

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR
Darrel D. Spinks

Texas State Board of Examiners of Psychologists

MINUTES

August 16, 2018

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Ryan T. Bridges
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Ronald S. Palomares Ph.D.
Dallas

The Texas State Board of Examiners of Psychologists met in Austin, Texas on August 16, 2018. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; John Bielamowicz; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Angela Downes, J.D.; Susan Fletcher, Ph.D.; Lou Ann Todd Mock, Ph.D., Vice-Chair; and Ronald Palomares, Ph.D. Also, in attendance were Darrel Spinks, Executive Director and Kara Holsinger, Attorney General Office. Absent from the meeting was John R. Huffman, J.D.

Thursday, August 16, 2018

1. The meeting was called to order at 9:00 a.m. by Dr. Branaman.
2. The Board moved into Item II, Public Comments - no comments.
3. The Board moved into Item III, Meeting Minutes and Certified Agenda.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE MINUTES OF THE MAY 24, 2018 BOARD MEETING WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

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

4. The Board moved into Item X, Applications Committee - Ms. Campbell and Dr. Palomares.

333 Guadalupe, Suite 2-450, Austin, Texas 78701
(Administration) 512-305-7700 (Enforcement) 512-305-7709 (TDD) 1-800-735-2989
(Fax) 512-305-7701 <http://www.tsbep.texas.gov>

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A. Review and deliberate on the application for provisional licensure by James Scott Creighton, Psy.D.

i. Dr. Creighton spoke regarding his voluntary surrender agreement with the Massachusetts Board of Registration of Psychologists. Also present was his attorney Chris Henderson.

5. The Board moved into Item XIII, Executive Session pursuant to Tex. Gov't. Code Ann. §551.071 at 9:37 a.m.

6. The Board returned from Executive Session at 9:52 a.m.

7. The Board moved into Item X, Applications Committee - Ms. Campbell and Dr. Palomares.

A. Board members asked questions to Dr. Creighton.

AFTER MUCH DISCUSSION A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE APPLICANT TO SIT FOR THE EXAMS AND SET ELIGIBILITY CONDITIONS SHOULD HE PASS THE EXAM. ONE CONDITION WOULD BE ONE YEAR SUPERVISION.

A MOTION WAS MADE BY MR. BIELAMOWICZ AND SECONDED BY DR. PALOMARES TO AMEND THE CONDITION OF SUPERVISION TO FIVE YEARS. THE VOTE FAILED WITH DR. MOCK, MS. BLACK, DR. FLETCHER AND MS. DOWNES VOTING AGAINST THE MOTION.

MS. BLACK REVISED HER MOTION TO TWO YEARS OF SUPERVISION. THE VOTE WAS APPROVED WITH DR. PALOMARES AND MR. BIELAMOWICZ VOTING AGAINST THE MOTION.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO RECEIVE QUARTERLY REPORTS FROM THE SUPERVISING PRACTICE MONITOR THAT WILL BE APPROVED BY THE COMPLIANCE COMMITTEE. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY MR. BIELAMOWICZ TO REQUIRE DR. CREIGHTON TO RECEIVE PSYCHOTHERAPY SEMI-ANNUALLY BEGINNING WITHIN SIX MONTHS AFTER LICENSURE OR AFTER EMPLOYMENT FOR A TWO YEAR PERIOD. THE VOTE CARRIED WITH DR. MOCK AND MS. BLACK OPPOSED THE MOTION.

8. The Board moved into Item IV, Chair's Report - Dr. Branaman.

A. ASPPB Update:

i. Dr. Branaman stated that the ASPPB Annual Meeting will be held on October 17-18, 2018 in Salt Lake City, Utah.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE MR. SPINKS ATTENDANCE AT THE MEETING. THE VOTE WAS APPROVED UNANIMOUSLY. A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO APPROVE DR. PALOMARES ATTENDANCE AT THE MEETING. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. The Board reviewed a letter that was received from Cindy Olvey, Psy.D., introducing herself as a candidate for Secretary-Treasurer for the ASPPB Board of Directors.
- ii. Mr. Spinks discussed the letter the Board received regarding the ASPPB implementation framework for the Enhanced EPPP.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO GIVE AUTHORITY TO MR. SPINKS TO SEND A LETTER IF NECESSARY TO ASPPB NEXT WEEK STATING THAT THE BOARD'S POSITION THAT THE EPPP2 SHOULD BE VOLUNTARY, RATHER THAN MANDATORY. THE MOTION CARRIED WITH MS. CAMPBELL AND DR. PALOMARES OPPOSED THE VOTE.

