

## **TSBEP Newsletter**

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### **Contents:**

1. Important Rule Changes Concerning Therapy and Counseling and Evaluation, Assessment, Testing and Reports
2. Rule Changes
3. Disciplinary Actions: February and May 2008

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### **Important Rule Changes Concerning Therapy and Counseling and Evaluation, Assessment, Testing and Reports**

The Texas State Board of Examiners of Psychologists is currently in the process of reviewing all of its rules to see if they are still needed and to make any necessary amendments. Any rule changes resulting from this rule review have to be adopted in accordance with state law which requires that they first be proposed by the Board and published in the Texas Register and then be adopted by the Board and published for a second time in the Register.

Some of these recent rule changes are especially important for the practice of psychology in this state. The Board believes that these rule changes will assist the Board in protecting the public. Furthermore, the Board believes that these rule changes clarify the rules thereby allowing the licensees to more easily adhere to them and to provide proof of their adherence.

**Board rule 465.17, Therapy and Counseling** One of these important rule changes concerns Board rule 465.17, Therapy and Counseling. The change is to subsection (b)(1), which now requires that for any therapy or counseling that is provided, a treatment plan must be in writing and therefore be part of the client record.

**Board rule 465.16, Evaluation, Assessment, Testing and Reports**, subsection (b) Reliability and Validity, is changed to require that licensees must verify that every evaluation, assessment, test result, report, recommendation or psychological diagnostic or evaluative statement is based on information and techniques sufficient to provide appropriate substantiation for its findings and that such verification must be the signature of the licensee and the date of the signature. The former rule did not

require that this verification be provided by the licensee's signature and date of the signature.

The text of these rules with the changes are printed in this newsletter.

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## Rule Changes

### 465.16. Evaluation, Assessment, Testing, and Reports.

(a) Scope and Purpose.

(1) Licensees clearly describe the scope and purpose of evaluation, assessment, and testing to patients before they provide these psychological services. ~~Before performing evaluations, testing and assessments, licensees clearly define the purposes and scope to the subject(s) of the evaluations, testing and/or assessments.~~

(2) Licensees produce reports that clearly state and accurately reflect the scope and purpose of evaluation, assessment, and testing. ~~Licensees produce reports consistent with and which clearly state the purpose and scope of the evaluations, testing and/or assessments.~~

(b) Reliability and Validity.

(1) Licensees verify, by signature and date, that every evaluation, assessment, test result, report, recommendation, or psychological diagnostic or evaluative statement produced is based on information and techniques sufficient to provide appropriate substantiation for its findings. ~~Licensees produce or co-sign only assessments, recommendations, reports or psychological diagnostic or evaluative statements that are based on information and techniques sufficient to provide appropriate substantiation for the findings.~~

(2) Licensees administer, score, interpret or use assessment techniques or tests only if they are familiar with the reliability, validation and related standardization or outcome studies of, and proper applications and use of, the techniques they use.

(3) Licensees who administer, score, interpret or utilize psychological assessment techniques, tests or instruments do so in a manner and for purposes for which there are professional or scientific bases.

(4) Licensees do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.

(5) Licensees do not base decisions or recommendations on tests and measures that are obsolete or not useful for the current purpose.

(c) Limitations.

(1) Licensees include all information that provides the basis for their findings in any report in which they make findings or diagnoses about an individual.

(2) Licensees identify limits to the certainty with which diagnoses, judgments, or predictions can be made about individuals.

(3) Licensees identify various test factors and characteristics of the person being assessed that might affect their professional judgment or reduce the accuracy of their interpretations when interpreting assessment results, including automated interpretations.

(4) Licensees include any significant reservations they have about the accuracy or limitations of their interpretations or findings in any report they produce.

(5) Licensees provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions. When such an examination is not practical, licensees document the efforts they made to obtain such an examination and clarify the probable impact of their limited information to the reliability and validity of their conclusions.

(d) Test Security and Validity. Licensees conduct testing and maintain and release test protocols and data in a secure manner that does not compromise the validity of the test.

#### **465.17. Therapy and Counseling.**

(a) Imbalances of Power.

(1) Licensees who engage in therapy or counseling recognize the actual or perceived power or undue influence they hold over current and former patients and clients.

