

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR
Darrel D. Spinks

Texas State Board of Examiners of Psychologists

MINUTES

February 15, 2018

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Dallas

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Susan Fletcher, Ph.D.
Plano

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Angela A. Downes, J.D.
Dallas

John R. Huffman, J.D.
Southlake

Ronald S. Palomares Ph.D.
Dallas

The Texas State Board of Examiners of Psychologists met in Austin, Texas on February 15, 2018. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; John Bielamowicz; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Susan Fletcher, Ph.D.; Lou Ann Todd Mock, Ph.D., Vice-Chair; and Ronald Palomares, Ph.D. Also, in attendance were Darrel Spinks, Executive Director; Robert Romig, Sunset Staff, Sarah Wolf and Kara Holsinger - Attorney's General Office. Absent from the meeting was Angela A. Downes, J.D. and John R. Huffman, J.D.

Thursday, February 15, 2018

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. - spoke regarding the rule making process.
3. The Board moved into Item III, Meeting Minutes and Certified Agenda.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE MINUTES OF THE NOVEMBER 9, 2017 BOARD MEETING. THE VOTE WAS APPROVED UNANIMOUSLY.

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A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO APPROVE THE CERTIFIED AGENDA. THE VOTE WAS APPROVED UNANIMOUSLY.

4. The Board moved into Item IV, Chair's Report - Dr. Branaman.

A. ASPPB Update:

- i. Dr. Branaman stated that Dr. Stephen DeMers will be retiring effective September 1, 2018.
- ii. The Board reviewed *The Psychology Times* article regarding ASPPB EPPP exam fees.
- iii. The Board reviewed the 2017 Psychology Licensing Exam Scores by Doctoral Program.
- iv. Dr. Branaman would like to attend the Mid-year meeting April 12th-15th, 2018 in Savannah, GA. Mr. Spinks will be attending and will be doing A town hall style discussion.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE DR. BRANAMAN'S ATTENDANCE AT THE ASPPB MID-YEAR MEETING. THE VOTE WAS APPROVED UNANIMOUSLY.

B. Update on Sunset Process:

- i. Agency has provided all requested information for Sunset and will be having an exit meeting tomorrow.

C. Mr. Spinks discussed the structure and terms of a reciprocity agreement with other jurisdictions and the exploration of reciprocity with other jurisdictions.

D. The Board reviewed the excerpt from the Governor's Executive Development Program - December 2017.

E. Dr. Branaman discussed the Board Committee assignments:

- i. Applications Committee - Ms. Campbell and Dr. Palomares
- ii. Compliance Committee - Dr. Mock
- iii. Rules Committee - Dr. Branaman and Dr. Palomares
- iv. Personnel Committee - Ms. Downes

- v. Written Examination Committee - Ms. Black and Dr. Fletcher
- vi. Sunset Committee - Mr. Bielamowicz (no longer needed once Sunset review process is completed).

F. Election of Vice-Chair.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. PALOMARES TO ELECT DR. MOCK AS VICE-CHAIR. THE VOTE WAS APPROVED UNANIMOUSLY.

G. The Board reviewed the FTC staff comments on proposed PA legislation concerning APRN-CNPs.

H. The Board reviewed the drafted response required by H.B. 91, 85th Legislative Regular session report on criminal history eligibility requirements.

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

I. Mr. Spinks shared an email exchange with Representative Four Price's office.

J. Mr. Spinks stated that the May and August Board meetings will be held in room 100 or Room 500.

K. Dr. Mock and Ms. Black will give a presentation at the Southwest Psychological Association Conference in Houston on April 14th regarding the rules governing independent practice by LPAs.

L. The Board reviewed the form to determine substantial equivalency of post-doctoral programs under Board rule 461.10.

A MOTION WAS MADE BY DR. MOCK AND APPROVED BY MS. BLACK TO APPROVE THE FORM WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

5. The Board moved into Item V, Executive Director's Report - Mr. Spinks.

A. Operations Update:

- i. Numerous changes have been made to the website.

B. Budget Update:

- i. Mr. Spinks reviewed the 1st Quarter Performance Measures.
 - ii. Mr. Spinks reviewed the Year-to-Date Financial Report.
 - iii. Mr. Spinks reviewed the 2018 operating budget.
- C. The Board requested that a newsletter article be written regarding the changes to the requirement for licensure as a psychological associate.

The Board recessed for a break at 10:00 a.m.

The Board reconvened at 10:15 a.m.

6. The Board moved into Item VI, Rules - Dr. Branaman and Mr. Bielamowicz.
- A. Competency Advisory Committee will be established with individuals and associations.
 - B. The Board reviewed the Proposed Rules:
 - i. 461.3, Former Board Members.

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

- ii. 463.6, Regionally Accredited Institutions.

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

- iii. 463.12, Licensed Psychologist by Reciprocity.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE REPEAL OF THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

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

- iv. 463.18, Failing Written/Oral Examinations.

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

- v. 463.19, Time Limit on Examination Failures and Passing Scores.

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

- vi. 463.20, Refunds and Transfer of Application and Examination Fees.

