

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

OCTOBER 28, 2004

The Texas State Board of Examiners of Psychologists met in Austin, Texas on October 28, 2004. The following Board members were in attendance: Arthur E. Hernandez, Ph.D., Chair; Pauline A. Clansy, Ed.D, Vice-Chair; Gary R. Elkins, Ph.D.; Carl E. Settles, Ph.D.; Catherine B. Estrada; Betty Lou "Penny" Angelo; Stephanie Sokolosky, M.P.S.; and Ruben Rendon, Jr., M.S. Also in attendance were Sherry L. Lee, Executive Director and Brett Norbraten, General Counsel. The following Board member was absent: Michael D. Nogueira.

Thursday, October 28, 2004

1. The meeting was called to order at 9:11 a.m. by Dr. Hernandez.
2. Dr. Hernandez welcomed new Board member Betty Lou "Penny" Angelo.
3. The Board moved in item IV, Minutes.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE MINUTES FROM THE JULY 28, 2004 BOARD MEETING. THE MOTION WAS UNANIMOUS.

4. The Board moved into item V, Chair's Report.
 - A. Dr. Hernandez reviewed the Board Goals. Dr. Settles/Clansy - unanimous

- B. Dr. Hernandez briefly reviewed continuing education from prior board meeting. At this time, no changes will be made.
 - C. Dr. Hernandez stated the Dr. Clansy is the official member representing the agency to ASPPB. Dr. Clansy stated that she did not attend the last meeting, due to a death in the family.
5. The Board moved into item VII, Executive Director's Report.
- A. Ms. Lee stated that Ms. Jeanette Waldrop has been reclassified to an Investigator III position.
 - B. Ms. Lee updated the Board regarding the Health Professional Council and Office of Patient Protection.
 - i. The agency's share to support HPC would go up approximately \$3,600 per year in the proposed HPC LAR.
 - ii. OPP funding comes from renewal and application fees.
 - iii. OPP hired a new IT person and will need to hire a general counsel.
 - iv. An article in the Austin American Statesman explained how the OPP was created.
 - C. Ms. Lee discussed the State's Compensation System which compares professional salaries of state to private professional salaries. The recommendation for this agency was to raise the General Counsel's salary.
 - D. Ms. Lee reviewed the Fraud Prevention and Detection Program and Fraud Risk Assessment response to the Governor's office. Ms. Lee noted that new sections will be added to the employee's personnel manual. Ms. Lee stated that Ms. Cynthia Barber was at a two-day fraud training seminar and would be reviewing with staff the information that she learned.

- E. Ms. Lee reviewed with the Board its fees. There were no fee recommendations by the Board.
- F. Dr. Settles requested an article reminding licensees that the professional fee is required by the Legislature.
- G. The Board reviewed letters to the following individuals:
 - i. Alan J. Chernov, M.D. - regarding psychologists performing sleep studies and EEG.

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

- ii. Don Goldston, Ph.D. - regarding training requirements.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. ELKINS TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS. DR. CLANSY WOULD LIKE TO FIND OUT FROM NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS WHAT THEIR REQUIREMENTS ARE.

- iii. Stephanie Hall, LMSW - regarding discipline as a social worker.

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

- iv. Penny H. Koepsel, Ph.D. - regarding three year supervision requirements to be an LSSP supervisor.

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

- v. Geoffrey T. Hutchinson, Ph.D. - regarding pre-evaluation credentials.

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

- vi. Debra K. Jennings, M.A. - regarding internship.

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

- vii. Patricia McCarty, Ed.D. - regarding pre-evaluation credentials.

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

- viii. Barbara J. Schneider, M.S. - regarding classification.

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

- ix. Anne Christine Watson, Ph.D. - regarding inactive status.

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

- x. Sam McCage, Ph.D. - regarding internship requirements.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. CLANSY TO APPROVE THE DRAFTED RESPONSE. THE MOTION WAS UNANIMOUS.

- xi. Brian E. Schwartz, Ph.D. - regarding inactive status.

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

xiii. Constance D. Wood, Ph.D. - regarding insurance required certification.

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

6. The Board moved into item VIII, Sunset Task Force.
 - A. Mr. Rendon stated that nowhere in the Sunset report for the Licensing Reorganization Project does it address the response time to the licensees.
 - B. The Board asked Mr. David White, Executive Director for the Texas Psychological Association (TPA), to speak regarding their views of the latest Sunset Report. Mr. White stated that TPA's main goal is to keep the Board independent.
 - C. Discussion ensued about the impact of the Reorganization Project and the Board's written response to this report.

The Board adjourned for lunch at 11:44 a.m.

The Board reconvened at 1:17 p.m.

7. The Board moved into item IX, Legislative Committee.
 - A. Ms. Lee reviewed a summary of Legislative hearings to date.
8. The Board moved into item X, Psychological Associate Advisory Committee Report.
 - A. Ms. Sokolosky stated that the PAAC had no future plans to meet again.
9. The Board moved into item XI, Rules Committee.
 - A. The Board reviewed the Proposed Rules:
 - i. The Board reviewed proposed amendments to Board rule 461.11, Continuing Education.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO TABLE ANY CHANGES TO THIS RULE. THE MOTION WAS UNANIMOUS.