- B. Mr. Spinks reviewed the 2018-2019 Sunset Review. Mr. Spinks stated that the Sunset Commission had the same recommendations as previous session.
- C. The November Board meeting will be held in room 400A.
- D. Mr. Spinks stated that the survey of stakeholders regarding specialty areas and minimal competencies needed for practice in those area was completed. No action will be taken at this time. The Board recommended doing a newsletter article to educate people and bring to the November Board meeting for approval.
- E. Dr. Palomares stated that the Records Disposition Advisory Committee will bring recommendations to the November Board meeting.
- F. Mr. Spinks discussed the post-submission approval of the 2020-2021 Legislative Appropriations request.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE 2020-2021 LEGISLATIVE APPROPRIATIONS REQUEST. THE VOTE WAS APPROVED UNANIMOUSLY.

- G. Mr. Spinks discussed letters received from Luis Saenz, Chief of Staff, Office of the Governor regarding rules and the agency's response to the letters.
 - H. Ms. Spinks reviewed the SORM Risk Management Program review report.
 - I. Mr. Spinks questioned whether the Board audio recordings should be placed on the website. The Board took no action on this matter.
 - J. The Board reviewed the U.S. Dept. of Labor news release regarding grant availability.
 - K. The Board reviewed H.R. 6515, Occupational Licensing Board Antitrust Damages Relief and Reform Act, 115th Congress (2017-2018).
9. The Board moved into Item V, Executive Director's Report - Mr. Spinks.
- A. Operations Update:
 - i. Mr. Spinks stated that changes were being made to the shared database that would allow licensees to change their address anytime and also order and pay for a renewal permit.
 - ii. Mr. Spinks stated that the agency was in compliance with NPDB and HB 300 reporting.
 - iii. Mr. Spinks updated the Board on the agency website.
 - iv. Mr. Spinks stated that the agency purchased subscriptions to SurveyMonkey, iContact, and Zoom Video Communication, however if the legislature does the 2.5% cut in the budget the agency would not renew those services for the next fiscal year.
 - B. Budget Update:
 - i. Mr. Spinks reviewed the 3rd Quarter Performance Measures.
 - ii. Mr. Spinks reviewed the Year-to-Date Financial Report.
 - C. Proposed Newsletter Article:

- i. Steps You Can Take Now to Prepare to Assist with Future Disaster Recovery Efforts.

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

D. Opinion Letter:

- i. Frances M. Mena, Psy.D. - regarding refund of late renewal penalty.

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

E. Policies:

- i. Complaint Procedures.

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

- ii. Division of Responsibilities Between Board and Staff.

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

- F. Mr. Spinks discussed recent issues encountered with individuals inquiring about temporary licensure.

- G. The Board reviewed the new format for the online customer service survey.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO APPROVE THE CUSTOMER SERVICE SURVEY WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

The Board recessed for lunch at 12:04 p.m.

The Board reconvened from lunch at 1:55 p.m.

- 10. The Board moved into Item VI, Rules - Dr. Branaman and Mr. Bielamowicz.

- A. The Board reviewed the Proposed Rules:

- i. 461.10, License Required.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. 461.11, Professional Development.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. 463.27, Temporary License for Persons Licensed in Other States.

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

iv. 463.28, Emergency Limited Temporary License.

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

v. 469.4, Complaint Investigation.

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

vi. 469.5, Complaint Disposition.

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

vii. 470.22, Schedule of Sanctions.

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

B. The Board reviewed the Adopted Rules:

i. 463.11, Licensed Psychologists.

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

- ii. 463.13, Requirements for Licensed Out-of-State Applicants.

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

- iii. 465.15, Fees and Financial Arrangements.

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

- iv. 465.22, Psychological Records, Test Data and Test Materials.

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

- 11. The Board moved into Item VII, Enforcement Matters and Report from General Counsel.

