

TSBEP Newsletter

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Provision of Psychological Services in the Public Schools without a License by LSSP Applicants for Licensure

The Texas State Board of Examiners of Psychologists has recently adopted an amendment to Board rule 463.9 concerning licensed specialists in school psychology (LSSPs).

There are now three separate stages under which an individual seeking licensure as an LSSP may be allowed to provide psychological services in the public schools without a license.

First Stage:

Board rule 463.9 requires that an applicant for the LSSP have completed an internship of 1200 hours, at least 600 hours of which must be in the public schools. During this internship, the individual is allowed to provide school psychological services as an LSSP intern.

Second Stage:

After the individual has completed an internship AND has submitted an application for licensure for LSSP with the Board, the individual/applicant may provide school psychological services without a license and would still be considered an LSSP intern. However, if the applicant receives a letter from the Board indicating that the applicant does NOT meet the training requirements for this licensure, the applicant may no longer legally provide psychological services in the public schools and must cease to do so immediately.

Note: there should be no gap in time between the individual completing the internship and submitting an application for licensure to the Board. This means that the individual would have to submit the application for licensure in a prompt manner as soon as the internship is completed. If the application is not submitted in a timely manner and the formal internship is complete and the individual continues to provide psychological services in the interim, they would be providing services illegally.

Also, if the application cannot be accepted by the Board and is returned to the applicant then the applicant must immediately stop providing school psychological services. An application would be returned to the applicant for various reasons such as for being incomplete or failing to provide required documentation.

Third Stage:

The majority of LSSP applicants are found by the Board to have met the training requirements and therefore will be issued an LSSP trainee status letter. This letter informs the applicant that they have met the training requirements and therefore may function as an LSSP trainee for up to one year, while they take and pass the Jurisprudence Examination. This then is the third

stage or condition that allows for providing psychological services in the public schools without a license.

Summary:

The second stage constitutes the real change to the rule. At times there had been the situation where the applicant had completed the formal internship with the higher education institution, but their contract with the public school was not complete and so they continued to provide services and yet they had not submitted an application for licensure to the Board. The second stage aims at helping such an applicant transition into becoming an LSSP trainee, provided that the application is submitted to the Board as soon as the formal internship is completed.

The applicant for the LSSP must complete their formal internship before applying for licensure. Also, the applicant for the LSSP must take and pass the National School Psychology Exam before the end of their formal internship. Passage of this exam at the Texas cutoff is required information on the application for licensure. If the application does not indicate passage of this exam on their application, the Board returns the application to the applicant as being incomplete and the applicant will NOT have a pending application before the Board and therefore may no longer provide school psychological services.

463.9. Licensed Specialist in School Psychology.

- (a) Application Requirements. A completed application for licensure as a specialist in school psychology includes the following, in addition to the requirements set forth in Board rule §463.5 of this title (relating to Application File Requirements):
 - (1) Documentation of an appropriate graduate degree; and
 - (2) Documentation from the National School Psychologists' Certification Board sent directly to the Board indicating the applicant holds current valid certification as a National Certified School Psychologist (NCSP); or
 - (3) Documentation of the following sent directly to the Board:
 - (A) transcripts that verify that the applicant has met the requirements set forth in subsection (b) of this section;
 - (B) proof of the internship required by subsection (c) of this section if the applicant did not graduate from either a training program approved by the National Association of School Psychologists (NASP) or a training program in school psychology accredited by the American Psychological Association (APA);
 - (C) the score that the applicant received on the School Psychology Examination sent directly from the Education Testing Service; and

