Thrash, Assistant Attorney General. The following Board members were absent: Arthur E. Hernandez, Ph.D.; and Michael D. Nogueira.

Thursday, February 9, 2006

1. The meeting was called to order at 9:02 a.m. by Dr. Clansy.
2. The Board moved into Item II, Public Comment.
 - A. Ms. Barbara Young, Texas Association of Psychological Associates, reviewed with the Board her handout regarding scope of practice, independent practice, and Legislative intent.
 - B. Melba Vasquez, Ph.D., Texas Psychological Association (TPA) President-Elect, stated that TPA has concerns that the Board is not adhering to the Open Meeting Act. Dr. Vasquez stated that the public would not benefit from allowing licensed psychological associates to have independent practice and that scope of practice issues should be addressed by the Legislature.

The Board recessed for a break at 9:14 a.m.

The Board reconvened at 11:10 a.m.

- C. Ms. Lee introduced Mr. Joe Thrash, Assistant Attorney General.
3. The Board moved into Item X, Ad Hoc Committee.
- A. Dr. Elkins discussed the Committee's report regarding independent practice for licensed psychological associates. Dr. Elkins stated that the report represents the facts regarding the issue. Dr. Elkins noted that Ms. Sokolosky does not agree with the finding of the report. Board discussion ensued.
 - B. Ms. Sokolosky responded to Dr. Elkins report and noted that her experience on the committee was not positive; she said that the committee did not address certain questions, such as the effects on CPQ. She stated that there were no national standards for master's level practice of psychology.
 - C. Mr. Thrash discussed the procedure for establishing legislative intent.
 - D. Dr. Settles stated that he appreciated everything that the committee members had done.

The Board recessed for a break at 10:17 a.m.

The Board reconvened at 10:28 a.m.

4. The Board moved into Item XI, Rules Committee.
- A. Ms. Sokolosky presented some of the TAPA suggested rules which she had selected to recommend to the Board for consideration. Discussion ensued.
 - B. Ms. Lee stated that the suggested rules needed to have a statement as to why they should be proposed by the Board.

- C. Mr. Thrash discussed the issue of legislative acquiescence.
- D. Dr. Elkins asked for Mr. Thrash's interpretation of the letter that was sent to the Board by Representative Vicki Truitt concerning the intent of the Sunset Legislation for the Board. Mr. Thrash indicated there was both a legal and a political aspect to this issue.

A MOTION WAS MADE BY MS. SOLOKOSKY TO PROPOSE SELECTED SUGGESTED TAPA RULES. A MOTION WAS MADE BY DR. ELKINS TO TABLE TAPA'S SUGGESTED RULES. MR. RENDON SECONDED MS. SOKOLOSKY MOTION AND DR. SETTLES SECONDED DR. ELKINS MOTION. DR. CLANSY CALLED FOR THE VOTE ON THE MOTION TO TABLE THE SELECTED SUGGESTED TAPA RULES. DR. ELKINS, DR. SETTLES AND MS. ANGELO VOTED IN FAVOR; MS. SOKOLOSKY AND MR. RENDON VOTED AGAINST; AND MS. ESTRADA ABSTAINED FROM VOTING.

- E. Dr. Clansy asked the Ad Hoc Committee on Scope of Practice to continue and to look at the suggestions made in their report and to look at educational standards and academic training programs. Board discussion ensued and included having the Committee look at the effect of TAPA suggested rules on the Board's relationship with ASPPB's CPQ and reciprocity. The Committee was asked to report its progress at the May 2006 Board meeting.
- F. Dr. Clansy stated that Ms. Sokolosky could speak to persons outside the board for information.

The Board recessed for a break at 11:26 a.m.

The Board reconvened at 11:44 a.m.

- G. The Board reviewed the Adopted Rules:
 - i. The Board reviewed the amendments to Board rule 463.15, Oral Examination.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO ADOPT THE AMENDMENTS TO BOARD RULE 463.15 WITH CHANGES. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed the amendments to Board rule 463.27, Temporary License for Persons Licensed in Another State.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ANGELO TO ADOPT THE AMENDMENTS TO BOARD RULE 463.27 WITH CHANGES. THE VOTE WAS UNANIMOUS.

- iii. The Board reviewed the amendments to Board rule 473.5, Miscellaneous Fees (No refundable).

A MOTION WAS MADE BY MR. RENDON AND MS. ESTRADA TO ADOPT THE AMENDMENTS TO BOARD RULE 473.5. THE VOTE WAS UNANIMOUS.

- 5. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE MINUTES FROM THE NOVEMBER 17, 2005 BOARD MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.

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

- A. Ms. Lee discussed the FY 2006 Board Goals.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. ELKINS TO APPROVE THE FY 2006 BOARD GOALS. THE VOTE WAS UNANIMOUS.

- 7. The Board moved into Item VI, ASPPB Issues and Meeting.

- A. Dr. Clansy will be attending the April ASPPB meeting.

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

- A. Ms. Lee updated the Board on the action being taken to secure a replacement for the General Counsel position.