A. Mr. Fernandez presented the dismissals for Board ratification:

- i. 17-089;
- ii. 17-087;
- iii. 17-055;
- iv. 18-020;
- v. 18-083;
- vi. 17-090;
- vii. 17-077;
- viii. 17-075;
- ix. 17-092;
- x. 18-082;
- xi. 18-049;

- xii. 18-027;
- xiii.18-032;
- xiv. 18-023;
- xv. 18-017; and
- xvi. 17-018

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

- xvii.18-104;
- xviii.17-064;
- xiv. 17-065;
- xx. 17-067; and
- xxi. 18-056

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH MS. CAMBELL, MR. BIELAMOWICZ AND DR. FLETCHER RECUSED FROM VOTING.

- B. Mr. Fernandez reviewed the Status Report.
- C. Mr. Fernandez discussed the Projected Time Schedule.
- D. November 2018 ISC attendees will be Ms. Campbell, Dr. Fletcher and Mr. Huffman.
- E. February 2019 ISC attendees will be Mr. Bielamowicz, Ms. Campbell, and Dr. Palomares.
- F. May 2019 ISC attendees will be Ms. Black, Ms. Downes, and Dr. Mock.
- G. August 2019 ISC attendees will be Dr. Palomares, Ms. Black and Mr. Bielamowicz.
- H. Mr. Hyde presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 2018-00097-15133, in the matter of Robert Sean Bannon, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 2018-00099-15091, in the matter of Angela Joyce Cathey, M.A.

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

- iii. The Board reviewed Agreed Order No. 2018-00055-2118 NAD 2018-00054-2118, in the matter of Judith Thelma Decutler, M.A.

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

- iv. The Board reviewed Agreed Order No. 2018-00101-15073, in the matter of Milse Rocha Magalhaes Furtado, Psy.D.

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

- v. The Board reviewed Agreed Order No. 2018-00045-7050, 2018-00046-7050 and 2018-00088-7050, in the matter of Gary Alan Grossman, Ph.D.

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

- vi. The Board reviewed Agreed Order No. 2017-00112-13463, in the matter of Kaden Jackson Stanley, Psy.D.

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

12. The Board moved into Item XVIII, Compliance - Ms. Black and Dr. Mock - no items to discuss.

13. The Board moved into Item IX, Jurisprudence Examination Committee - Dr. Fletcher and Ms. Black - no items to discuss.

14. The Board moved into Item X, Applications Committee - Ms. Campbell and Dr. Palomares.

A. The Board discussed the Proposal for Decision regarding Alisa Renea Bentley, M.S.

15. The Board moved into Item XI, Personnel Committee - Ms. Downes.

A. Mr. Spinks stated that the agency is fully staffed.

B. Ms. Downes discussed whether to gather staff input when conducting future annual evaluations of the Executive Director.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO REQUEST STAFF INPUT WHEN CONDUCTING SUPERVISORY EVALUATIONS. THE VOTE WAS APPROVED UNANIMOUSLY.

16. The Board moved into Item XII, Future Issues and Other Requested Agenda Items.

A. Dr. Fletcher discussed the issue of having Board material emailed to them versus paper.

B. Mr. Bielamowicz discussed what steps, if any, can be taken to reduce barriers for individuals wanting to provide services on a temporary or limited basis to vulnerable populations. The Board felt that numerous steps had been taken and no action would be needed at this time.

C. Mr. Spinks stated that the Board needed to look at the proposed rule 463.28.

A MOTION WAS MADE BY MR. BIELAMOWICZ AND SECONDED BY DR. PALOMARES TO REPROPOSE BOARD RULE 463.28 WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

D. Ms. Black discussed the possibility of reviewing current rules that would inhibit or dissuade LSSPs from fully utilizing their license within the schools.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO ESTABLISH AN AD HOC COMMITTEE THAT EXAMINES THIS ISSUE, THE COMMITTEE WOULD INCLUDE MS. BLACK, MS. CAMPBELL, MS. DOWNES,

TWO ADMINISTRATORS AND TWO LSSPS. THE VOTE WAS APPROVED UNANIMOUSLY.

17. The Board moved into Item XIII, Executive Session pursuant to Tex. Gov't Code Ann. §551.071 at 3:15 p.m.
18. The Board returned from Executive Session at 3:45 p.m.
19. The Board moved into Item XIV, Action on matters considered in executive session - no items to discuss.
20. The meeting was adjourned at 3:65 p.m. by Dr. Branaman.