

# TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



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EXECUTIVE DIRECTOR  
Darrel D. Spinks

## Texas State Board of Examiners of Psychologists

### MINUTES

October 10, 2013

The Texas State Board of Examiners of Psychologists met in Austin, Texas on October 10, 2013. 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, October 10, 2013

1. The meeting was called to order at 9:01 a.m. by Dr. Branaman.
2. The Board moved into Item II, Public Comments.
  - A. Carol Grothues, Ph.D. with Texas Psychological Association (TPA), spoke against the adopted changes to Board rule 461.5.
  - B. Paul Andrews, Ph.D., with TPA, spoke against the adopted changes to Board rule 461.5 and requested the Board consider using an honorable discharge as a reference letter to proposed rule 463.30.
3. The Board moved into Item III, Executive Session, pursuant to Title 5, Chapter 551, Government Code §551.071 at 9:06 a.m.

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4. The Board returned from Executive Session at 9:11 a.m.
5. The Board moved into Item IV, Action on matters considered in Executive Session - nothing to discuss.
6. The Board moved into Item V, Minutes.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE MINUTES OF THE AUGUST 15, 2013 BOARD MEETING WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

7. The Board moved in Item VI, Chair's Report - Dr. Branaman.

A. Dr. Branaman reviewed the new FY 2014 Board goals.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE FY 2014 BOARD GOALS. THE VOTE WAS UNANIMOUS.

B. Dr. Branaman discussed the Association of State and Provincial Psychology Boards (ASPPB) implementation of maintenance of competence for licensure (MOCL) procedure.

C. Dr. Branaman stated that the Rules Advisory Committee would be discussing at the February Board meeting changes to the supervision rule.

D. Mr. Spinks reviewed the agency's Post Payment Audit results and responses.

E. Mr. Spinks stated that an email was received after the August Board meeting on behalf of the Texas University and College Counseling Directors Association (TUCCDA) regarding professional development hours to Board rule 461.11.

8. The Board moved into Item VII, Executive Director's Report - Mr. Spinks.

A. Mr. Spinks discussed operational issues:

- i. Corrective actions are still underway regarding the DPS audit for criminal history reports.
- ii. The Board is in compliance with NPDB/HIPDB reporting.
- iii. HB 300 requires agencies to submit information regarding the number and types of medical privacy

complaints received with data regarding any actions-including disciplinary and enforcement actions taken regarding those types of complaints.

iv. Proposed Board meeting dates for FY 2015 and 2016.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. HUFFMAN TO APPROVE THE BOARD MEETING DATES. THE VOTE WAS APPROVED UNANIMOUSLY.

v. Mr. Creath stated that the agency had a Risk Management Program Review on September 27, 2013. The following were recommendations that remain open:

- a. Business Continuity Plan - alternate site.
- b. Insurance Risk Financing Plan - potential exposures to losses resulting from employees who operate rental cars or personally-owned vehicles while conducting state business.

vi. Mr. Spinks reviewed the revised online renewal and professional development declaration forms.

B. Mr. Spinks stated there were no new issues regarding the shared database.

C. The Board reviewed the proposed Newsletter Article:

- i. Selected Texas Laws Affecting the Practice of Psychology.

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

D. The Board reviewed the Opinion Letters:

- i. Caren Fritts, Ph.D. - regarding internship.

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

- ii. Paul Clear, Ph.D. - regarding termination of professional relationship.

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

E. Mr. Spinks stated that the Governor's office requested that agencies notify his office their agency would be effected by the federal government shut down.

The Board recessed for a break at 10:08 a.m.

The Board reconvened from break at 10:20 a.m.

9. The Board moved into Item VIII, Rules Committee - Dr. Branaman

A. Discussion concerning use of LSSP title during periods of supervised experience. The Rules Advisory Committee will review and possibly bring back to the February 2014 Board meeting.

B. The Board considered the withdrawal of the following previously Proposed rule(s):

i. 463.30, Licensing of Military Spouses and Applicants with Military Experience

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO WITHDRAW BOARD RULE 463.30. THE VOTE WAS APPROVED UNANIMOUSLY.

C. The Board reviewed the Proposed Rule(s):

i. 463.30, Licensing of Military Spouses and Applicants with Military Experience.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MR. HOFFMAN TO APPROVED THE PROPOSED RULE. THE VOTE FAILED WITH DR. BAKER, MS. DOWNES, DR. MOCK AND DR. ROSENSTEIN VOTING AGAINST THE MOTION.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY DR. MOCK TO APPROVED THE PROPOSED RULE WITH CHANGES. THE VOTE CARRIED WITH MR. HOFFMAN AND MS. BLACK VOTING AGAINST THE MOTION.

