

**TEXAS STATE
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EXAMINERS OF
PSYCHOLOGISTS**



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EXECUTIVE DIRECTOR
Darrel D. Spinks

**Texas State Board of
Examiners of Psychologists**

MINUTES

May 8, 2014

The Texas State Board of Examiners of Psychologists met in Austin, Texas on May 8, 2014. 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; and Brian Creath, Deputy Executive Director.

Thursday, May 8, 2014

1. The meeting was called to order at 9:00 a.m. by Dr. Branaman.
2. The Board moved into Item II, Public Comments - no comments.
3. The Board moved into Item III, Minutes.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE MINUTES OF THE FEBRUARY 13, 2014 BOARD MEETING WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

4. The Board moved into Item IV, Chair's Report - Dr. Branaman
 - A. Dr. Branaman reviewed the FY 2014 Board goals and stated everything was going well. Mr. Spinks added that ASPPB Plus System has been implemented and that 2-4 applicants had applied using this method.

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- B. Dr. Branaman stated that the ASPPB 29th Midyear Meeting went very well. Numerous issues were discussed: interstate mobility; greater international mobility especially with Canada; federal agency involvement; competency re-establishments; moving toward HSP vs generic license; technology (telepsychology); and behavioral analyst. The ASPPB Board is considering the use of an EPPP-2 examination to test competency throughout a licensee's career. The original EPPP would then be used to test knowledge through the graduate program.
 - C. The Board discussed the issue concerning unlicensed providers providing psychological services to individuals outside of Texas. After discussion the Board requested that staff bring back a proposed rule to the August 2014 Board meeting.
 - D. Dr. Branaman stated that the Commission on Accreditation was accepting public comment regarding the standards of accreditation in health service psychology until July 7, 2014.
5. The Board moved into Item V, Executive Director's Report - Mr. Spinks.
- A. Mr. Spinks discussed operational issues:
 - i. The Board is in compliance with NPDB/HIPDB.
 - ii. Corrective action on the SORM Review:
 - a. SORM has not responded to a Board request, for information regarding policy terms, thus the Board declined Directors and Officers coverage.
 - b. Statewide Automobile Insurance Program is offered to state agencies through SORM and would be advantageous for Board staff and members. A quote was received for \$250.00 per year.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY DR. MOCK TO PURCHASE THE STATEWIDE AUTOMOBILE INSURANCE. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. A letter was received by the Southwest Arkansas Counseling and Mental Health Center, Inc. requesting recognition of Arkansas licensure. The newly enacted laws referenced in the letter do not authorize the Board to allow the unlicensed practice by Arkansas licenses in Texas.

B. Mr. Spinks stated there were no new issues regarding the shared database, however agency staff have been experiencing significant issues with the Laserfiche imaging system. The matter will be brought to the attention of HPC.

C. The Board reviewed the proposed Newsletter Article:

i. Online Training for HIPAA Now Available.

ii. Security Risk Assessment Software Now Available for Download.

iii. Informed Consent in Public Schools.

iv. Declaration for Mental Health Treatment.

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

D. The Board reviewed the Opinion Letters:

i. Christopher McCarthy - regarding professional development.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE FIRST VERSION OF THE LETTER. THE VOTE CARRIED WITH DR. ROSENSTEIN ABSTAINING FROM VOTING.

ii. Kasi Howard - regarding professional development presentations put on by counseling centers.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE SECOND VERSION OF THE LETTER WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

6. The Board moved into Item VI, Rules Committee - Dr. Branaman

- A. The Board discussed Board rule 463.31, Use of Titles during Practicum, Internship, and Supervised Experience When Applicant Holds Another License.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. BLACK TO BRING THE PROPOSED RULE 463.31, ALONG WITH ANY OTHER PROPOSED CHANGES THAT WOULD BE NECESSARY IN OTHER RULES, TO THE AUGUST 2014 BOARD MEETING. THE VOTE WAS APPROVED UNANIMOUSLY.

- B. The Board reviewed the Proposed Rule(s):

- i. 463.17, Failure to Appear for Examination (Repeal).

