

Texas State Board of Examiners
Of Psychologists
MINUTES

August 2, 2007

The Texas State Board of Examiners of Psychologists met in Austin, Texas on August 2, 2007. The following Board members were in attendance: Pauline A. Clansy, Ed.D., Chair; Gary R. Elkins, Ph.D., Vice-Chair; Donna L. Black, M.A.; Catherine B. Estrada, M.Ed.; Arthur E. Hernandez, Ph.D.; Ruben Rendon, Jr., M.S.; and Carl E. Settles, Ph.D. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel. Board member absent: Penny Angelo.

Thursday, August 2, 2007

1. The meeting was called to order at 9:04 a.m. by Dr. Clansy.

Dr. Settles arrived at 9:10 a.m.

2. The Board moved in Item II, Public Comment.
 - A. Paul Andrews, Ph.D. spoke regarding forensics and continuing education diversity training. Dr. Andrews stated that the term "patient" is not the same as "client."

Dr. Elkins arrived at 9:15 a.m.

- B. John P. Vincent, Ph.D. spoke regarding forensics.

- C. Mary Alice Conroy, Ph.D. spoke regarding criminal forensics and clarification of Board rules for forensics.
 - D. A spokesperson for the Texas Association of Psychological Associates was not available, but a handout was presented to the Board.
3. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE MINUTES OF THE MAY 3, 2007 MEETING. THE VOTE WAS UNANIMOUS.

4. The Board moved into Item X, Rules Committee.

- A. The Board reviewed the Proposed rule review for the August 2007 meeting.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE RULE REVIEW. THE VOTE WAS UNANIMOUS.

- B. The Board reviewed the Proposed Rules:

- i. The Board reviewed the amendments to Board rule 461.11, Continuing Education.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 461.11. THE MOTION CARRIED WITH DR. HERNANDEZ VOTING AGAINST THE MOTION.

- ii. The Board reviewed the amendments to Board rule 463.5, Application File Requirements.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. HERNANDEZ TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 463.5. THE VOTE WAS UNANIMOUS.

- iii. The Board reviewed the amendments to Board rule 465.22, Psychological Records, Test Data and Test Protocols.

UPON THE ADVICE OF DIANNE IZZO, GENERAL COUNSEL THE PROPOSED RULE WILL BE TABLED. THIS RULE WILL BE DISCUSSED AT THE NOVEMBER 2007 BOARD MEETING.

- iv. The Board reviewed the amendments to Board rule 465.32, Disposition and Assumption of the Practice of a Mental Health Professional.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.32. THE VOTE WAS UNANIMOUS.

- v. The Board reviewed amendments to Board rule 465.33, Improper Sexual Conduct.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.33. THE VOTE WAS UNANIMOUS.

- vi. The Board reviewed the amendments to Board rule 465.35, Resolution of Allegations of Board Rule Violations.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.35. THE VOTE WAS UNANIMOUS.

- vii. The Board reviewed the amendments to Board rule 465.38, Psychological Services in the Schools.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.38. THE VOTE WAS UNANIMOUS.

- viii. The Board reviewed the amendments to Board rule 469.7, Persons with Criminal Backgrounds.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 469.7. THE MOTION WAS UNANIMOUS.

- ix. The Board reviewed the amendments to Board rule 469.12, Suspension of License for Failure to Pay Child Support.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 469.12. THE VOTE WAS UNANIMOUS.

- x. The Board reviewed the amendments to Board rule 470.21, Disciplinary Guidelines.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.21. THE VOTE WAS UNANIMOUS.

- xi. The Board reviewed the amendments to Board rule 473.1, Application Fees (Not Refundable).

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 473.1. THE VOTE WAS UNANIMOUS

- xii. The Board reviewed the amendments to Board rule 473.3, Annual Renewal Fees (Not Refundable).

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 473.3. THE VOTE WAS UNANIMOUS

- C. The Board reviewed the Adopted rule review for May 2007.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE ADOPTED RULE REVIEW. THE VOTE WAS UNANIMOUS.

- D. The Board reviewed the Adopted Rules:

- i. The Board reviewed the amendments to Board rule 461.11, Continuing Education.

AFTER A LONG DISCUSSION A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO ADOPT THE RULE AS AMENDED. DR. SETTLES AND MR. RENDON VOTED IN FAVOR OF THE MOTION; DR. HERNANDEZ, DR. ELKINS AND MS. BLACK VOTED AGAINST THE MOTION; AND MS. ESTRADA ABSTAINED FROM VOTING. DR. CLANSY VOTED FOR THE MOTION. THE VOTE WAS A TIE. DISCUSSION FOLLOWED. DR. HERNANDEZ

REQUESTED THAT A FINAL DECISION BE MADE BY THE FULL BOARD.

