

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

May 11, 2006

The Texas State Board of Examiners of Psychologists met in Austin, Texas on May 11, 2006. The following Board members were in attendance: Pauline A. Clansy, Ed.D, Chair; Gary R. Elkins, Ph.D., Vice-Chair; Arthur E. Hernandez, Ph.D.; Carl E. Settles, Ph.D.; Ruben Rendon, Jr., M.S.; Stephanie Sokolosky, M.P.S.; Michael D. Noguiera and Betty Lou "Penny" Angelo. Also in attendance were Sherry L. Lee, Executive Director and Dianne Izzo, General Counsel. The following Board member was absent: Catherine B. Estrada, M.Ed.

Thursday, May 11, 2006

1. The meeting was called to order at 9:07 a.m. by Dr. Clansy.
2. The Board moved into Item XI, AD Hoc Committee on TAPA Suggested Rules.
 - A. Dr. Clansy read a letter that was received from Senator Kim Brimer and Representative Vicki Truitt regarding rulemaking scope of practice for licensed psychological associates.
 - B. Dr. Elkins provided a chair's report of the AD Hoc Committee on scope of practice and supervision of psychological associates.

DR. ELKINS MOVED THAT GIVEN THE FACTS AND THE OVERALL FINDINGS FROM THE STUDY OF THIS ISSUE WITHIN THE

BOARD'S AUTHORITY IN THE MATTER, THE TAPA SUGGESTED RULES NOT BE PROPOSED BY THE BOARD. WITHIN ITS AUTHORITY THE TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS RESPECTS THE INTENT OF THE SUNSET LEGISLATION ON THIS MATTER AS CLARIFIED BY THE SUNSET ADVISORY COMMISSION TO ALL PARTIES AND THE AUTHOR OF HB 1015 AND OTHER INFORMATION. ANY FURTHER CONSIDERATION OF THE MATTER WOULD ULTIMATELY BE UP THE TEXAS LEGISLATURE, AND IF PSYCHOLOGICAL ASSOCIATES WANT TO REQUEST TO PRACTICE PSYCHOLOGY INDEPENDENTLY WITHOUT SUPERVISION OF LICENSED PSYCHOLOGISTS, THEY WILL NEED TO BRING THIS REQUEST FORWARD THROUGH APPROPRIATELY PROPOSED LEGISLATION DURING A REGULAR SESSION OF THE TEXAS LEGISLATURE. THIS MEANS THAT THE BOARD SHOULD DISCONTINUE ANY FURTHER RESEARCH OR CONTACT WITH OUTSIDE PARTIES REGARDING THIS ISSUE. THE MOTION WAS SECONDED BY DR. SETTLES. AFTER MUCH DISCUSSION DR. CLANSY CALLED FOR A VOTE WITH DR. ELKINS, DR. SETTLES, DR. CLANSY, MR. NOGUEIRA AND MS. ANGELO VOTING IN FAVOR OF THE MOTION; MR. RENDON AND MS. SOKOLOSKY VOTING AGAINST THE MOTION; AND DR. HERNANDEZ ABSTAINING FROM VOTING.

- C. Dr. Hernandez wanted to know how long the agency was under the compliance stage of the Sunset Committee as indicated in the letter from Rep. Truitt. Ms. Lee could not provide a definitive answer.
3. The Board moved into Item II, Public Comment.
- A. Bruce Mansbridge, Ph.D. - President, Capital Area Psychological Association opposed independent practice for psychological associates.
 - B. Lane Ogden, Ph.D. nothing to add.
 - C. Jose A. Sanchez, Ph.D. nothing to add.
 - D. Robin Reamer, Ph.D. did not support TAPA suggested rule changes.
 - E. Selia Servin Lopez, Ph.D. no comment.
 - F. Dee Yates, Ph.D. no comment.

- G. Suzanne Mouton-Odum, Ph.D. concurs with the Board.
- H. Joseph H. McCoy, Ph.D. concurs with the Board. TAPA suggested rules would have a negative impact on recruiting to rural areas.
- I. Vicky Y. Spradling, Ph.D. concurs with the Board.
- J. Marla Craig, Ph.D. concurs with the Board.
- K. Amy Blackmon, Ph.D. concurs with the Board.
- L. Leslie Rosenstein, Ph.D. concurs with the Board.
- M. Brian Stagner, Ph.D. thanked the Board regarding this difficult issue. Concurs with the Board.
- N. Dan Roberts, Ph.D. concurs with the Board.
- O. Kay Allensworth, Ph.D. concurs with the Board.
- P. Thomas Kremer, Ph.D. concurs with the Board.
- Q. William Yeatts, M.A. asks the Board to step up to creating rules for psychological associates and recommending a book "House of Cards: Psychology and Psychotherapy Built on a Myth".
- R. Frances Dawson - passed out a Texas Association of Psychological Associates (TAPA) for services to the most needy Texans.
- S. Barbara Young, Director of Professional Affairs for the Texas Association of Psychological Associates, passed a handout to the Board.
- T. Karie Lorenz, M.A. asked why she can give services to children in the school but not out of school.
- U. Leslie Crossman, Ph.D. concurs with the Board.
- V. R. Earl Johnson, Ph.D. concurs with the Board.
- W. Carmen Petzold, Ph.D. concurs with the Board.

