

Texas State Board of Examiners of Psychologists

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Fingerprint Criminal History Check Requirement for Renewals Beginning January 2015

Beginning with those licensees due for renewal in January of 2015, the Texas State Board of Examiners of Psychologists will begin conducting fingerprint criminal history checks on all individuals who applied for licensure prior to October of 2007, but who did not undergo a fingerprint criminal history check as part of the Board's licensing process.

This one-time renewal requirement set to begin with January 2015 renewals, will be phased in with approximately twenty-five percent of eligible licensees required to submit their fingerprint criminal history checks in the first calendar year. The remaining eligible licensees will be required to submit their fingerprint criminal history checks over the course of the next three years.

Those licensees who have not previously undergone a fingerprint criminal history check will be notified by letter prior to their renewal date, that they have been selected to undergo a fingerprint criminal history check.

Pursuant to Board rule 461.7, a licensee's fingerprint criminal history check must be received by the Board on or before their renewal date, or their license will not be renewed.

Instructions on completing a fingerprint criminal history check will be set forth in the notification letter sent to the licensee prior to renewal.

Unfortunately, the Board is not permitted to receive or utilize fingerprint criminal history checks performed for other governmental entities. Thus, you will need to undergo another fingerprint criminal history check for this agency, regardless of whether you have undergone one recently for another governmental entity.

Rule Changes Under Consideration Affecting Supervision

The Board is currently reviewing several changes being suggested for its rules governing supervision. In connection with this review, the Board will seek public input prior to proposing any such changes and has voted to hold two public hearings, one on March 16, 2015 and the other on March 17, 2015. The times and locations for these public hearings may be found on the Board's website at <http://www.tsbep.texas.gov/new-developments-and-requirements>, or on the Secretary of State's website at [http://info.sos.state.tx.us/pls/pub/pubomquery\\$.startup](http://info.sos.state.tx.us/pls/pub/pubomquery$.startup).

The changes under consideration have been suggested by the Rules Advisory Committee (RAC), an ad hoc committee made up of licensees whose function was to assist the Board's Rules Committee in drafting proposed changes. The Rules Committee is also considering recommending several changes in connection with the changes suggested by the RAC.

A draft version of the suggested changes can be downloaded from the Board's website at <http://www.tsbep.texas.gov/new-developments-and-requirements>.

If you wish to comment on the suggested changes, you may do so by attending one of the public hearings. If you are unable to attend a public hearing, you may submit comments via email to the Board's Executive Director at Executive.Director@tsbep.texas.gov. Please note that regardless of whether you submit comments at a public hearing or via email, you will not receive a formal response from the Board. Furthermore, if submitting comments via email, you must do so on or before March 31, 2015. No comments will be accepted after this date.

Lastly, please keep in mind these suggested changes **have not** been proposed, and **are not** under consideration by the full Board at this time. This opportunity for comment is being offered to allow stakeholder input prior to proposing any rule changes under Chapter 2001, Subchapter B of the Administrative Procedure Act. Changes to the Board's rules can only take place after the rulemaking process set out in Chapter 2001 has been initiated. This process entails publishing proposed rules for a set period of time in the Texas Register and taking public comments, prior to adopting a rule change.

Help Ensure the Future of Quality Mental Health Services in Texas - Serve as a TSBEP Oral Examiner

The Texas State Board of Examiners of Psychologists (TSBEP) is seeking qualified psychologists to serve as examiners at the Board's Oral Examinations. These examinations are held on Friday and Saturday, twice a year in Austin. The Board realizes that finding the time to add a mostly volunteer activity to your busy schedule can be difficult. Some benefits of serving as an Oral Examiner are: protection of the public;

consideration to serve on special Board committees; earning up to eight hours of the professional development hours required to renew your license; networking with other licensed psychologists from around the State; and, a stipend of \$150.

If you would like to serve as an Oral Examiner and have been licensed as a psychologist in Texas for at least three years; have no restrictions or pending complaints against your license; and can be available to attend an Oral Examination at least once a year, please contact Brian L. Creath, Deputy Executive Director, at the Board's office, 512-305-7700, or via email to Deputy.ED@tsbep.texas.gov.

