

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR
Darrel D. Spinks

Texas State Board of Examiners of Psychologists

MINUTES

November 15, 2018

MEMBERS OF THE BOARD

Tim F. Branaman, Ph.D., Chair
Dallas

Lou Ann Todd Mock, Ph.D., Vice Chair
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Susan Fletcher, Ph.D.
Frisco

Andoni Zagouris, M.A.
Kingland

Herman Adler, M.A.
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Waxahachie

Angela A. Downes, J.D.
Dallas

Ryan T. Bridges
Houston

Ronald S. Palomares Ph.D.
Dallas

The Texas State Board of Examiners of Psychologists met in Austin, Texas on November 15, 2018. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Herman Adler, M.A.; John Bielamowicz; Ryan Bridges; Angela Downes, J.D.; Susan Fletcher, Ph.D.; Lou Ann Todd Mock, Ph.D., Vice-Chair; Ronald Palomares, Ph.D. and Andoni Zagouris, M.A. Also, in attendance were Darrel Spinks, Executive Director and Sara Wolfe, Assistant Attorney General.

Thursday, November 15, 2018

1. The meeting was called to order at 9:00 a.m. by Dr. Branaman.
2. The Board welcomed the new Board members and thanked the outgoing Board members for their service to the Board. Ms. Black and Mr. Huffman were presented their proclamation from the Governor's office. Ms. Campbell's would be mailed to her.
3. The Board moved into Item II, Public Comments:
 - A. John Godfrey, Ph.D. - spoke regarding competency standards.
4. The Board moved into Item III, Meeting Minutes and Certified Agenda.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE MINUTES OF THE AUGUST 16, 2018 BOARD MEETING WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

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

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

A. ASPPB Update:

- i. The 2019 Midyear Meeting will be held in Santa Fe, NM and the 2019 Annual Meeting will be in Minneapolis, MN.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES THAT BOTH DR. BRANAMAN AND MR. SPINKS ATTEND BOTH MEETING CONTINGENT ON THE AGENCY'S BUDGET. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. Dr. Palomares discussed the Annual Meeting that was held in Salt Lake City, UT:

- a. Focus of the meeting was Global Practice of Psychology: Impact on Regulation and Credentialing;
- b. Enhanced EPPP testing; and
- c. Evaluating Training and Credentials Internationally.

- iii. Mr. Spinks discussed entering into an agreement with ASPPB regarding NPDB reporting.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH ASPPB REGARDING NPDB REPORTING. THE VOTE WAS APPROVED UNANIMOUSLY.

B. The 2018-2019 Sunset review was moving forward and all the rules were being reviewed for TBHEC.

C. The Board received an update from the Records Disposition Advisory Committee. The Board reviewed proposed rule changes suggested by the committee.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO TABLE THIS UNTIL THE FEBRUARY 2019 BOARD MEETING. THE VOTE WAS APPROVED UNANIMOUSLY.

D. The Board received an update from the School Psychology Rule Review Advisory Committee. Ms. Downes, Dr. Palomares and

Mr. Zagouris volunteered to serve on this committee, and Ms. Downes was appointed Chair of the committee.

- E. The Board reviewed the proposed changes to the agency's retention records schedule.
 - F. The Board reviewed excerpts from the September 15, 2018 Capitol Clearinghouse update regarding Occupational Licensure.
 - G. Dr. Branaman made changes to the committee assignments:
 - i. Application Committee - Mr. Zagouris and Dr. Palomares;
 - ii. Compliance Committee - Mr. Adler and Dr. Mock;
 - iii. Rules Committee - Dr. Branaman and Dr. Palomares;
 - iv. Personnel Committee - Mr. Bridges;
 - v. Jurisprudence Examination Committee - Dr. Fletcher and Ms. Downes; and
 - vi. Sunset Committee - Mr. Bielamowicz
 - H. The Board reviewed the FY 2018 Annual Financial Report.
 - I. The Board reviewed a letter from the Texas Health and Human Services Commission, Office of Inspector General, dated October 24, 2018, concerning Duty to Report Disciplinary Actions and Eligibility Orders to the OIG.
6. The Board moved into Item V, Executive Director's Report - Mr. Spinks.
- A. Budget Update:
 - i. Mr. Spinks reviewed the 4th Quarter Performance Measures.
 - ii. Mr. Spinks reviewed the Annual Performance Measures.
 - iii. Mr. Spinks reviewed the Monthly Operating Budget.
 - B. Operations Update:
 - i. Mr. Spinks stated that all of the fingerprint background checks would be completed by January 2019.

C. Proposed Newsletter Article:

i. Appointment of New Board Members.

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

D. Policies:

i. Prioritization of Complaints.