- (D) three acceptable reference letters from three different individuals who are licensed as psychologists or specialists in school psychology or are credentialed in school psychology in their respective jurisdictions.
- (b) Training Qualifications. Candidates for licensure as a specialist in school psychology who hold a currently valid NCSP certification or who have graduated from a training program approved by the NASP or accredited in School Psychology by the APA will be considered to have met the training and internship qualifications. All other applicants must have completed a graduate degree in psychology from a regionally accredited academic institution, and have completed at least 60 graduate level semester credit hours, also from a regionally accredited academic institution, no more than 12 of which may be internship hours. All 60 hours do not have to be obtained prior to the conferral of the graduate degree and the applicant need not be formally enrolled in a psychology program to obtain graduate hours after the degree date. For purposes of this rule, a graduate degree in psychology means the name of the candidate's major or program of studies must be titled psychology. These applicants must submit evidence of graduate level coursework as follows:
- (1) Psychological Foundations, including:
 - (A) biological bases of behavior;
 - (B) human learning;
 - (C) social bases of behavior;
 - (D) multi-cultural bases of behavior;
 - (E) child or adolescent development;
 - (F) psychopathology or exceptionalities;
 - (2) Research and Statistics;
 - (3) Educational Foundations, including any of the following:
 - (A) instructional design;
 - (B) organization and operation of schools;
 - (C) classroom management; or
 - (D) educational administration;
 - (4) Assessment, including:
 - (A) psychoeducational assessment;
 - (B) socio-emotional, including behavioral and cultural, assessment;
 - (5) Interventions, including:
 - (A) counseling;

- (B) behavior management;
 - (C) consultation;
 - (6) Professional, Legal and Ethical Issues; and
 - (7) A Practicum.
- (c) Completion of internship. Applicants must have completed a minimum of 1200 hours, of which 600 must be in a public school. A formal internship or other site-based training must be provided through a formal course of supervised study from a regionally accredited institution of higher education in which the applicant was enrolled or be obtained in accordance with Board rule §463.11(c)(1) and (c)(2)(C) of this title (relating to Licensed Psychologist). The internship in the public school must be supervised by an individual qualified in accordance with Board rule §465.38 of this title (relating to Psychological Services in the Schools). Internship which is not obtained in a public school must be supervised by a licensed psychologist. No experience with a supervisor who is related within the second degree of affinity or within the second degree by consanguinity to the person, or is under Board disciplinary order, may be considered for specialist in school psychology licensure. Internships may not involve more than two sites (a school district is considered one site) and must be obtained in not less than one or more than two academic years. These individuals must be designated as interns. Direct, systematic supervision must involve a minimum of one face-to-face contact hour per week or two consecutive face-to-face contact hours once every two weeks with the intern. The internship must include direct intern application of assessment, intervention, behavior management, and consultation, for children representing a range of ages, populations and needs.
- (d) Additional Requirements. In addition to the requirements of subsection (a) through (c) of this section, applicants for licensure as a specialist in school psychology must meet the requirements imposed under §501.255(a)(2) - (9) of the Psychologists' Licensing Act.
- (e) Examinations. Applicants must take the National School Psychology Examination administered by the Educational Testing Service and obtain at least the current cut-off score for the NCSP before applying for the licensed specialist in school psychology. Following Board approval, an applicant for licensure as a specialist in school psychology must take and pass the Board's Jurisprudence Examination.
- (f) Trainee Requirements. An applicant for the specialist in school psychology license who meets all requirements, prior to taking and passing the Jurisprudence examination, may, in accordance with Board rule §465.38(4) of this title (relating to Psychological Services in the Schools), practice under supervision as a trainee for not more than one calendar year.
- (g) Provision of psychological services in the public schools by unlicensed individuals. An unlicensed individual may legally provide psychological services under supervision in

the public schools pursuant to section 501.004(a)(2) of the Act. Services may be provided if:

- (1) the individual is enrolled in an internship, practicum or other site based training in a school psychology program in a regionally accredited institution of higher education, or
 - (2) the individual has completed an internship in a school psychology program in a regionally accredited institution of higher education and has an application for licensure as an LSSP pending before the Board and the Board has not notified the applicant that he or she does not meet the training requirements for this licensure, or
 - (3) the individual has been issued a trainee status letter by the Board. as an intern provided that the individual is enrolled in an internship, practicum or other site based training in a school psychology program in a regionally accredited institution of higher education. Once the individual has completed the internship required for licensure as an LSSP and is no longer enrolled in a formal program, the individual may not provide psychological services in the public schools. After the individual has passed the National School Psychology Examination, he or she must apply for licensure as an LSSP with the Board. After the Board has reviewed the LSSP application and approved the training of the applicant, the applicant will be issued an LSSP trainee status letter which allows the applicant to practice in accordance with the LSSP trainee requirements of this rule.
- (h) Once an individual has completed the internship required for licensure as an LSSP and has passed the National School Psychology Exam, he or she must apply for licensure as an LSSP with the Board. After the Board has reviewed the LSSP application and approved the training of the applicant, the applicant will be issued an LSSP trainee status letter which allows the applicant to practice in accordance with the LSSP trainee requirements of this rule.