DR. CLANSY INSTRUCTED STAFF TO RESEARCH ROBERT'S RULES OF ORDER REGARDING VOTING. THE BOARD TABLED FURTHER DISCUSSION UNTIL THE NOVEMBER 2007 BOARD MEETING.

- ii. The Board reviewed the amendments to Board rule 465.3, Providers of Psychological Services.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- iii. The Board reviewed the amendments to Board rule 465.12, Privacy and Confidentiality.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- iv. The Board reviewed the amendments to Board rule 465.13, Personal Problems, Conflicts and Dual Relationships.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. BLACK TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- v. The Board reviewed the amendments to Board rule 465.14, Misuse of Licensees' Services.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- vi. The Board reviewed the amendments to Board rule 465.15, Fees and Financial Arrangements.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. ELKINS TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

vii. The Board reviewed the amendments to Board rule 465.16, Evaluation, Assessment, Testing, and Reports.

UPON THE ADVICE OF DIANNE IZZO, GENERAL COUNSEL THE ADOPTED RULE WILL BE TABLED. THIS RULE WILL BE DISCUSSED AT THE NOVEMBER 2007 BOARD MEETING.

viii. The Board reviewed the amendments to Board rule 465.17, Therapy and Counseling.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY DR. HERNANDEZ TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

ix. The Board reviewed the amendments to Board rule 465.18, Forensic Services.

UPON THE ADVICE OF DIANNE IZZO, GENERAL COUNSEL THE ADOPTED RULE WILL BE TABLED. THIS RULE WILL BE DISCUSSED AT THE NOVEMBER 2007 BOARD MEETING.

x. The Board reviewed the amendments to Board rule 471.5, Updated Information Requirements.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. ELKINS TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

The Board recessed for a break at 10:42 a.m.

The Board reconvened at 10:55 a.m.

5. The Board moved into Item V, Chair's Report.
 - A. Ms. Lee updated the Board on the Board goals for this fiscal year.
 - B. Dr. Hernandez stated that he will look at the University of Texas San Antonio to see if the facilities there would be compatible for the oral exams.
 - C. Ms. Lee reviewed the ASPPB minutes.

- D. Ms. Lee reviewed the letter from ASPPB regarding the agency's reciprocity agreement and response.
 - E. Ms. Lee advised the Board that a business process review will be completed by the Governor's office and the Board would have to respond in a timely manner. The Governor's office goal is to look at consolidation through the Health Professions Council legislation.
 - F. Ms. Lee reviewed the committee chairs appointed by Dr. Clansy for FY 2008.
6. The Board moved into Item VI, Executive Director's Report.
- A. Ms. Lee informed the Board that Maricela Ramirez was pregnant and was due in October.
 - B. Ms. Lee stated that the legislature approved a part time investigative position and noted other items approved by the Legislature.
 - C. Ms. Lee updated the Board on the agency's computer software since Northup Grumman was not awarded the contract. Beginning September 1, 2007 IBM will take over the computer software system, however they will be hiring some of the Northup programmers.
 - D. Ms. Lee reviewed the drafted letter to the Hogg Foundation for Mental Health.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. HERNANDEZ TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

- E. Ms. Lee informed the Board that she has established an annual review of form letters sent out by staff.
- F. Ms. Lee stated that the rulebook was being printed and that the expected mail out date is August.
- G. Ms. Lee advised the Board that the 2007 Roster would be online in August.

H. Ms. Lee reviewed the online newsletter article regarding fee increases.

I. The Board reviewed letters received from the following individuals:

i. Shannon F. Ackal, Ph.D. - regarding jurisprudence examination.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. ELKINS TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

ii. Patricia Daza, Ph.D. - regarding exempt licensing status.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

iii. Michael Gaubatz, Ph.D. - regarding inactive status.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE WAS UNANIMOUS.

iv. Norman S. Jessop, Ph.D. - regarding refund/waiver for late fee.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

v. Pete Kannamer - regarding supervision.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. ESTRADA TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE WAS UNANIMOUS.

vi. Art Rendon - regarding duties of an LSSP.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE WAS UNANIMOUS.

vii. Joanne Salas, Ph.D. - regarding refund of late fees.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

7. The Board moved into Item VIII, DPS/Fingerprint Criminal Record Checks.
 - A. Ms. Lee updated the Board on the implementation of fingerprint criminal record checks on applicants for licensure.
 - B. Ms. Lee reviewed the procedure for staff regarding the record checks.
 - C. The Board reviewed the policy on Fingerprint Criminal Record Checks.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED POLICY. THE VOTE WAS UNANIMOUS.

8. The Board moved into Item XI, Enforcement Committee.
 - A. Ms. Cynthia Barber, Enforcement Manager, presented dismissals for Board ratification:
 - i. 06-188;
 - ii. 06-164;
 - iii. 07-123;
 - iv. 07-108;
 - v. 06-160;
 - vi. 07-064;
 - vii. 06-182;
 - viii. 07-052;
 - ix. 07-088;

- x. 06-115;
- xi. 06-158;
- xii. 07-065;
- xiii.07-085;
- xiv. 07-053;
- xv. 06-165;
- xvi. 07-060;
- xvii.07-087;
- xviii.06-157;
- xix. 06-179; and
- xx. 06-180

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE DISMISSALS. THE VOTE WAS UNANIMOUS.

