

# TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR  
Darrel D. Spinks

## Texas State Board of Examiners of Psychologists

### MINUTES

May 9, 2013

#### MEMBERS OF THE BOARD

Tim F. Branaman, Ph.D., Chair  
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Jo Ann Campbell, M.S.  
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Dallas

John R. Huffman, J.D.  
Southlake

Leslie D. Rosenstein, Ph.D.  
Austin

The Texas State Board of Examiners of Psychologists met in Austin, Texas on May 9, 2013. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Lou Ann Todd Mock, Ph.D., Vice-Chair; Jeffrey Baker, Ph.D.; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Carlos Chacón; Angela A. Downes, J.D.; John R. Huffman, J.D.; and Leslie Rosenstein, Ph.D. Also in attendance were Darrel Spinks, Executive Director; Brian Creath, Deputy Executive Director and Kristin Starr, General Counsel.

Thursday, May 9, 2013

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. Paul Andrews, Ph.D., with Texas Psychological Association (TPA), thanked the Rules Advisory Committee for their work and wanted the Board to reconsider the proposed changes to Board rule 465.32.
3. The Board moved into Item III, Executive Session, pursuant to Title 5, Chapter 551, Government Code §551.071 and §551.074 at 9:02 a.m.
4. The Board returned from Executive Session at 9:22 a.m.

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5. The Board moved into Item IV, Action on matters considered in Executive Session.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MR. CHACÓN TO APPROVE AN INCREASE IN THE EXECUTIVE DIRECTOR'S SALARY TO THE CURRENT SALARY CAP FOR THE POSITION, WITH IN INCREASE TO TAKE EFFECT JUNE 1, 2013. THE VOTE WAS APPROVED UNANIMOUSLY.

6. The Board moved into Item V, Minutes.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO APPROVE THE MINUTES OF THE FEBRUARY 14, 2013 BOARD MEETING WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

7. The Board moved in Item VI, Chair's Report - Dr. Branaman.

- A. The Association of State and Provincial Psychology Board (ASPPB) gave a presentation to the Board regarding the PLUS system. The presenters were Mr. Joe Rallo, Director of Psychology Licensure Universal System (PLUS); Ms. Janet Orwig, Director of Membership/Human Resources and Mr. Alex Siegel, Director of Professional Affairs.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY DR. BAKER THAT AGENCY STAFF WOULD TALK WITH THE ASSOCIATION AND LOOK AT THE PROS AND CONS REGARDING THE PLUS SYSTEM.

- B. Dr. Branaman thanked ASPPB staff for the presentation.
- C. Dr. Branaman discussed Phase II of the survey regarding accreditation guidelines. Dr. Branaman encouraged members to submit comments before June 1, 2013 deadline.
- D. Dr. Branaman discussed the request for comments from ASPPB regarding the issues associated with the practice of telepsychology. Dr. Branaman encouraged members to submit comments before June 30, 2013 deadline.

The Board adjourned for a break at 10:04 a.m.

The Board reconvened at 10:16 a.m.

- E. Dr. Branaman stated that the FY 2013 Board goals were on task.
- F. Dr. Branaman said he was very pleased with the Rules Advisory Committee and that they had worked very hard on the

continuing education rule. Ms. Black thanked the panel members and stated that the biggest challenge was setting a time to get together. Dr. Baker stated it was a very good experience.

- G. Dr. Brananman discussed the request for an opinion from the Attorney General office concerning the scope of the term "covered entity" under the Medical Records Privacy Act.
- H. Dr. Branaman reviewed the proposed rule changes by Health and Human Services Commission relating to provisionally licensed psychologists.

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

A. Mr. Spinks discussed operational issues:

- i. Change in functional job title for Ms. Noack from Accountant VI to Chief Fiscal Officer which is consistent with other state agencies.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE JOB TITLE CHANGE. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. Progress on the DPS audit regarding criminal history reports that Ms. Tenorio was working on was proceeding quite well.
- iii. The Board is now in compliance with NPDB/HIPDB reporting of disciplinary actions for the years of 2006-2011.
- iv. Small Agency Risk Assessment which is submitted every year has been submitted with a couple of changes.

B. Mr. Spinks stated that there are no changes to report regarding the shared database migration.

C. The Board reviewed the proposed Newsletter Articles:

- i. New Records Retention Periods.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED NEWSLETTER ARTICLE. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. The Improper Use of Titles by Licensees: Do you know what you are?

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED NEWSLETTER ARTICLE WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

- iii. Wanted: A Few Good LPs.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED NEWSLETTER ARTICLE. THE VOTE WAS APPROVED UNANIMOUSLY.