10. The Board moved into Item IX, Enforcement Committee - Dr. Baker

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

i. 13-102;

ii. 13-289;  
iii. 12-267;  
iv. 13-274;  
v. 13-255;  
vi. 13-177;  
vii. 13-188;  
viii.13-165;  
ix. 14-004;  
x. 13-273;  
xi. 13-231;  
xii. 13-180;  
xiii.13-286;  
xiv. 13-155;  
xv. 13-256;  
xvi. 13-272;  
xvii.13-271;  
xviii.13-013;  
xix. 13-277;  
xx. 13-275; and  
xxii.13-276

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

xxiii.13-0189;  
xxiv.13-257;

xxv. 13-258; and

xxvi.13-172

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

B. Ms. Barber reviewed the Status Report.

C. Mr. Spinks reviewed the FY 2013 pie chart break down of disciplinary actions.

D. Ms. Barber discussed the Projected Time Schedule.

E. Mr. Spinks presented the Agreed Orders for the Board's approval:

i. The Board reviewed Agreed Order No. 13-078-9067, in the matter of Rebecca Lynn Johnson, Ph.D.

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

ii. The Board reviewed Agreed Order No. 13-067-7171, in the matter of Stephen A. Moore, Ph.D.

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

iii. The Board reviewed Agreed Order No. 13-080-12113, in the matter of Nicole Margaret Bereolos, Ph.D.

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

iv. The Board reviewed Agreed Order No. 13-004-2058, in the matter of Collier Michael Cole, Ph.D.

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

v. The Board reviewed Agreed Order No. 12-155-7393, in the matter of Sarah H. Kramer, Ph.D.

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

11. The Board moved into Item X, Compliance Committee - Ms. Black
  - A. Currently monitoring 12 cases for compliance.
12. The Board moved into Item XI, Legal Matters/General Counsel Report.
  - A. Licensed Marriage and Family Therapist Board partially prevailed in a lawsuit concerning the ability to diagnosis. Both parties have filed an appeal with the 3<sup>rd</sup> Court of Appeals.
  - B. Ms. Starr stated that one case had been tried at the State Office of Administrative Hearings (SOAH), but the agency is waiting for a ruling.
13. The Board moved into Item XII, Legislative Committee - Ms. Downes
  - A. Mr. Spinks discussed the proposed legislation that could affect the agency:
    - i. SB 279, high-value data sets by state agencies to the Department of Information Resources - this will not affect our agency.
    - ii. HB 205, offense of failure to report abuse or neglect of a child.
14. The Board moved into Item XIII, Budget Committee - Dr. Branaman
  - A. Mr. Spinks reviewed the 4th Quarter Performance Measures.
  - B. Mr. Spinks reviewed the Annual Performance Measures.
15. The Board moved into Item XIV, Written Examinations Committee - Dr. Mock - no items to discuss.
16. The Board moved into Item XV, Oral Examination Committee - Drs. Baker and Rosenstein
  - A. Vignette writing group looked at 4 school vignettes and clinical vignettes will be next.

17. The Board moved into Item XVI, Technology Committee - Mr. Chacón
  - A. Mr. Chacón reviewed the online renewal statistics.
  - B. Mr. Chacón updated the Board on website changes.
18. The Board moved into Item XVII, Applications Committee - Dr. Rosenstein
  - A. Reviewed several foreign applications.
19. The Board moved into Item XVIII, Personnel Committee - Ms. Campbell
  - A. Scott Merchant was hired as the General Counsel and will start on October 28<sup>th</sup>. Kristin Starr last day was September 30<sup>th</sup>.
  - B. Dr. Branaman and Ms. Campbell expressed the Board sincere thanks and gratitude for staff for their years of service to the State of Texas and to the Board.
    - i. 5 years service - Tracey DeBont
    - ii. 10 years service - Cynthia Barber, Brenda Skiff and Priscilla Tenorio
    - iii. 15 years service - Carol Erickson
    - iv. 20 years service - Jennifer Noack, Rebecca Pounds, Maricela Ramirez and Jeanette Waldrop
    - v. 25 years services - Brian Creath
20. The Board moved into Item XIX, Customer Service Committee - Mr. Huffman - no items to report.
21. The Board moved into Item XX, Future Issues and Other Requested Agenda Items
  - A. Jurisprudence examination being administered online.
  - B. Consider extent of Supervision overhaul, possibly having a public hearing.
  - C. Review other Board's rules regarding military experience.
22. The meeting was adjourned at 11:46 a.m. by Dr. Branaman.