- xxi. 06-142

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. CLANSY, MS. ESTRADA AND MS. BLACK ABSTAINING FROM VOTING.

- xxii.06-055

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. HERNANDEZ TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. CLANSY, MS. ESTRADA AND MS. BLACK ABSTAINING FROM VOTING.

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedule.
- D. The November 2007 IFC attendees will be Dr. Hernandez, Mr. Rendon and Ms. Estrada. The Board

discussed possibly changing the IFC to October 30, 2007.

- E. The February 2008 IFC attendees will be Dr. Settles, Ms. Black and Ms. Angelo.
- F. The April 2008 IFC attendees will be Dr. Clansy, Mr. Rendon and Ms. Estrada.
- G. Ms. Izzo presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 07-069-13700 in the matter of Rita Cowan, Ph.D.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. BLACK TO APPROVE THE AGREED ORDER. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed Agreed Order No. 06-173-4581 in the matter of T. Kevin Roberts, Ph.D.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE AGREED ORDER. THE VOTE WAS UNANIMOUS.

- iii. The Board reviewed Agreed Order No. 07-029-13733 in the matter of Timothy O. Blanchard, M.A.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE AGREED ORDER. THE VOTE WAS UNANIMOUS.

- iv. The Board reviewed Agreed Order No. 06-194-4034 in the matter of Jack G. Ferrell, Jr., Ph.D.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. ESTRADA TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. ELKINS AND MR. RENDON ABSTAINING FROM VOTING.

- v. The Board reviewed Agreed Order No. 06-089-5216 in the matter of Madeleine R. Reichert, D.M.H.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. ELKINS AND MR. RENDON ABSTAINING FROM VOTING.

- vi. The Board reviewed Agreed Order No. 06-139-11909 in the matter of Heather M. Robbins, Ph.D.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE AGREED ORDER. THE VOTE WAS UNANIMOUS.

- vii. The Board reviewed the Temporary Suspension 06-065-4567 in the matter of Keith F. Revel, Ed.D.

9. The Board moved into Item XII, Compliance Committee.

- A. Ms. Izzo reviewed the compliance report.

The Board recessed for a break at 12:26 p.m.

The Board reconvened at 12:42 p.m.

10. The Board moved into Item XIII, Legislative Committee.

- A. Ms. Lee reviewed legislation passed by the 80th Texas Legislature, including HB 1, Appropriation Bill. Ms. Lee explained that it was required that the Board vote to increase the Executive Director's salary to the amount listed in HB 1 for the salary increase to be instated.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO APPROVE THE SALARY INCREASE FOR THE EXECUTIVE DIRECTOR TO THE FULL AMOUNT LISTED IN HB 1. THE VOTE WAS UNANIMOUS.

- B. Ms. Lee stated the HB 3430 requires state agency budgets/expenditures to be online - Windows on State Government.

11. The Board moved into Item XIV, Legal Matters/General Counsel Report.

- A. Ms. Izzo stated that she had attended the forensic group meeting in Dallas and requested

that they provide some guidance regarding the forensic rules.

12. The Board moved into Item XV, Budget Committee.
 - A. Ms. Lee reviewed 3rd Qtr. Performance Measures.
13. The Board moved into Item XVII, Oral Examination Committee.
 - A. Dr. Elkins reviewed the Oral Examiner Consultants for FY 2008.
 - B. The Board reviewed the proposed policy regarding Oral Exam Consultants for Oral Exam Workgroup.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED POLICY. THE VOTE WAS UNANIMOUS.

14. The Board moved into Item XVIII, Technology Committee.
 - A. Ms. Lee reviewed the online renewal statistics.
 - B. Ms. Lee discussed changes to the website.
15. The Board moved into Item XXI, Election of Vice Chair.

MS. ESTRADA MADE A MOTION TO NOMINATE DR. SETTLES FOR VICE CHAIR AND MR. RENDON SECONDED THE MOTION. THE VOTE WAS UNANIMOUS.

16. Dr. Clansy informed the Board that she had spoken to Ms. Scott in the Governor's office regarding the two vacancies on the Board. No replacements have been found yet. Dr. Clansy asked that if you know of anyone for this Board, have them contact the Governor's office. Ms. Angelo is only fulfilling Ms. Thompson's term and when that expired we would have two public members and one LPA member vacancy.
17. The Board moved into Item XXII, Future Issues.
 - A. Dr. Hernandez inquired if a licensee could renew bi-annually versus annually.
18. The meeting was adjourned at 1:20 p.m. by Dr. Clansy.