(2) Licensees are presumed to have power and influence over former therapy or counseling patients or clients.

(3) Licensees do not engage in sexual relationships with, employ, enter into

business with or otherwise exploit any former patient or client over whom they have actual or perceived power or undue influence created through a therapeutic relationship.

(b) Treatment plans.

(1) Licensees create specific written treatment plans that include, at a minimum, agreed upon goals of the treatment, the techniques to be used, and the tentative duration of the treatment for any therapy or counseling that they provide.

(2) Licensees explain the treatment plan to all recipients of the therapy or counseling before commencing the services.

(3) Licensees alter and document the alteration in the treatment plan when clinically indicated.

(4) Licensees confer with and obtain consent from the patient, or client or other recipient(s) of services recipient(s) concerning significant alterations in the treatment plan in accordance with Board rule 465.11(a)(2) ~~465.11(b)~~.\*\*\*\*\*

\*\*\*\*\*Note: Board rule 465.17(b)(4) should refer to Board rule 465.11(b), not to 465.11(a)(2). The Board will correct this error.

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### **Disciplinary Actions: Update for Summer 2008 newsletter**

#### **Pablo F. Allen, S.Psy., Licensed Specialist in School Psychology (El Paso)**

Complaint: Respondent was arrested and failed to report this legal action.

Sanction: Respondent was assessed an administrative penalty of \$250.00.

#### **Terry W. Allen, Ph.D., Licensed Psychologist (El Paso)**

Complaint: Respondent failed to respond to Complainant's request for records in timely manner; failed to make timely response to Board's complaint.

Sanction: Respondent's license was reprimanded, must obtain three (3) hours of continuing education in record keeping and/or ethics, and must pay \$300.00 administrative penalty/costs.

#### **Christopher J. Austin, Ph.D., Licensed Psychologist (Irving)**

Complaint: Respondent engaged in activities defined as sexual misconduct, was convicted of second degree felony sexual assault.

Sanction: Respondent's license was revoked by agreement.

**Houston Fain Braly, Ph.D, Licensed Psychologist (Corsicana)**

Complaint: Respondent was arrested on two occasions and failed to report these legal actions within thirty (30) days.

Sanction: Respondent's license was reprimanded and prior to provision of further psychological services, he must undergo psychological evaluation to determine fitness to safely serve the public.

**Katherine E. Brehm, Ph.D., Licensed Specialist in School Psychology (El Paso)**

Complaint: Respondent provided supervision to a person who performed duties of an LSSP intern in public schools without being enrolled in an institution of higher learning, and who was not an applicant for licensure.

Sanction: Respondent was assessed administrative penalty/costs of \$250.00 and must obtain three (3) hours of continuing education in ethics.

**Earlene S. Caldwell, M.A., Licensed Psychological Associate (Corpus Christi)**

Complaint: Respondent provided testing related to psychological assessments on referral from a school district without proper credential (LSSP).

Sanction: received administrative penalty, must re-take and pass the Jurisprudence Examination; must pay \$100.00 administrative costs.

**Dorcas A. Carrington, M.A., Licensed Psychological Associate (Paris)**

Complaint: Respondent failed to obtain mandatory continuing education; repeat offenses.

Sanction: Respondent's license was reprimanded; must complete six (6) hours of additional continuing education in ethics; must pay administrative penalty/costs of \$2,000.00.

**Elizanda de la Sota, Ph.D., Licensed Psychologist (Austin)**

Complaint: was arrested and failed to report this legal action.

Sanction: was assessed an administrative penalty of \$100.00.

**James W. DePetro, M.S.E., Licensed Specialist in School Psychology (Grapevine)**

Complaint: Respondent was arrested and failed to report this legal action.

Sanction: Respondent was assessed an administrative penalty of \$250.00.

**Jeffrey J. Dersh, Ph.D., Licensed Psychologist (San Antonio)**

Complaint: Respondent provided supervision to a person who provided psychological services as a post-doctorate intern without legal authorization to practice

Sanction: Respondent was assessed administrative penalty/costs of \$750.00 and must obtain nine (9) hours of continuing education in ethics.

**Debbie Edwards, M.A., Licensed Specialist in School Psychology (Houston)**

Complaint: Respondent failed to obtain mandatory continuing education.