- X. Bonny Gardner, Ph.D. concurs with the Board.
- Y. Claudia Ghio, M.A. supports TAPA suggested rule changes.
- Z. Melba Vasquez, Ph.D., Texas Psychological Association (TPA) President-Elect, stated that the proposed rule changes would not resolve problems in rural areas. Thanked the Board for their decision on the rules.
- AA. Paul Burney, Ph.D. stated that the American Psychological Association (APA) policy has always been that the doctoral level is the entry-level position for the independent professional practice of psychology not only Texas but nation wide.

The Board recessed for a break at 10:02 a.m.

The Board reconvened at 10:17 a.m.

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

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE MINUTES TO THE FEBRUARY 9, 2006. THE MOTION CARRIED WITH DR. HERNANDEZ AND MR. NOGUEIRA ABSTAINING FROM VOTING.

- 5. The Board moved into Item V, Chairs Report.

- A. Ms. Lee discussed Board goals.
- B. Ms. Lee reviewed the APA policy that would no longer require a year of postdoctoral supervised experience. Discussion ensued.
- C. Ms. Lee stated that ASPPB was moving forward with an Inter-Jurisdictional Practice Credential, (IPC) license. The Board instructed Ms. Lee to send a formal response to ASPPB regarding this matter.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. RENDON TO SEND A RESPONSE TO ASPPB. THE MOTION WAS UNANIMOUS.

6. The Board moved into Item VI, Executive Director's Report.
 - A. Ms. Lee introduced Ms. Dianne Izzo, the new General Counsel for the agency.
 - B. Ms. Lee updated the Board on the Health Professions Council:
 - i. Chiropractic Board had high turnover which caused a backlog in the shared IT staff attention to other agencies' IT needs; and
 - ii. Secured new/used file cabinets to keep imaged paper files, as a backup in case imaging software becomes obsolete.
 - C. Ms. Lee stated that she had attended a meeting to establish a volunteer network of professionals to contact in case of disaster. The Texas Department of Health Services received a federal grant to look at the benefits of this network. The group tried to make the company aware that a cost efficient method would be to have a register through Texas Online.
 - D. Ms. Lee reviewed with the Board the results of the 2005 Customer Service Survey.
 - E. Ms. Lee presented to the Board the Strategic Plan for Fiscal Years 2007-2011.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. ANGELO TO APPROVE THE STRATEGIC PLAN WITH CHANGES. THE MOTION WAS UNANIMOUS WITH MS. SOKOLOSKY ABSENT FROM VOTING.

- F. Ms. Lee reminded the Board that every Board member must take the Open Meeting/Open Records training by January 1, 2007.
- G. Ms. Lee stated the Sex Offender Treatment Council did not repropose their rules to date.
- H. The Board reviewed letters from the following individuals:

- i. Steven Coats, Ph.D. - regarding informed consent.

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

- ii. Jeff Dersh, Ph.D. - regarding complying with standards.

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

- iii. Mark Dixon, CPA - regarding purchase of a practice.

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

- iv. Thomas M. Grant, Ph.D. - regarding passing national examination in the written format.

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

- v. Pamela Horton, Ph.D. - regarding refund of renewal fee.

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

- vi. Matthew L. Nance, Ph.D. - regarding releasing of reports and records.

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

- vii. M. David Rudd, Ph.D. - regarding violation of Texas Open Meeting Act.

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

viii. Icinda Joan Siqueira-Darwin, Ph.D. -
regarding provisional license.

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

ix. Michael Smith, M.A. - regarding
psychological associate supervision.

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

x. Kelly J. Snider - regarding diplomate
status.

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

xi. Kimberly Testa, Psy.D. - regarding refund of
professional fee.

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

xii. David White - regarding code of ethics.

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

xiii. Patricia J. Michklos, Psy.D. - regarding
several different aspects.

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

I. Proposed Policy:

i. Limited Temporary License.

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

The Board recessed for lunch at 12:33 p.m.

The Board reconvened at 1:09 p.m.

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

A. Ms. Lee reviewed information on the backlog of complaints, as requested by the Legislative Budget Board.

8. The Board moved into Item X, Sunset Task Force.

A. Ms. Lee discussed the Sunset Advisory Commissioner's management recommendations for this agency that have been implemented:

- i. Disciplinary actions to the website; and
- ii. Revised letters sent out regarding complaints providing information about why complaints are dismissed.