D. The Board reviewed the proposed Policy changes:

- i. Jurisprudence Exam.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED POLICY CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. Special Accommodations for Testing.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED POLICY CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

- iii. Grace Period for Inactive Status.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MR. HUFFMAN TO APPROVE THE REPEAL OF THE POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

E. The Board reviewed a letter received from the following individual:

- i. Kristen Mainor - regarding LSSP practicum students.

MR. SPINKS RECOMMENDED THAT THE BOARD REQUEST AN ATTORNEY GENERAL OPINION. A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO REQUEST AN ATTORNEY GENERAL OPINION. THE VOTE WAS APPROVED UNANIMOUSLY.

9. The Board moved into Item VIII, Rules Committee - Dr. Branaman

A. The Board reviewed Proposed Rules(s):

i. 461.11, Continuing Education.

AFTER MUCH DISCUSSION, A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED AMENDMENT. MR. CHACÓN WITHDREW HIS MOTION.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED AMENDMENT WITH CHANGES. THE VOTE CARRIED WITH MR. HUFFMAN AND DR. ROSENSTEIN OPPOSING THE PROPOSED AMENDMENT.

ii. 463.11, Licensed Psychologists.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

MS. BLACK WOULD LIKE THE RULES COMMITTEE TO CONSIDER ADDING TERMINOLOGY FOR LSSPS AS WELL.

iii. 463.31, Use of Titles during Practicum, Internship, and Supervised Experience When Applicant Holds another License.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

iv. 463.13, Requirements for Licensed Out-of-State Applicants.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY DR. BAKER TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

v. 463.20, Refunds of Application and Examination Fees.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MR. HUFFMAN TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

vi. 465.21, Termination of Services.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED AMENDMENT WITH CHANGES. THE VOTE CARRIED WITH DR. ROSENSTEIN OPPOSING THE PROPOSED THE AMENDMENT AND DR. BAKER AND MS. CAMPBELL ABSTAINING FROM VOTING.

vii. 465.22, Psychological Records, Test Data and Test Protocols.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MR. HUFFMAN TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

viii.469.13, Non-Compliance with Continuing Education Requirements.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

ix. 471.4, Guaranteed Student Loan Requirement.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. HUFFMAN TO REPEAL THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

x. 471.4, Nonrenewal for Default of Guaranteed Student Loan.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE NEW RULE. THE VOTE CARRIED WITH DR. ROSENSTEIN ABSTAINING FROM VOTING.

xi. 473.7, Penalties.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

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

i. 463.2, Application Process.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MS. BLACK TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. 465.32, Disposition and Assumption of the Practice of a Mental Health Professional.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE CARRIED WITH DR. BAKER AND DR. ROSENSTEIN ABSTAINING FROM VOTING.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE WRITTEN RESPONSE TO PUBLIC COMMENTS THAT WERE RECEIVED REGARDING THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. 473.3, Annual Renewal Fees (Not Refundable).

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

iv. 473.4, Late Fees for Renewals (Not Refundable).

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

v. 473.7, Penalties.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

vi. 473.8, Open Records Fees.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. BLACK TO APPROVE THE AMENDMENT TO THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

The Board adjourned for a break at 12:04 p.m.

The Board reconvened at 12:21 p.m.

10. The Board moved into Item IX, Enforcement Committee - Dr. Baker

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

i. 13-117;

ii. 12-159;

iii. 13-114;

iv. 12-215;

v. 12-200;

vi. 12-195;  
vii. 12-234;  
viii.12-183;  
ix. 13-076;  
x. 13-178;  
xi. 13-003;  
xii. 13-096;  
xiii.13-176;  
xiv. 13-149;  
xv. 13-015;  
xvi. 12-198;  
xvii.13-044;  
xviii.13-045;  
xix. 13-077;  
xx. 12-165;  
xxi. 13-037;  
xxii.13-143;  
xxiii.13-144;  
xxiv.13-019;  
xxv. 12-193;  
xxvi.13-079;  
xxvii.13-146;  
xxviii.13-169;

xxix.13-167; and

xxx. 13-168

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. CAMPBELL TO APPROVE THE DISMISSALS. THE VOTE WAS APPROVED UNANIMOUSLY.

xxxii.12-066

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. HUFFMAN TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. BAKER, MR. CHACÓN AND DR. MOCK RECUSED FROM VOTING.

