

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

October 30, 2008

The Texas State Board of Examiners of Psychologists met in Austin, Texas on October 30, 2008. The following Board members were in attendance: Carl Settles, Ph.D., Chair; Donna L. Black, M.A.; Tim Branaman, Ph.D.; Jo Ann Campbell, M.S.; Angela Downes, J.D.; Narciso Escareno and Lou Ann Todd Mock, Ph.D. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel with Gary R. Elkins, Ph.D., Vice-Chair; absent from the meeting.

Thursday, October 30, 2008

1. The meeting was called to order at 9:10 a.m. by Dr. Settles.
2. The Board moved into Item III, Executive Session - no items to discuss.
3. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. BLACK TO APPROVE THE MINUTES OF THE AUGUST 28, 2008 BOARD MEETING. THE VOTE WAS UNANIMOUS.

4. The Board moved into Item II, Public Comment.
 - A. Paul Andrews, Ph.D. spoke regarding proposed forensic rule 465.18(b)(5) and 465.18(c)(6).

5. The Board moved into Item V, Chair's Report.
 - A. Ms. Lee updated the Board regarding FY 2008 Board goals.
 - B. Ms. Lee reviewed the Board goals for FY 2009.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY DR. BRANAMAN TO APPROVE THE FY 2009 BOARD GOALS. THE VOTE WAS UNANIMOUS.

- C. The Board reviewed the Association of State and Provincial Psychology Boards (ASPPB) meeting minutes from June 19, 2008.
 - D. Ms. Lee stated that the EPPP Examination candidates will soon be able to apply online through the Professional Examination Service website.
6. The Board moved into Item VI, Executive Director's Report.

- A. Ms. Lee stated that the agency had implemented a Wellness Plan for the staff.
 - i. Staff will receive 8 hours leave time if they obtain an annual physical and complete an online health risk assessment.
 - ii. Additionally, staff have the option of establishing a plan that allows for 30 minutes twice a week. Brian is the agency wellness coordinator.
 - B. Ms. Lee stated that the agency is having a post payment audit that checks travel, accounts payable and payroll.
 - C. Ms. Lee stated that the agency was not effected by Hurricane Ike.
 - D. Ms. Lee updated the Board regarding imaging.
 - E. Ms. Lee informed the Board that staff had been attending seminars for updated information and continuing education credits. Ms. Lee noted

specific training that she received in preparation for the next legislative session.

- F. Ms. Lee stated that the Health Professions Council was working with the Department of Information Resources to gather information for the new software that will replace RAES.
- G. Ms. Lee reviewed the proposed newsletter article regarding updated forensic rules.
- H. Dr. Settles informed the Board that the agency received a letter from the Governor's office asking agencies to cut back on out-of-state travel. The agency complied with this directive by Dr. Settles canceling his planned out-of-state attendance at an ASPPB meeting.
- I. The Board reviewed letters received from the following individuals.
 - i. Stephanie Carrera Abbey, Ph.D. - regarding consideration of reactivation of license.

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

- ii. Michael G. Ditsky, Ph.D. - regarding waiver from oral examination based on experience.

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

- iii. Kirk Lockwood, Ph.D. - regarding rule changes from the Department of Aging and Disability Services (DADS).

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

- iv. Eileen P. Nathan, Ed.D. - regarding refund of a late renewal fee due to serious medical illness.

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

- v. Ted Stachowiak, Ph.D. - regarding informed consent.

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

J. The Board reviewed the proposed policy change:

- i. The Board reviewed the proposed changes to the Policy on Monitors.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY DR. MOCK TO APPROVE THE POLICY CHANGE. THE VOTE WAS UNANIMOUS.

7. The Board moved into Item V, Chair's Report.

- A. Dr. Branaman informed the Board about the 2008 Stress in America Report from the American Psychological Association. The report surveyed 1800 people and notes that there are higher levels of stress than ever before.

8. The Board moved into Item VII, Rules Committee.

A. The Board reviewed the Proposed Rules:

- i. The Board reviewed the amendments to Board rule 463.9, Licensed Specialist in School Psychology.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 463.9. THE VOTE WAS UNANIMOUS.

B. The Board reviewed a letter received for the following individual.

- i. Katherine Brehm, Ph.D. - regarding proposed rule change to Board rule 463.9.

C. The Board reviewed the Adopted Rules:

- i. The Board reviewed the amendments to Board rule 461.6, File Updates.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed the amendments to Board rule 461.11, Continuing Education.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY DR. MOCK TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- iii. The Board reviewed the amendments to Board rule 461.18, Minimum Data Set Requirement for Online Renewals.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- iv. The Board reviewed the amendments to Board rule 465.17, Therapy and Counseling.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- v. The Board reviewed the amendments to Board rule 471.6, Renewal Penalty Waiver for Licensees on Military Deployment.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MS. CAMPBELL TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- vi. The Board reviewed the amendments to Board rule 465.1, Definitions.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- vii. The Board reviewed the amendments to Board rule 465.18, Forensic Services.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO ADOPT THE RULE PARAGRAPH (B) SECTION (5) WITH CHANGES. THE VOTE WAS UNANIMOUS.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. BRANAMAN TO ADOPT THE RULE PARAGRAPH (C) SECTION(6) AND (8) WITH CHANGES. THE VOTE WAS UNANIMOUS.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO ADOPT THE RULE PARAGRAPH (C) SECTION (7) WITH CHANGES. THE VOTE WAS UNANIMOUS.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. BRANAMAN TO ADOPT THE RULE PARAGRAPH (E) WITH CHANGES. THE VOTE WAS UNANIMOUS.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. BRANAMAN TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

viii.The Board reviewed the amendments to Board rule 465.37, Compliance with All Applicable Laws.

A MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY MS. BLACK TO ADOPT THE RULE. THE VOTE WAS UNANIMOUS.

9. The Board moved into Item VIII, Enforcement Committee.
 - A. Ms. Cynthia Barber, Enforcement Manager, reviewed the Status Report.
 - B. Ms. Barber discussed the Projected Time Schedule.
 - C. Ms. Barber presented dismissals for Board ratification:
 - i. 08-020;
 - ii. 08-050;
 - iii. 07-234;
 - iv. 08-021;
 - v. 08-037;

- vi. 07-212;
- vii. 08-053;
- viii.08-230;
- ix. 08-198;
- x. 08-236; and
- xi. 08-237

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

- xii. 08-097;
- xiii.08-098; and
- xiv. 08-099

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. ESCARENO TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH DR. BRANAMAN, DR. MOCK AND MS. DOWNES ABSTAINING FROM VOTING.

- xv. 08-022;
- xvi. 08-023; and
- xvii.08-063

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH DR. BRANAMAN, DR. MOCK, MS. DOWNES AND MR. ESCARENO ABSTAINING FROM VOTING.

- E. The February 2009 IFC attendees will be Dr. Elkins, Ms. Campbell and Ms. Downes.
- F. The April 2009 IFC attendees will be Dr. Mock, Ms. Black and Mr. Escareno.
- G. The August 2009 IFC attendees will be Dr. Settles and Dr. Branaman.

H. The November 2009 IFC attendees will be Dr. Mock and Ms. Campbell.

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

i. The Board reviewed Agreed Order No. 07-178-13971 and 07-183-13971 in the matter of Roman Garcia deAlba, Ph.D.

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

ii. The Board reviewed Agreed Order No. 07-179-13022 and 07-184-13022 in the matter of Terry P. Overton, Ed.D.

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

iii. The Board reviewed Agreed Order No. 08-184-2071 in the matter of Jack Edgar Bentham, Ph.D.

A MOTION WAS MADE BY MR. ESCARENO AND MS. BLACK TO APPROVE THE AGREED ORDER. THE VOTE WAS UNANIMOUS.

iv. The Board reviewed Agreed Order No. 08-199-5422 in the matter of Daniel C. Corley, Ph.D.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. ESCARENO TO APPROVE THE AGREED ORDER. THE VOTE WAS UNANIMOUS.

v. The Board reviewed Agreed Order No. 08-201-5441 in the matter of Richard M. Krusen, Ph.D.

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

- vi. The Board reviewed Agreed Order No. 08-202-1016 in the matter of Roy Franklin Morgan, M.A.

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

- vii. The Board reviewed Agreed Order No. 07-182-10411 in the matter of Charles Gutierrez, Ph.D.

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

- viii. The Board reviewed Agreed Order No. 08-035-3836 in the matter of Thomas H. Brittain, Jr., Ph.D.

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

- J. Ms. Lee reviewed trends and complaints resolved by category for fiscal year 2008.

10. The Board moved into Item IX, Compliance Committee.

- A. Ms. Barber reviewed the compliance with the agreed orders.

11. The Board moved into Item X, Legislative Committee - no items to discuss.

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

- A. Ms. Izzo stated she was working on three cases and had two more to go to SOAH.

- B. Ms. Black thanked Ms. Izzo for attending TASP conference.

13. The Board moved into Item XII, Budget Committee.
 - A. Ms. Lee reviewed 4th quarter performance measures.
 - B. Ms. Lee reviewed the overview of performance measures for fiscal year 2008.
 - C. Ms. Lee reviewed the LBB Testimony that took place on September 9, 2008 with Ms. Noack.
14. The Board moved into Item XIII, Written Examination Committee.
 - A. Dr. Mock stated that everything was going well and that the next meeting will be May 2009.
15. The Board moved into Item XIV, Oral Examination Committee.
 - A. Ms. Lee stated that an Oral Exam neuropsych vignette writing workshop would be held on December 5, 2008.
16. The Board moved into Item XV, Technology Committee.
 - A. The Board reviewed the online renewal statistics.
 - B. The Board reviewed recent changes to the website.
 - C. Ms. Lee stated that minimum data set information will be required for online renewals beginning March 2009.
17. The Board moved into Item XVI, Applications Committee.
 - A. The Board reviewed information on the online renewal of audited licenses.
 - B. The Board reviewed information on the new EPPP Online Registration.
 - C. The Board reviewed information on NASP's new passing score of 165.
18. The Board moved into Item XVII, Personnel Committee - no items to discuss.

19. The Board moved into Item XVIII, Customer Service Committee.
 - A. Mr. Escareno discussed the customer service information and statistics.
 - B. Mr. Escareno complimented staff for customer service reports that continue to rise in satisfaction rates every year.
20. The Board moved into Item XIX, Future Issues - no items to discuss.
21. The meeting was adjourned at 12:00 p.m. by Dr. Settles.