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

ii. Implementation of Schedule of Sanctions.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ADLER TO APPROVE THE REPEAL OF THE POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. Reporting on Disciplinary Actions.

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

The Board recessed for a break at 10:25 a.m.

The Board reconvened from a break at 10:38 a.m.

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

A. The Board reviewed the Proposed Rules:

i. 463.9, Licensed Specialist in School Psychology.

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

ii. 463.11, Licensed Psychologists.

JENNIFER JONES, PH.D. REQUESTED TO INITIATE RULEMAKING TO ALLOW INDIVIDUALS WHO COMPLETED A DOCTORAL DEGREE PRIOR TO SEPTEMBER 1, 2017 WITHOUT A PRE-DOCTORAL INTERNSHIP TO BE ELIGIBLE FOR FULL

LICENSURE IF THEY HAVE COMPLETED A POST-DOCTORAL INTERNSHIP OTHERWISE MEETING THE BOARD'S REQUIREMENT.

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

iii. 465.22, Psychological Records, Test Data and Test Materials.

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

B. The Board reviewed the Adopted Rules:

i. 461.10, License Required.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MR. ADLER TO APPROVE THE ADOPTED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. 461.11, Professional Development.

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

iv. 463.28, Emergency Limited Temporary License.

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

v. 465.1, Definitions.

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

vi. 469.4, Complaint Investigation.

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

vii. 469.5, Complaint Disposition.

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

viii.470.22, Schedule of Sanctions.

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

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

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

i. 2017-00094-2898;

ii. 2017-00097-1861;

iii. 2017-00099-7864;

iv. 2018-00033-467078;

v. 2018-00112-5435;

vi. 2017-00103-10365;

vii. 2017-00100-9520;

viii.2017-00111-8657;

ix. 2018-00086-4518; and

x. 2018-00116-7287;

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

xi. 2017-00126-5328

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. PALOMARES RECUSED FROM VOTING.

xii. 2019-00017

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

xiii.2017-00058-2038

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ADLER TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. FLETCHER AND MR. BIELAMOWICZ RECUSED FROM VOTING.

xiv. 2017-00108-3902

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

xv. 2018-00079-8955

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY MS. DOWNES TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. FLETCHER, MR. BIELAMOWICZ, DR. MOCK AND MR. ADLER RECUSED FROM VOTING.

xvi. 2018-00110-8955;

xvii.2018-00127-8955;

xviii.2017-00053-5621;

xix. 2018-00103-5358; and

xx. 2018-00107-5358

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY MR. BRIDGES TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH DR. FLETCHER, MR. BIELAMOWICZ, DR. MOCK AND MR. ADLER RECUSED FROM VOTING.

xxi. 2018-00119-13959;

xxii.2019-00019-13959; and

xxiii.2018-00106-10841;

A MOTION WAS MADE BY MR. BRIDGES AND SECONDED BY DR. PALOMARES TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH DR. MOCK, MR. BIELAMOWICZ AND DR. FLETCHER RECUSED FROM VOTING.

B. Mr. Fernandez reviewed the Status Report.

C. Mr. Fernandez discussed the Projected Time Schedule.

- D. February 2019 ISC attendees will be Mr. Bridges, Mr. Adler and Dr. Palomares.
- E. May 2019 ISC attendees will be Mr. Zagouris, Ms. Downes, and Dr. Mock.
- F. August 2019 ISC attendees will be Dr. Palomares, Mr. Adler and Mr. Bielamowicz.
- G. November 2019 ISC attendees will be Dr. Mock, Mr. Zagouris and either Ms. Downes or Mr. Bielamowicz.
- H. Mr. Hyde presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 2015-00074-6564, in the matter of Gloria Jean Emilienburg, M.A.

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

- ii. The Board reviewed Agreed Order No. 2019-00001-15249, in the matter of Carissa Joy Harvey, Psy.D.

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

- iii. The Board reviewed Agreed Order No. 2018-00057-9846, in the matter of Kimberly C. Johnson.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BRIDGES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. FLETCHER AND MR. BIELAMOWICZ RECUSED FROM VOTING.

- iv. The Board reviewed Agreed Order No. 2017-00049-2375 and SOAH Docket No. 520-18-4894, in the matter of Brian E. Pope, Ph.D.

A MOTION WAS MADE BY MR. ZAGOURIS AND SECONDED BY DR. MOCK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. FLETCHER AND MR. BIELAMOWICZ RECUSED FROM VOTING.

- v. The Board reviewed Agreed Order No. 2018-00102-2587 and 2018-00105-2587, in the matter of Thomas Wilson Renfroe, Jr., Psy.D.

A MOTION WAS MADE BY DR. FLETCHER AND SECONDED BY MR. BIELAMOWICZ TO APPROVE THE AGREED ORDER. THE VOTE WAS APPROVED UNANIMOUSLY.