Sanction: Respondent was assessed an administrative penalty of \$250.00.

**Arthur Anthony Flores, Ph.D. Licensed Psychologist and Licensed Specialist in School Psychology (San Antonio)**

Complaint: Respondent provided supervision to a person who provided services in the public schools without legal authorization.

Sanction: Respondent was assessed administrative penalty of \$500.00 and must obtain three (3) hours of continuing education in ethics.

**Cheryl Fuller, Ph.D., Licensed Psychologist (Fort Worth)**

Complaint: Respondent failed to provide adequate record of treatment for continuity of care, terminated services abruptly.

Sanction: Respondent's license was reprimanded, she must engage a practice monitor, must complete twelve (12) hours of additional continuing education in record keeping, informed consent and treatment planning; must pay \$2,000.00 administrative penalty/costs.

**M. Gayle Griffin, Psy.D., Licensed Psychologist (Dallas)**

Complaint: Respondent's patient records were found littered on a Dallas sidewalk in 2006.

Sanction: Respondent's license was reprimanded, she must engage a practice monitor, must complete twelve (12) hours of additional continuing education in record keeping, confidentiality and ethics; must pay \$500.00 administrative penalty/costs.

**Susan Sperry Halseth, M.Ed., Licensed Specialist in School Psychology and Licensed Psychological Associate (Austin)**

Complaint: Respondent was arrested and failed to report this legal action.

Sanction: Respondent was assessed an administrative penalty of \$500.00.

**David Terry Hanks, Ph.D., Licensed Psychologist (Plano)**

Complaint: Respondent was arrested and failed to report this legal action.

Sanction: Respondent was assessed an administrative penalty of \$250.00.

**George A. Heikens, Ph.D., Licensed Psychologist (Temple)**

Complaint: Respondent provided forensic psychological services in a child custody proceeding, including both therapeutic intervention and evaluation, without written informed consent from both parents; failed to maintain proper records and test survey forms.

Sanction: Respondent's license was reprimanded. Respondent agrees to refrain from further forensic practice. He must complete six (6) hours of continuing education in ethics and record keeping and pay \$1,500.00 administrative penalty.

**David Hirschman, Ph.D., Licensed Psychologist (Corpus Christi)**

Complaint: Respondent advertised services in conjunction with another licensee which designated the other as "LPA" prematurely, and which included a statement the other was a diplomate of an organization which is not a refereed board as required by Board rule.

Sanction: Respondent was assessed an administrative penalty of \$250.00 and must complete three (3) hours of continuing education in ethics.

**Ronald J. Jereb, Ph.D., Licensed Psychologist (Longview)**

Complaint: Respondent was arrested and failed to report this legal action.

Sanction: Respondent was assessed an administrative penalty of \$250.00.

**Elizabeth A. Kerridge, M.Ed., Licensed Psychological Associate (Nacogdoches)**

Complaint: Respondent was arrested and failed to report this legal action.

Sanction: Respondent was assessed an administrative penalty of \$750.00.

**Joe L. Lerma, Ph.D., Licensed Psychologist (Corpus Christi)**

Complaint: Respondent was convicted of Medicaid/Medicare fraud.

Sanction: Respondent's license was revoked by agreement.

**Lynda Barclay Mathis, Ph.D., Licensed Psychologist (Argyle)**

Complaint: Respondent was arrested and failed to report this legal action.

Sanction: Respondent was assessed an administrative penalty of \$500.00.

**Shelley R. Probbler, Psy.D., Licensed Psychologist (San Antonio)**

Complaint: Respondent was court-appointed to provide forensic professional services for a family court matter, and filed a report which made recommendations with respect to child custody. The report did not contain sufficient substantiation to support the recommendations made.

Sanction: Respondent's license was reprimanded, and Respondent must complete six (6) hours of continuing education in ethics and pay an administrative penalty of \$1,000.00.

**Gretchen Wade Raiff, Ph.D., Licensed Psychologist (Dallas)**

Complaint: Respondent provided supervision to a post-doctorate person who provided psychological services in a forensic matter.

Sanction: Respondent's license was reprimanded; she was assessed an administrative penalty of \$1,000.00 and must obtain three (3) hours of continuing education in ethics or forensic practice.