Legal Actions Reported and Reciprocal Discipline

Two Rules Amended and New Rule Created

Rule changes adopted at the April 30, 2009 Board meeting clarify reporting requirements and add new language concerning discipline imposed by another health licensing board.

The previous rule 469.11 pertaining to legal actions reported has been broken down into separate paragraphs. The underlying reporting requirement has not changed. Any criminal

action, including arrest, and any civil action involving the practice of psychology or a patient or former patient, must be reported within thirty (30) days.

If a licensee reports a criminal conviction that constitutes grounds for disciplinary action as set forth in the Act at 501.401, a complaint shall be opened in accordance with the law. If a licensee reports a civil action that constitutes grounds for disciplinary action, the board may open a complaint.

The amended rule expands the description of administrative actions that must be reported. This is not a new requirement but it is now spelled out more clearly. If a licensee receives notice of a complaint filed in another jurisdiction, that must be reported to the Board within thirty (30) days. Any discipline imposed as a result of the complaint must also be reported.

New language has been added to address circumstances when a licensee receives discipline by another health licensing board for conduct that represents a violation of Board rules. The section of the rule titled "reciprocal discipline" describes action that the Board will take if a licensee is disciplined in another jurisdiction. The Board will impose the discipline applicable to the same conduct or rule violation under Board rules.

Failure to report discipline by another health licensing board would constitute a separate rule violation and would result in enhanced penalties.

The Board does not have provision for voluntary surrender of a license, but recognizes that other jurisdictions do allow it. The new rule provides that a voluntary surrender in lieu of disciplinary action or during an investigation by another health licensing board constitutes disciplinary action under the rule.

Board rule 469.1 pertaining to the timeliness of complaints was amended to extend the statute of limitations so that the time required to investigate and conclude a matter in another jurisdiction is not counted; the statute of limitations is tolled during another jurisdiction's processing of a complaint. In addition, a complaint based upon discipline in another jurisdiction is timely filed within five years of the date that the Board receives notice of the disciplinary action.

469.1. Timeliness of Complaints.

- (a) A complaint is timely filed if it is received by the Board, in proper form, within five years of the date of the termination of professional services.
- (b) A complaint alleging sexual misconduct by a licensee is timely filed if received within ten years of the termination of services or the patient's reaching the age of majority.
- (c) Any statute of limitations applying to a complaint filed against a licensee by a health licensing board in another jurisdiction, or filed by another health licensing board in

Texas, begins after that jurisdiction's or authority's investigation is complete.

- (d) A complaint based on discipline in another jurisdiction is timely filed within five years of the date that the board receives notice of the disciplinary action.

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469.11. Legal Actions Reported and Reciprocal Discipline.

- (a) Licensees are required to report legal actions as follows:

- (1) Any criminal action taken against a licensee including, but not limited to, arrest, indictment, or conviction, must be reported in writing to the Board within thirty days of the activity.
- (2) Any civil lawsuit pertaining to the practice of psychology or involving a licensee's patient or former patient must be reported as follows:
 - (A) A licensee who initiates a lawsuit must send a copy of the initial pleadings to the Board within thirty days of the filing of such action with the court.
 - (B) A licensee who is a defendant in a lawsuit must send a copy of the initial pleadings to the Board within thirty days of service upon the licensee.
- (3) A complaint shall be opened if a reported criminal action constitutes grounds for disciplinary action as set forth in the Act at 501.401. A complaint may be opened if a reported civil action constitutes grounds for disciplinary action under Board rules.
- (4) Any administrative action (complaint) initiated against a licensee by another health licensing board in this state or any other jurisdiction must be reported to the Board by sending a copy of the correspondence and complaint within thirty days of its receipt by the licensee.
- (5) Any disciplinary action taken against the licensee by another health licensing board in this state or any other jurisdiction must be reported to the Board by sending a copy of the order or letter of discipline within thirty days of its receipt by the licensee.