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

- vii. 463.21, Board Members as Reviewers of Examination.

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

- viii. 463.23, Criteria for Examination Consultants.

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

- ix. 463.24, Oral Examination Workgroup.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE REPEAL OF THE RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

- x. 465.1, Definitions.

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

- xi. 465.13, Personal Problems, Conflicts and Dual Relationships.

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

xii. 465.18, Forensic Services.

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

xiii.465.33, Improper Sexual Conduct.

A MOTION WAS MADE MR. BIELAMOWICZ AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED AMENDMENT WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

xiv. 469.8, Rehabilitation Guidelines.

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

xv. 470.21, Disciplinary Guidelines.

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

xvi. 470.22, Schedule of Sanctions.

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

C. The Board reviewed the Adopted Rules:

i. 461.7, License Statuses.

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

ii. 463.30, Licensing for Military Service Members, Veterans and Spouses.

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

iii. 469.7, Persons with Criminal Backgrounds.

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

D. Petition for Rulemaking - Texas Association Against Sexual Assault.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BIELAMOWICZ TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS APPROVED UNANIMOUSLY.

7. The Board moved into Item VII, Enforcement Matters and Report from General Counsel.

A. Mr. Spinks reviewed the Status Report.

B. Mr. Spinks discussed the Projected Time Schedule.

C. May 2018 ISC attendees will be Ms. Black, Ms. Downes and Dr. Mock.

D. August 2018 ISC attendees will be Mr. Bielamowicz, Dr. Fletcher and Dr. Mock.

E. November 2018 ISC attendees will be Ms. Campbell, Dr. Fletcher and Mr. Huffman.

F. February 2019 ISC attendees will be Mr. Bielamowicz, Ms. Campbell, and Dr. Palomares.

G. Mr. Fernandez presented the dismissals for Board ratification:

i. 2017-00029-1853;

ii. 2017-00047-5318;

iii. 2017-00048-7332;

iv. 2017-00050-1655;

v. 2017-00124-1853; and

vi. 2018-00028-13803

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

vii. 18-0036;

viii.17-00104; and

ix. 18-0014

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH MR. BIELAMOWCIZ, MS. CAMPBELL AND DR. FLETCHER RECUSED FROM VOTING.

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

i. The Board reviewed Agreed Order No. 2018-00016-14731, in the matter of Amy Christine Hagan, M.S.

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

ii. The Board reviewed Agreed Order No. 2018-00037-14895, in the matter of Linda Lee Doric Henry, Psy.D.

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

iii. The Board reviewed Agreed Order No. 2017-00113-466040, in the matter of James A. Shaw, Psy.D.

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

iv. The Board reviewed Agreed Order No. 2018-00024-14887, in the matter of Travis Ethan White, Psy.D.

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

v. The Board reviewed Agreed Order No. 2017-00086-8459, in the matter of Curtis E. Wills, Ed.D.

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

8. The Board moved into Item VIII, Compliance - Ms. Black - all in compliance.
9. The Board moved into Item IX, Jurisprudence Examination Committee - Dr. Mock and Ms. Black - no items to discuss.
10. The Board moved into Item X, Applications Committee - Ms. Campbell and Dr. Fletcher - no items to discuss.
11. The Board moved into Item XI, Personnel Committee - Dr. Palomares.
 - A. Mr. Spinks stated that the agency hired three new employees - Kreshelle Flores, Investigator; Charles Gonzales, Enforcement Admin Assistant; and Doris LeGrevellec, LSSP Coordinator.
 - B. Mr. Spinks presented the revised Personnel Manual.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. PALOMARES TO APPROVE THE PERSONNEL MANUAL. THE VOTE WAS APPROVED UNANIMOUSLY.

12. The Board moved into Item XII, Future Issues and Other Requested Agenda Items.
 - A. Dr. Branaman discussed whether rulemaking proceedings need to be initiated to create an exception to the Duty to Produce Test Data as part of a patient's records, for certain types of test results and reports. The Board decided to develop specific questions to ask the attorney general. This item will be place on the May Board meeting agenda. Ms. Black recused herself from this discussion.
 - B. Mr. Bielamowicz stated his concern regarding response to the public's growing concern about sexual abuse and exploitation. After much discussion the Board decided that no additional action could be taken by the Board.
 - C. The Board discussed concerns regarding steps the agency can or should take to ensure the public has access to their records following the death or disability of a licensee. The Board would like publish a newsletter article regarding

this matter and also have an adhoc committee look at this issue.

The Board recessed at 12:33 p.m.

The Board reconvened at 12:43 p.m.

13. The Board moved into Item XIII, Executive Session pursuant to Tex. Gov't Code Ann. §551.071 at 12:44 p.m.

14. The Board returned from Executive Session at 1:14 p.m.

15. The Board moved into Item XIV, Action on matters considered in executive session.

A. Mr. Hyde presented the Agreed Orders for the Board's approval:

i. The Board reviewed Agreed Order No. 2018-00007-399 and 2017-00008-399, in the matter of Jack G. Ferrell, Jr. Ph.D.

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

16. The meeting was adjourned at 1:15 p.m. by Dr. Branaman.