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

- ii. 463.20, Refunds and Transfers of Application and Examination Fees.

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

- iii. 473.1, Application Fees (Not Refundable).

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

- v. 473.2, Examination Fees.

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

- C. The Board reviewed the Adopted Rule(s):

- i. 461.5, Contents of License.

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

- ii. 463.15, Oral Examination.

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

The Board recessed for a break at 10:20 a.m.

The Board reconvened from break at 10:32 a.m.

7. The Board moved into Item VII, Enforcement Committee - Dr. Baker

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

i. 13-251;

ii. 14-003;

iii. 14-091;

iv. 13-288;

v. 13-279;

vi. 13-290;

vii. 13-278;

viii. 13-269;

ix. 14-008;

x. 14-027;

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

xi. 13-246

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

B. Ms. Barber reviewed the Status Report.

C. Ms. Barber discussed the Projected Time Schedule.

D. August 2014 ISC attendees will be Dr. Branaman, Ms. Campbell, and Mr. Chacón.

E. November 2014 ISC attendees will be Dr. Branaman, Dr. Mock and Mr. Huffman.

F. February 2015 ISC attendees will be Dr. Baker, Ms. Campbell and Ms. Downes.

G. May 2015 ISC attendees will be Dr. Baker, Dr. Mock and Mr. Chacón. Ms. Black stated the she could be an alternate if needed.

H. Mr. Merchant presented the Agreed Orders for the Board's approval:

i. The Board reviewed Agreed Order No. 14-119-3914, in the matter of Emily Fraley Anderson, M.S.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

ii. The Board reviewed Agreed Order No. 13-249-1759, in the matter of Lillian Carol Butler, Ph.D.

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

iii. The Board reviewed Agreed Order No. 14-025-12655, in the matter of Lara Dye, Ph.D.

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

iv. The Board reviewed Agreed Order No. 14-106-1393, in the matter of Joseph Mark Enloe, M.S.

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

v. The Board reviewed Agreed Order No. 13-183-930, in the matter of Steven L. Hagey, Ph.D.

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

vi. The Board reviewed Agreed Order No. 13-182-5713, in the matter of Matthew Lemuel Nance, Ph.D.

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

vii. The Board reviewed Agreed Order No. 13-268-2538, in the matter of Nancy Deel Ratliff, Ph.D.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

viii. The Board reviewed Agreed Order No. 14-096-8507 and 14-00084-8507, in the matter of Michael Ellis Wolf, Ph.D.

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

ix. The Board reviewed Agreed Order No. 14-102-6165, in the matter of Jo Ann Cope Powell.

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

8. The Board moved into Item VIII, Compliance Committee - Ms. Black
 - A. Currently monitoring 12 cases for compliance.
9. The Board moved into Item IX, Legal Matters/General Counsel Report.
 - A. Mr. Merchant stated that three new cases were sent to SOAH, of those cases two are new petitions and one is set for trial in September.
 - B. Mr. Merchant stated that there has been no movement since the last update regarding Cause No. 03-130-00077-CV TX State Bd. Of Marriage and Family Therapists, et al v. Texas Medical Association, et al, 3rd COA, Austin, Texas. The case was submitted to the court and the parties are awaiting a ruling.
 - C. Mr. Merchant stated that there has been no movement since the last update regarding Cause No. 03-10-00673-CV, TX State Bd. Of Chiropractic Examiners, et al v. Texas Medical Association, et al, 3rd COA, Austin, Texas. The case was remanded to District Court for further proceedings.