- ii. The Board reviewed proposed amendments to Board rule 463.13, Requirements for Experienced Out-of-State Applicants.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED AMENDMENTS WITH CHANGES. THE MOTION WAS UNANIMOUS.

B. The Board reviewed the Adopted Rule:

- i. The Board reviewed the amendments to Board rule 461.7, License Statuses.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE ADOPTED AMENDMENTS TO BOARD RULE 461.7. THE MOTION WAS UNANIMOUS.

Ms. Angelo left at 1:43 p.m.

10. The Board moved into item XII, Budget Committee.

- A. Ms. Lee discussed 4th Qtr Performance Measures with the Board and stated that measures had been met.
- B. Ms. Lee reviewed testimony to the Committee on Appropriations.
- C. Ms. Lee discussed the Annual Performance Measures for FY 04.
- D. Ms. Lee reviewed testimony to the Senate Finance Committee.
- E. Ms. Lee reviewed end of year expenditures.
- F. Ms. Jennifer Noack, Fiscal Manager reviewed the Annual Report for FY 04.

11. The Board moved into item XIII, Legal Matters/General Counsel Report.

- A. Mr. Norbraten discussed the process when a complainant is not satisfied with the results of the complaint.
 - B. Mr. Norbraten reviewed HIPAA updates.
 - C. Mr. Norbraten discussed updates to the Public Information Act.
 - D. Mr. Norbraten discussed frequently asked questions for Board information.
12. The Board moved into item XIV, Technology Committee.
- A. Ms. Lee stated that the letter alerting all licensees about the change in the renewal process had been sent out.
 - B. Ms. Lee reviewed online renewal statistics and online psychologists profiles.
13. The Board moved into item XVI, Written Examinations Committee.
- A. Mr. Rendon reviewed with the Board the items that were discussed at the Jurisprudence Exam Consultants meeting held on October 8, 2004.
 - B. Mr. Rendon recommended that the Written Examination Members receive three hours of continuing education credit with a limit of six hours credit per year and that these hours could count for ethics.
- A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED POLICY CHANGE. THE MOTION WAS UNANIMOUS.
- C. Dr. Settles stated he would like to see Board Members receive continuing education credit for Board meetings. The Board requested that Ms. Lee research this issue with other health profession agencies.
14. The Board moved into item XVII, Enforcement Committee.

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

- i. 04-074;
- ii. 04-404;
- iii. 04-046;
- iv. 04-044;
- v. 04-028;
- vi. 04-024;
- vii. 04-099;
- viii. 04-029;
- ix. 03-132; and
- x. 04-013

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. ESTRADA TO APPROVE THE DISMISSALS. THE MOTION WAS UNANIMOUS.

- xi. 03-135

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE DISMISSAL. THE MOTION WAS UNANIMOUS WITH MS. SOKOLOSKY, MS. ESTRADA AND DR. ELKINS RECUSSED FROM VOTING.

B. Ms. Barber reviewed the Status Report.

C. Ms. Barber discussed projected time schedule changes.

D. Mr. Norbraten presented the following Agreed Orders for the Board's approval.

- i. The Board reviewed Agreed Order No. 04-067-9620 in the matter of Veronica Irvine-Scheer, M.A.

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

- ii. The Board reviewed Agreed Order No. 03-099-3026 in the matter of Frederick Gary Mears, Ph.D.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS WITH DR. CLANSY, MS. SOKOLOSKY AND MS. ESTRADA ABSTAINING FROM VOTING.

- iii. The Board reviewed Agreed Order No. 04-073-8573 in the matter of Patricia Ann Van Zele, M.Ed.; and

- iv. The Board reviewed Agreed Order No. 04-142-1071 in the matter of Hope Nora, M.S.

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

- v. The Board reviewed Agreed Order No. 03-057-7473 in the matter of Marie-Elise DuBuisson, Ph.D.

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

- vi. The Board reviewed Agreed Order NO. 03-117-5705 and 04-026-5705 in the matter of Terry Ray Tennison, M.A.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS WITH DR. CLANSY, MS. SOKOLOSKY AND MS. ESTRADA ABSTAINING FROM VOTING.

E. Mr. Norbraten discussed potential Rules changes that would involve setting timelines for end products of a professional engagement.

F. Future IFC meeting attendees will be as follows:

- i. February 8-9, 2005 Dr. Hernandez, Mr. Rendon and Ms. Angelo. (Ms. Estrada can replace Ms. Angelo if necessary.)
- ii. May 2005, Dr. Settles, Ms. Sokolosky and Ms. Estrada.

Ms. Estrada left at 3:14 p.m.

- 15. The Board moved into item XVIII, Compliance Committee.
 - A. Mr. Norbraten stated that all agreed orders were in compliance.
- 16. The Board moved into item XX, Publications/Public Information Committee.
 - A. Ms. Lee reviewed the website updates.
- 17. The Board moved into item XXI, Future Issues.
 - A. Dr. Hernandez will be attending the TASP Convention in November.
 - B. Dr. Hernandez will be addressing the Sunset Advisory Commission in November regarding the licensing Reorganization Report.
- 18. Dr. Hernandez adjourned the Board meeting at 3:17 p.m.