xxxiii.13-140;

xxxiiii.13-141;

xxxv.13-173;

xxxvi.12-158; and

xxxvii.13-115

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

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedule.
- D. August 2013 ISC attendees will be Dr. Branaman, Dr. Mock and Mr. Chacón.
- E. October 2013 ISC attendees will be Dr. Baker, Ms. Campbell and Mr. Chacón.
- F. February 2014 ISC attendees will be Dr. Baker, Ms. Campbell, and Mr. Chacón.
- G. May 2013 ISC attendees will be Dr. Baker, Ms. Black and Ms. Downes.
- H. Ms. Starr presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 12-197-4261, in the matter of Sharon K. Hunt, Ph.D.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO APPROVE THE AGREED ORDER. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. The Board reviewed Agreed Order No. 13-046-8269, in the matter of Lisa Loraine Weaver, Ph.D.

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

- iii. The Board reviewed Agreed Order No. 13-075-6311, in the matter of Beryl Jay Rushefsky, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 13-100-913, in the matter of David Wesley Milem, M.A.

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

- v. The Board reviewed Agreed Order No. 13-147-11131, in the matter of Patrick Michael Turnock, Ph.D.

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

- vi. The Board reviewed Agreed Order No. 13-152-2708, in the matter of Trinidad P. Rodriguez, M.A.

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

- vii. The Board reviewed Agreed Order No. 13-054-389, in the matter of Joseph P. Datz, M.Ed.

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

- viii. The Board reviewed Agreed Order No. 12-217-1439, in the matter of Gina Reve Marriott, Ph.D.

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

- ix. The Board reviewed Agreed Order No. 12-139-2092, in the matter of Sean Gerard Connolly, Ph.D.

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

- x. The Board reviewed Agreed Order No. 13-051-12400, in the matter of Jennifer Anne Minnix, Ph.D.

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

11. The Board moved into Item XII, Legislative Committee - Ms. Downes

A. Mr. Spinks discussed the proposed legislation that could affect the agency:

- i. SB 152, Duty to Report
- ii. HB 646, Composition of the Board
- iii. HB 808, Authority to Delegate
- iv. HB 1657, Credential of LSSP
- v. HB 1213, Grant licensee to warn victims of a threat
- vi. SB 1250, Establish Office of Regulatory Practices
- vii. HB 3198, Default on Student Loan
- viii. SB 1396, State Agency Investigations
- ix. HB 757, License Eligibility Requirements for Applicants with Military Experience
- x. HB 9, Information Regarding Executive Staff Compensation
- xi. SB 1297, Written Electronic Communication Accessible to Public

- xii. HB 2851, Adoption of New Rules
- xiii. HB 2948, Financial Analysis Required for new Agency Rule
- xiv. HB 2414, Open Meeting Video Conference Calls
- xv. HB 1749, Open Meeting Video Conference Calls
- xvi. SB 984, Open Meeting Video Conference Calls
- xvii. HB 3020, Billing and Pricing Information

12. The Board moved into Item XI, Legal Matters/General Counsel Report

A. Ms. Starr stated that nine cases were going to the State Office of Administrative Hearings (SOAH).

13. The Board moved into Item XIII, Budget Committee - Dr. Branaman

A. Mr. Spinks reviewed the 2<sup>nd</sup> Quarter Performance Measures.

14. The Board moved into Item XIV, Written Examinations Committee - Dr. Mock - no items to discuss.

15. The Board moved into Item XV, Oral Examination Committee - Drs. Baker and Rosenstein

A. The Board received excellent feedback on the January 2013 exam.

B. Discussed the vignette language as it relates to the new DSM5.

16. The Board moved into Item XVI, Technology Committee - Mr. Chacón

A. Mr. Chacón reviewed the online renewal statistics.

B. Mr. Chacón updated the Board on website changes.

17. The Board moved into Item XVII, Applications Committee - Dr. Rosenstein - no items to report.

18. The Board moved into Item XVIII, Personnel Committee - Ms. Campbell

- A. Christina Limon has resigned and is going to work for the City of Austin.
- 19. The Board moved into Item XIX, Customer Service Committee - Mr. Huffman - no items to report.
  - 20. The Board moved into Item XX, Future Issues and Other Requested Agenda Items
    - A. Mr. Spinks discussed a opinion letter that has exceeded the 5 year retention policy and requested direction from the Board on how to handle situations similar to those in the opinion letter. The Board recommended to staff to keep the process as is.
    - B. Ms. Black asked if staff could check on the cost of getting Lexis Nexis subscription.
  - 21. The meeting was adjourned at 1:18 p.m. by Dr. Branaman.