10. The Board moved into Item X, Legislative Committee - Ms. Downes - no items to discuss.
11. The Board moved into Item XI, Budget Committee - Dr. Branaman
 - A. Mr. Spinks reviewed the 2nd Quarter Performance Measures.
12. The Board moved into Item XII, Written Examinations Committee - Dr. Mock
 - A. Dr. Mock stated that the next meeting will be July 18, 2014.
13. The Board moved into Item XIII, Oral Examination Committee - Drs. Baker and Rosenstein
 - A. Dr. Rosenstein discussed the plan to move forward with giving Oral Examination candidates their pass/fail result after the examination.
 - B. Mr. Spinks stated there is no policy, procedure or rule to govern how the Board handles the exam.
 - C. Mr. Spinks discussed the infrastructure to notify candidates of their exam results:
 - i. Staff will know whether the candidate passed or failed;
 - ii. Place letter of pass/fail in a sealed envelope;
 - iii. Envelope will be given to the candidate and they will be instructed that they cannot come back into the building;
 - iv. Any complaints or problems can be sent in writing to the Board office.
 - D. Mr. Spinks stated that all oral examiners will need to attend the orientation, since new procedures will be outlined before any exam is given.
 - E. Mr. Spinks discussed the Feedback form procedures:
 - i. Unanimity on the comment to the candidate;
 - ii. Notify staff that the examiners need a feedback form;

iii. Board member(s) will talk to the examiners about the comment;

iv. The feedback form will be included with the pass/fail notification letter.

14. The Board moved into Item XIV, Technology Committee - Mr. Chacón

A. Mr. Chacón reviewed the online renewal statistics.

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

C. Mr. Spinks stated that he has been working closely with HPC the website administrator to update the Board's website.

D. The Board discussed migration of the online Jurisprudence Examination.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. CAMPBELL TO GIVE AUTHORITY TO EXECUTIVE DIRECTOR TO PROCEED WITH THE ONLINE MIGRATION OF THE JURISPRUDENCE EXAMINATION. THE VOTE WAS APPROVED UNANIMOUSLY.

15. The Board moved into Item XV, Applications Committee - Dr. Rosenstein - no items to discuss.

16. The Board moved into Item XVI, Personnel Committee - Ms. Campbell

A. Alfonso Fernandez was hired as the Renewal Coordinator.

B. Staff is in the process of reviewing application for the Enforcement Assistant position.

C. The part-time receptionist position will be absorbed by the licensing staff.

17. The Board moved into Item XVII, Customer Service Committee - Mr. Huffman - no items to discuss.

18. The Board moved into Item XVIII, Future Issues and Other Requested Agenda Items

A. Board rule 461.7, License Statuses. A proposed change regarding retirement will be submitted at the August Board meeting.

- B. Ms. Black asked if reimbursement rates for hotel accommodation could be raised to reimburse Board members. Mr. Spinks will discuss with Ms. Noack.
- C. Ms. Black stated that Emily Sutter was recently honored at the University of Clearlake symposium which is now named the Emily G Sutter UHCL Symposium. Dr. Sutter was once a Board chair and lives in the Austin area.
- D. Discussion was had of how to recruit new examiners into the Oral Examiner pool. Several options were discussed such as reducing the number of years of experience required to serve from 5 to 3, seeking assistance from state and local associations, and increasing the amount of professional development hours offered.

19. The Board moved into Item XIX, Executive Session, pursuant to Title 5, Chapter 551, Government Code §551.071 at 11:32 p.m.

20. The Board returned from Executive Session at 12:30 p.m.

21. The Board moved into Item XX, Action on matters considered in Executive Session

- A. The Board considered the Temporary Suspension of the licensee in Complaint No. 14-118-1712.

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

- B. The Board considered the Temporary Suspension of the licensee in Complaint No. 13-287-7949.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY DR. BAKER TO APPROVE THE TEMPORARY SUSPENSION. THE VOTE CARRIED WITH MS. CAMPBELL, MR. CHACÓN, MR. HUFFMAN AND DR. MOCK VOTING AGAINST THE MOTION.

- C. Seek an Attorney General (AG) opinion regarding the legality of the destruction of mental health records that have been remanded into the Board's custody.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO SEEK AN AG OPINION ON THE DESTRUCTION OF MENTAL HEALTH RECORDS REMANDED INTO THE BOARD'S CUSTODY. THE VOTE WAS APPROVED UNANIMOUSLY.

22. The meeting was adjourned at 12:34 p.m. by Dr. Branaman.