- (b) Reciprocal Discipline:

- (1) A complaint shall be opened upon receipt of a report of discipline against a licensee by another health licensing board in this state or any other jurisdiction.

- (2) The disciplinary action imposed on a licensee who is disciplined by another health licensing board will be the discipline applicable to the same conduct or rule violation under Board rules.
- (3) A voluntary surrender of a license in lieu of disciplinary action or during an investigation by another health licensing board constitutes disciplinary action under this rule. A complaint shall be opened and the disciplinary action imposed will be the discipline applicable under Board rules to the alleged conduct as if proved.

Renewal Fee Increases to Begin September 2009

In order to fund a new, shared computer system, the Texas State Board of Examiners of Psychologists must generate enough new revenue to cover the cost of its share of the system.

Therefore, renewal fees for all licensees will increase beginning with September 2009 renewals. These fee increases will remain in effect throughout fiscal year 2010 that runs from September 2009 through August 2010. However, it is anticipated that beginning in September 2010 the renewal fee increase that occurred in the preceding fiscal year will decrease somewhat.

By September 1, 2009, exact renewal fee increases will be available through the Texas Online renewal option as well as on the TSBEP fee chart available on the TSBEP website www.tsbep.state.tx.us.

The current computer system used by the Board is in danger of inoperability. Five other small regulatory state agencies face similar problems with their legacy computer database systems. Therefore, in order to conserve resources, these six state agencies agreed on a new computer licensing/enforcement system offered by a vendor previously approved by the Department of Information Resources.

To secure funding for this initiative, the Board and the other agencies was each forced to make its top Legislative funding request the purchase and implementation of a replacement computer system.

The Board originally requested that the Legislature fund the proposed new, shared system with excess revenues currently collected by the six state agencies. These are revenues collected

annually in excess of the amount of appropriations that the agencies are appropriated by the Legislature for normal operations. The Legislature did not approve this first option for funding.

However, the Legislature did acknowledge the importance of this funding request by approving agency appropriations for this purpose even in these difficult financial times. All six state agencies that will share the new system are required to raise their fees in order to cover the costs/appropriations for the new, shared system.

The Board hopes to have its new system fully implemented by August 2010.

**Disciplinary Actions:
February and May 2009 Board Meetings**

**Timothy O. Blanchard, M.A., Licensed Specialist in School Psychology and
Licensed Psychological Associate (Corpus Christi)**

Complaint: In fulfilling a contract for services in a public school, Respondent improperly delegated duties to a person not licensed as a Licensed Specialist in School Psychology (LSSP), and failed to provide informed consent to the parents of a special education student.

Sanction: Respondent's license was reprimanded, he must complete twenty (20) hours of continuing education in professional ethics, evaluation, report writing, and school psychology, and he must pay administrative penalty/costs of \$1,000.00.

Barry Stephen Coakley, Ph.D., Licensed Psychologist (Dallas)

Complaint: Respondent supervised the work of an LPC-intern in a forensic matter in which parties did not receive full informed consent and engaged in a dual relationship with the supervisee.

Sanction: Respondent's license was reprimanded, he must pay administrative penalty/costs of \$1,000.00, and he must complete three (3) hours of additional continuing education in ethics.

Robert Campbell Cramer, Psy.D., Provisionally Licensed Psychologist (Corpus Christi)

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

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

Patrick John Dattore, Ph.D., Licensed Psychologist (San Marcos)

Complaint: Respondent failed to obtain written clarification from the court as to the scope of a forensic evaluation.

Sanction: Respondent was assessed an administrative penalty of \$1,500.00 and he must complete six (6) hours of additional continuing education in professional ethics and/or forensic services.