- B. Ms. Lee stated that Mr. Thrash will be assisting the agency while the position of General Counsel is vacant.
- C. Ms. Lee stated that the Health Professions Council had a vacant IT person, so they were behind in assisting the agencies.
- D. Ms. Lee thanked the Board for the Christmas luncheon.
- E. Ms. Lee updated the Board on the status of the mandated Department of Public Safety quarterly criminal record checks on all licensees.
- F. Ms. Lee discussed changes to the website and that the new newsletter will be added to the website.
- G. Ms. Lee reviewed with the Board a letter from Allison Taylor, Executive Director, Council on Sex Offender Treatment seeking input on the proposed new rules by this agency. The Board reviewed a drafted response letter regarding the Council's proposed rules stating how this would restrict the practice of licensed psychologists.

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

- H. Ms. Lee reviewed the results for the Survey of Excellence for 2005.
- I. Ms. Lee reminded the Board about the mandated training for Board members on the Texas Public Information Act and the Open Meetings Act.
- J. Ms. Lee discussed with the Board information on mental health professionals.
- K. The Board reviewed letters from the following individuals:
 - i. Amy E. Paris, Ph.D. - regarding inactive status.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MR. RENDON TO APPROVE THE DRAFTED RESPONSE. THE MOTION CARRIED WITH MS. SOKOLOSKY ABSENT FROM VOTING.

- ii. Donna Crowley, Ph.D. - regarding Medicaid billing.

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

- iii. Mary Jane Martin - regarding refund of "no show" fee.

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

- iv. Harriette G. Mergele - regarding waiver of renewal fees.

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

- v. Brendan O'Rourke, Ph.D. - regarding late fees.

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

- vi. David White - regarding master's level independent practice.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ANGELO TO TABLE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS. DR. ELKINS WILL REWRITE LETTER AND WILL PRESENT AT THE MAY BOARD MEETING.

L. Proposed Policy:

- i. Teaching for Supervised Experience.

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

9. The Board moved into Item VIII, Legislative Committee.
 - A. Ms. Lee stated that she had received a call from the House Committee on Government Reform and they will be holding hearings very soon.

10. The Board moved into Item XII, Budget.
 - A. Ms. Jennifer Noack, Fiscal Manager, reviewed the Annual Financial Report, Operating Budget, Annual Report of Non-Financial Data, and the Quarterly Budget report.
 - B. Ms. Noack stated to the Board that the agency had a new compensation per diem form and travel reimbursement form.
 - C. Ms. Noack reminded the Board that the mileage rate is set at .445 per mile for reimbursement.

11. The Board moved into Item XIV, Technology.
 - A. Ms. Lee discussed online renewal problems and reported noted changes to the online renewal system that the Board will make to assist licensees.
 - B. Ms. Lee summarized the statistics for Online Renewal and for the psychologists' profiles.

12. The Board moved into Item XIII, Legal Matters.
 - A. Mr. Thrash informed the Board the agency had filed an exception for a SOAH case, which SOAH had ruled against the agency.

13. The Board moved into Item XV, Oral Examination Committee.
 - A. Dr. Elkins updated the Board on the Oral Exam Working Group and their results.

The Board recessed for lunch at 1:14 p.m.

The Board reconvened at 1:55 p.m.

B. Dr. Elkins presented the report of the Oral Exam Working Group. The Board discussed the recommendations of the report.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ANGELO TO APPROVE THE STAFF RESPONSE TO THE ORAL EXAM WORKING GROUP. THE VOTE WAS UNANIMOUS.

14. The Board moved into Item XVI, Written Examinations Committee.

A. Mr. Rendon stated that the next meeting would be held in May 2006.

15. The Board moved into Item XVIII, Enforcement Committee.

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

i. 05-053;

ii. 05-040;

iii. 05-185;

iv. 05-122

v. 05-061;

vi. 06-064; and

vii. 05-008

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

B. Ms. Barber reviewed the status report.

B. Ms. Barber discussed the projected time schedule change.

C. Ms. Barber presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 05-009-4866 in the matter of Linda Felini-Smith, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 05-128-4152 in the matter of Patricia Ann Hayes, M.A.

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

- iii. The Board reviewed Agreed Order No. 05-038-3000 in the matter of Ray O. McClung, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 05-130-8171 in the matter of Wendi L. McKenzie, M.A.

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

- v. The Board reviewed Agreed Order No. 05-071-4504 in the matter of Jerry H. Patrick, Ed.D.

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

- vi. The Board reviewed Agreed Order No. 05-183-13361 in the matter of Jo Elaine Triplett, M.S.

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

vii. The Board reviewed Agreed Order No. 05-179-8117 in the matter of Margaret Ford Zimmer, M.Ed.

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

viii. The Board review Agreed Order No. 04-193-8970 in the matter of Michelle Moran, Ph.D.

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

D. The May 2006 IFC attendees will be Dr. Clansy, Mr. Rendon and Ms. Angelo.

E. The July 2006 IFC attendees will be Dr. Settles (if Dr. Hernandez can't make it), Ms. Sokolosky and Ms. Estrada.

16. The Board moved into Item XIV, Compliance Committee.

A. Ms. Barber reviewed the Agreed Order Compliance Report.

17. The meeting was adjourned at 2:40 p.m. by Dr. Clansy.