- vi. The Board reviewed Agreed Order No. 2017-00106-3191, in the matter of S.A. Somodevilla, Ph.D.

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

- vi. The Board reviewed Agreed Order No. 2017-00088-4736, in the matter of Claudia Liza Renteria Constancio, M.S.

A MOTION WAS MADE BY MR. ZAGOURIS AND SECONDED BY DR. MOCK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. FLETCHER AND MR. BIELAMOWICZ RECUSED FROM VOTING.

- vii. The Board reviewed Agreed Order No. 2019-00022-15425, in the matter of Kelly Ann Lingerfeldt, Psy.D.

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

- viii. The Board reviewed Agreed Order No. 13-074-7481, in the matter of Carolyn Sasano, Ph.D.

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

- ix. The Board reviewed Agreed Order No. 2018-000121-120, in the matter of William Joseph Dubin, Ph.D.

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY MR. BRIDGES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH MR. BIELAMOWICZ, DR. MOCK, DR. FLETCHER AND MR. ADLER RECUSED FROM VOTING.

- I. The Board reviewed the Cumulative Disciplinary Data and Charts.

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

10. The Board moved into Item IX, Jurisprudence Examination Committee - Dr. Fletcher and Ms. Black - no items to discuss.
11. The Board moved into Item X, Applications Committee - Ms. Campbell and Dr. Palomares.

A. Applications:

- i. The Board reviewed the application for Michael Christopher Contreras, M.S. for licensed psychological associate.

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY MR. ADLER TO DENY THE APPLICATION. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. The Board reviewed the application for Linda Lee Doric Henry, Psy.D. for licensure as a psychologist.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO GRANT THE APPLICANT'S REQUEST FOR A WAIVER. THE VOTE WAS APPROVED UNANIMOUSLY.

- iii. The Board reviewed the application for Daniela Benites, Ph.D. for licensure as a psychologist.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BIELAMOWICZ TO APPROVE THE APPLICATION. THE VOTE WAS APPROVED UNANIMOUSLY.

- iv. The Board reviewed the application for Clifford Horace Benedict, D.B.H. for licensed psychological associate.

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY DR. FLETCHER TO DENY THE APPLICATION. THE VOTE WAS APPROVED UNANIMOUSLY.

- v. The Board reviewed the application for Timothy Dwight Weissman, Ph.D. for licensure as a psychologist.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ADLER TO GRANT THE APPLICANT'S REQUEST FOR A WAIVER. THE VOTE WAS APPROVED UNANIMOUSLY.

- B. The Board discussed the statistics for application processing time and steps being taken to reduce processing times.
12. The Board moved into Item XI, Personnel Committee - Ms. Downes.
- A. Mr. Spinks stated that the LSSP Coordinator will be processing the licensed psychological associate applications.
 - B. Ms. Downes discussed the survey utilized to gather staff input when conducting future annual evaluations of the Executive Director. The Board decided to table this item until the February Board meeting.
13. The Board moved into Item XIII, Executive Session pursuant to Tex. Gov't Code Ann. §551.071 at 12:14 p.m.
14. The Board returned from Executive Session at 12:39 p.m.
15. The Board moved into Item XII, Future Issues and Other Requested Agenda Items.
- A. Dr. Fletcher stated that the Board receives complaints from individuals that do not like the outcome of their child custody evaluations. The Board will discuss the issue of forensic evaluations at the February Board meeting.
 - B. Dr. Fletcher discussed whether rulemaking proceedings should be initiated to further clarify the duty to produce records, test data, etc. in connection with the delivery of forensic psychological services. The Board could possibly do a newsletter article.
 - C. Mr. Spinks discussed whether rulemaking proceedings should be initiated to eliminate or modify the two year gap period referenced in 463.11(d)(1)(B)(i)(I). A draft revision will be brought to the February Board meeting.
 - D. Mr. Spinks discussed whether rulemaking proceedings should be initiated to allow reinstatement of an expired, retired, revoked, or resigned license, rather than issuing a new license. A revised version will be brought to the February Board meeting.
 - E. Mr. Spinks requested permission for the agency to explore contracting with somebody that can convert our applications

to fillable PDF files. Mr. Spinks also requested permission to explore what it would cost to create a BOT that can take information from a submitted pdf and automatically enter it into our database.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ADLER TO EXPLORE THIS ITEM. THE VOTE WAS APPROVED UNANIMOUSLY.

F. The discussion about whether Board rule 463.8(a)(2) needs to be modified to reflect that direct or face-to-face supervision is required was tabled.

G. Mr. Spinks discussed revising Inactive Status once biennial renewals are adopted.

16. The meeting was adjourned at 1:41 p.m. by Dr. Branaman.