The Duty to Report: It's not just about child and elder abuse

When a person becomes licensed by the Texas State Board of Examiners of Psychologists, that individual is required by Board rule 461.15 to comply with the Psychologists' Licensing Act and the Board's rules. The failure to comply with the Psychologists' Licensing Act or the Board's rules may subject the individual to a Board initiated complaint and disciplinary action.

Board rule 469.11 is integral to the Board's ability to carry out its mission to protect the public by ensuring that psychological services are provided to the people of Texas by qualified and competent practitioners who adhere to established professional standards. Board rule 469.11 requires a licensee to report in a prescribed fashion, those legal actions bearing a reasonable

relationship to the ability to deliver appropriate psychological services.

First, pursuant to Board rule 469.11(a)(1), a licensee must report any criminal action taken against them, including, but not limited to, arrest, indictment, or conviction. The list of reportable criminal actions set forth in this rule is not an exclusive list, and would include any information or complaint (i.e. misdemeanor charges) brought or filed against a licensee, as well as pre-trial diversion and deferred adjudication dispositions. However, the Board does not require a licensee to report speeding tickets or other minor traffic violations, nor are applicants and licensees required to report criminal actions with respect to which an order of expunction or an order of nondisclosure has been issued.

Criminal actions must be reported by the licensee within 30 days of the activity. By way of example, if a licensee is stopped while driving and arrested for DWI, but receives pre-trial diversion 6 months later, the licensee must have notified the Board of his or her arrest within 30 days in order to have complied with Board rule 469.11. If the licensee waits until they receive pre-trial diversion before reporting to the Board, they will have violated Board rule 469.11.

Second, pursuant to Board rule 469.11(a)(2), a licensee must report any civil lawsuit in which he or she is involved pertaining to the practice of psychology or involving a patient or former patient. If the licensee initiated the lawsuit, he or she must send a copy of the initial pleadings to the Board within 30 days of filing the lawsuit. If the licensee is a defendant in the lawsuit, he or she must send

a copy of the initial pleadings, which would include a copy of the plaintiff's pleadings, to the Board within 30 days of service upon the licensee. A licensee, who initiates a lawsuit, should in addition to submitting a copy of his or her own pleadings, send a copy of any counterclaim filed against them within 30 days of service.

Third, pursuant to Board rule 469.11(a)(4)-(5), a licensee must report any administrative action initiated or disciplinary action taken against them by another health licensing board in this state or any other jurisdiction. A report of an administrative action or disciplinary action must be accompanied by a copy of any correspondence, complaint, sanction, order, letter of discipline, or other similar document reflecting the administrative or disciplinary action, within 30 days of its receipt by the licensee. It is important to note that a voluntary surrender of a license issued by another health licensing board in this state or any other jurisdiction during an investigation or in lieu of disciplinary action, constitutes disciplinary action under the Board's rules and must be reported.

Lastly, the failure to fully and fairly respond to questions and instructions on the Board's annual renewal application concerning unreported legal actions, may also constitute a violation of Board rules 461.15 pertaining to compliance with Board directives and 461.16(b) pertaining to inaccurate or false information in an annual renewal application.

**TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS DISCIPLINARY SANCTIONS RATIFIED AT THE
February 26, 2015 BOARD MEETING**

NAME	CITY	NATURE/INFRACTION	DISCIPLINARY ACTION	DATE
Blanton, Derrick Kyle, Psy.D.	Irving	Failure to disclose an arrest; providing false information on a renewal.	Administrative penalty and additional professional development.	02/26/15
Bunk, Brian E., Ph.D.	Dallas	Sexual relationship with a client; failure to cooperate with a Board investigation.	Revocation.	02/26/15
Dickey, George Vernon, Ph.D.	Austin	Failure to provide proof of required professional development	Administrative penalty and additional professional development.	02/26/15
Hirsch, Victor Nolan, Ph.D.	League City	Supervised a licensed psychological associate who practiced psychology on a delinquent license.	Reprimand, administrative penalty, and additional professional development.	02/26/15
Rubin, Todd Alan, Ph.D.	Dickinson	Practiced psychology on a delinquent license.	Probated suspension, administrative penalty, and additional professional development.	02/26/15
Sander, Douglas Weldon, Psy.D.	San Antonio	Failure to disclose an arrest; providing false information on a renewal.	Administrative penalty and additional professional development.	02/26/15