B. Ms. Lee discussed the Procedures for Reviewing and Processing Licensee Criminal History Records.

C. Proposed Policy:

- i. Offering Agreed Order Without an Informal Conference.

A MOTION WAS MADE BY MR. ANGELO AND SECONDED BY DR. HERNANDEZ TO APPROVE THE AMENDED POLICY.

9. The Board moved into Item XII, Rules Committee.

A. The Board reviewed the Proposed Rules:

- i. The Board reviewed the amendments to Board rule 463.28, Emergency Limited Temporary Licensure.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 463.28 WITH CHANGES. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed the amendments to Board rule 463.5, Application File Requirements.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 463.5 WITH CHANGES. THE VOTE WAS UNANIMOUS.

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

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. ANGELO TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 471.5. THE VOTE WAS UNANIMOUS.

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

- A. Ms. Lee and Ms. Jennifer Noack, Fiscal Manager, reviewed the Operating Budget and 2nd Quarter Performance Measures.
- B. Ms. Lee discussed the rationale for raising some fees that generate appropriated receipts.
- C. Proposed Policy:
 - i. Fees Charged for Items that Compose Appropriated Receipts.

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

- D. Ms. Lee reviewed the Requests for Funding for the LAR 2008 - 2009.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO APPROVE LAR 2008-2009 REQUEST FOR

FUNDING. DR. CLANSY WOULD APPROVE FINAL LAR. THE VOTE WAS UNANIMOUS.

E. Ms. Lee summarized to the Board the savings that the Board had achieved from FY 03 to FY 06.

11. The Board moved into Item XIV, Legal Matters.

A. Ms. Izzo updated the Board on the final outcome of Cause No. GN000816; *George M. Wawrykow, Ph.D. v. Texas Board of Examiners of Psychologists*.

12. The Board moved into Item XV, Technology Committee.

A. Ms. Lee reviewed the online renewal statistics.

B. Ms. Lee updated the Board on psychologists' online profiles and online renewal problem report. She indicated that these updates would no longer be brought to the Board although they would continue to be reviewed.

C. Ms. Lee advised the Board on the updates to the website.

The Board recessed for a break at 2:41 p.m.

The Board reconvened at 2:50 p.m.

13. The Board moved into Item XVI, Oral Examination Committee.

A. Dr. Elkins discussed changes to the Oral Examination procedures.

B. Ms. Lee reviewed the feasibility study for creating child clinical vignettes. Dr. Elkins indicated that he would like the agency to secure these vignettes.

C. Ms. Lee discussed HB 1015, Oral Exam Work Group status report.

D. Dr. Elkins stated that the following vignette needed to be revised:

i. School - 1, 2, 3, 6, 9

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

Ms. Angelo left at 3:06 p.m.

14. The Board moved into Item XVI, Written Examination Committee.
 - A. The next Written Examination meeting will be held Friday, May 19, 2006.
15. The Board moved into Item XVIII, Enforcement Committee.
 - A. Ms. Cynthia Barber, Enforcement Manager presented dismissals for Board ratification:
 - i. 05-096;
 - ii. 05-093;
 - iii. 06-005;
 - iv. 05-073;
 - v. 05-167;
 - vi. 05-112;
 - vii. 05-095;
 - viii. 05-181;
 - ix. 06-014; and
 - x. 05-093

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

- B. Ms. Barber reviewed the status report.
- C. Mr. Barber discussed the projected time schedule changes.

D. Ms. Izzo presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 05-172-9126 and 05-173-444 in the matter of Charles Lee Flagg, Jr., M.S.

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

- ii. The Board reviewed SOAH Docket No. 520-05-5086 in the matter of Michael H. Flynn, Ph.D.

A MOTION WAS MADE BY DR. CLANSY AND SECONDED BY DR. HERNANDEZ TO APPROVE THE SOAH DOCKET. THE VOTE WAS UNANIMOUS.

- iii. The Board reviewed Agreed Order No. 05-025-7137 in the matter of Gail D. Lambeth, Ph.D.

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

- iv. The Board reviewed SOAH Docket No. 520-05-8914 in the matter of Eric Laur, M.A.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MR. NOGUEIRA TO APPROVE THE SOAH DOCKET. THE MOTION CARRIED WITH DR. SETTLES AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

E. The July 2006 IFC attendees will be Dr. Hernandez, Ms. Sokolosky and Ms. Estrada.

F. The November 2006 IFC attendees will be Dr. Settles, Mr. Rendon and Ms. Angelo (Ms. Barber will contact Ms. Angelo).

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

A. Ms. Izzo reviewed the compliance report.

17. The Board moved into Item III, Executive Session.
 - A. The Board met in executive session at 3:42 p.m.
 - B. The Board returned from executive session at 3:57 p.m.
18. The meeting was adjourned at 3:52 p.m. by Dr. Clansy.