**Thomas A. Reid, Ph.D., Licensed Psychologist (Sachse)**



Complaint: Respondent provided supervision to a person who provided psychological services without legal authority. The person was hired by Respondent's employer and Respondent had no role in the hiring. Supervision was provided in the course and scope of Respondent's employment.

Sanction: Respondent was assessed an administrative penalty of \$1,000.00 and must obtain three (3) hours of continuing education in supervision.

**Donald Reynolds, Ph.D., Licensed Psychologist (Austin)**

Complaint: Respondent failed to properly maintain control of records and failed to respond to a patient request for records in a timely manner.

Sanction: Respondent's license was reprimanded, he must engage a practice monitor, must obtain six (6) hours of continuing education in record keeping, must attempt data recovery from computer, and pay an administrative penalty of \$750.00.

**Elizabeth K. Rhoades, Ph.D., Licensed Specialist in School Psychology (Amarillo)**

Complaint: Respondent provided supervision to a person who performed duties of an LSSP intern in public schools without being enrolled in an institution of higher learning, and who was not an applicant for licensure.

Sanction: Respondent is assessed an administrative penalty of \$1,000.00, must obtain three (3) hours of continuing education in ethics and Board rules.

**Yatta A. Robinson, Psy.D., Licensed Specialist in School Psychology (Addison)**

Complaint: Respondent was arrested on two occasions and failed to report these legal actions within thirty (30) days.

Sanction: Respondent was assessed an administrative penalty of \$250.00.

**Kenneth Troy Sanchez, M.A., Licensed Specialist in School Psychology (Austin)**

Complaint: Respondent was arrested and failed to report this legal action.

Sanction: Respondent was assessed an administrative penalty of \$250.00.

**Kevin Jay Schloneger, Ph.D., Licensed Psychologist (Spring)**

Complaint: Respondent failed to properly maintain notes in a forensic evaluation.

Sanction: Respondent is assessed an administrative penalty of \$250.00 and must obtain three (3) hours of continuing education in forensic services and record keeping.

**Betty Lou Schroeder, Ph.D., Licensed Psychologist and Licensed Specialist in School Psychology (San Antonio)**

Complaint: Respondent failed to respond to Complainant's requests for records in timely and appropriate manner.

Sanction: Respondent was assessed an administrative penalty of \$1,000.00 and must obtain six (6) hours of continuing education in record keeping.

**Richard C. Smith, Jr., M.A., Licensed Psychological Associate (Odessa)**

Complaint: Respondent was arrested and failed to report this legal action.

Sanction: Respondent was assessed an administrative penalty of \$750.00.

**Robert J. Steronko, M.S., Licensed Psychological Associate (Austin)**

Complaint: Respondent was arrested and failed to report this legal action.

Sanction: Respondent was assessed an administrative penalty of \$500.00.

**Traci Lee Whittenberg, Ph.D., Licensed Psychologist and Licensed Specialist in School Psychology (Houston)**

Complaint: Respondent provided supervision to a person who performed duties of an LSSP intern in public schools without being enrolled in an institution of higher learning.

Sanction: Respondent's license was reprimanded; she was assessed an administrative penalty of \$750.00 and she must obtain nine (9) hours of continuing education in ethics.

**Lester Winningham, Ph.D., Licensed Psychologist (Arlington)**

Complaint: Respondent was convicted of first degree murder.

Sanction: Respondent's license was revoked.

**Chester D. Winslow, Ph.D., Licensed Psychologist and Licensed Specialist in School Psychology (Blanco)**

Complaint: Respondent provided supervision to a person who performed duties of an LSSP intern in public schools without being enrolled in an institution of higher learning, and who was not an applicant for licensure.

Sanction: Respondent is assessed an administrative penalty of \$500.00, must obtain three (3) hours of continuing education in ethics and Board rules.

**Resignations in Lieu of Adjudication (Continuing Education Complaints)**

- **Christopher L. Love, M.A.** (Harker Heights)
- **Ray Holland Pate, M.A.** (Galveston)
- **Kristen Lynn Pitstick, M.A.** (Austin)
- **Howard M. Rhoades, Ph.D.** (Houston)