Fernando Jesus Esparza, Psy.D., Licensed Psychologist (San Antonio)

Complaint: Respondent failed to establish appropriate professional boundaries regarding multiple related clients and did not properly terminate professional services.

Sanction: Respondent's license was suspended with probation for one year, during which he must complete nine (9) hours of additional continuing education in ethics and record-keeping, and he must pay administrative penalty/costs of \$3,000.00.

**Alan Thomas Fisher, Ph.D., Licensed Psychologist and (Corpus Christi)
Licensed Specialist in School Psychology**

Complaint: Respondent engaged a licensed psychological associate who is not licensed as a specialist in school psychology (LSSP) to provide school psychological services.

Sanction: Respondent was assessed an administrative penalty of \$2,500.00.

Charles Lewis Hollweg, Ph.D., Licensed Psychologist (Plano)

Complaint: Respondent provided supervision for more than one year to a person who lacked legal authorization to practice.

Sanction: Respondent's license was reprimanded, he must complete three (3) hours of additional continuing education in ethics or supervision practice, and he must pay administrative penalty/costs of \$1,000.00.

Gloria Ann Kury, M.A., Licensed Specialist in School Psychology (Brownsville)

Complaint: Respondent did not correctly represent her professional psychological credentials on her letterhead and office forms.

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

Ricky Lynn Lange, Ed.S., Licensed Specialist in School Psychology (Waco)

Complaint: Respondent provided supervision to a person who performed duties of a licensed specialist in school psychology (LSSP) intern without legal authority.

Sanction: Respondent was assessed an administrative penalty of \$500.00 and must complete three (3) hours of additional continuing education in ethics or supervision practice.

Belinda Martinez, M.A., Licensed Specialist in School Psychology (Edinburg)

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

Sanction: Respondent was assessed an administrative penalty of \$350.00.

Chad Yates Morgan, Ph.D., Licensed Psychologist (Nash)

Complaint: Respondent failed to establish appropriate professional boundaries and engaged in improper sexual conduct with the Complainant.

Sanction: Respondent's license was suspended for three years with the possibility of probation after the first year if these conditions are met: retake and pass the Jurisprudence Examination, undergo a psychological evaluation and treatment if necessary, engage a practice monitor, treat a restricted patient population, and pay an administrative penalty/costs of \$3,000.

Jan Ford Mustin, Ph.D., Licensed Psychologist (Austin)

Complaint: Respondent was served with a civil lawsuit pertaining to psychology and failed to timely report this legal action.

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

Nilsa S. Colon Ortiz, Ph.D., Licensed Psychologist (Rio Piedra)

Complaint: Respondent failed to provide the Board with proof that she obtained the minimum twelve hours of continuing education for the preceding year.

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

George Stephen Park, Ph.D., Licensed Psychologist (Lufkin)

Complaint: Respondent co-signed behavior plans for Complainant's son that were produced by an unlicensed person who misrepresented herself as a licensed psychological associate.

Sanction: Respondent's license was reprimanded, he must complete three (3) hours of additional continuing education in professional ethics, and he must pay administrative penalty/costs of \$1,000.00.

**Walter York Quijano, Ph.D., Licensed Psychologist and (Conroe)
Licensed Specialist in School Psychology**

Complaint: Respondent failed to obtain written informed consent in a forensic matter and produced records insufficient for continuity of care.

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

Linda L. Rayha, Ph.D., Licensed Psychologist (The Woodlands)

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

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

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

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

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

Jay Solomon, Ph.D., Licensed Psychologist (Houston)

Complaint: Respondent failed to document written informed consent in a forensic matter; updated case notes months after provision of services, and failed to report a civil legal action.

Sanction: Respondent's license was reprimanded, he must complete twelve (12) hours of additional continuing education in ethics and record keeping, and he must pay administrative penalty/costs of \$3,000.00.

Resignations in Lieu of Adjudication

1. Houston Fain Braly, Ph.D. (Corsicana)
2. Erica Sheree Porter, S.S.Psy. (Florissant, MO)
3. Mary Allison Noffsinger, Ph.D. (Edmond, OK)