

**Texas State Board of Examiners  
of Psychologists  
MINUTES**

**August 18, 2011**

The Texas State Board of Examiners of Psychologists met in Austin, Texas on August 18, 2011. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Jeffrey Baker, Ph.D.; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Carlos Chacón; Angela Downes, J.D.; Narciso Escareno; Lou Ann Todd Mock, Ph.D.; and Leslie Rosenstein, Ph.D. Also in attendance were Sherry L. Lee, Executive Director; Joe Thrash, Attorney General Representative and Darrel Spinks, General Counsel.

**Thursday, August 18, 2011**

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 public comments were received.
3. The Board moved into Item III, Executive Session, pursuant to Title 5, Chapter 551, Government Code §551.071 at 9:01 am.
4. The Board returned from Executive Session at 9:09 am.
5. The Board moved into Item IV, Action on matters considered in Executive Session - no action taken at this time.
6. The Board moved into Item V, Presentation by Joe Thrash, Assistant Attorney General, on Testimony and Public Statements of Board Members.

- A. Mr. Thrash presented information on the legality of state employees and Board members addressing state legislators regarding budgets and proposed legislation.
  - B. Mr. Thrash indicated that the Board cannot endorse proposed legislation but an individual Board member speaking as an interested individual not as a Board member can publicly endorse legislation as long as this role is clearly distinguished.
  - C. Ms. Black asked if a Board member could appear before a legislative committee to endorse legislation. Mr. Thrash stated that an individual can as long as they do not state that they are a member of the Board.
7. The Board moved into Item VI, Minutes.
- A MOTION WAS MADE TO APPROVE THE MINUTES OF THE APRIL 14, 2011 BOARD MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.
8. The Board moved in Item VII, Chair's Report - Dr. Branaman.
- A. Ms. Lee discussed the status of FY 2011 Board goals.
  - B. Dr. Branaman stated that Dr. Baker had attended the Governor's training. Dr. Baker stated that is was very helpful and useful.
9. The Board moved into Item VIII, Executive Director's Report - Ms. Lee.
- A. Ms. Lee gave a personnel update.
    - i. Darrel Spinks is the Board's new General Counsel.
    - ii. Priscilla Tenorio, Administrative Assistant in Enforcement, has left the agency to spend time with her family.

- iii. Christina Limon, part-time clerk for the agency, has replaced Priscilla Tenorio.
- B. Ms. Lee thanked Mr. Thrash for all of his assistance while the position of general counsel was vacant.
- C. Ms. Lee thanked Ms. Cynthia Barber, Enforcement Manager, for completing many duties generally performed by the general counsel while the agency was without a general counsel.
- D. Ms. Lee thanked Ms. Brenda Skiff, Administrative Assistant, for all of her hard work getting the rulebook online.
- E. Ms. Skiff also thanked Ms. Lee for all of her assistance with the online rulebook.
- F. Ms. Lee asked Ms. Jennifer Noack, Fiscal Manager, to provide an update on the Health Professions Council's new shared computer system:
  - i. Ms. Noack noted that the agency's new business processes are working quite well compared to other agencies which share the new database. The agency has two items still outstanding which are the Oral Exam module and the verification letters; these items should be completed by the middle of October.
  - ii. Ms. Noack stated that other agencies are still lacking major components in the new system.
  - iii. Ms. Noack noted that an ongoing database problem is the stability of the online renewal component.
- G. The Board reviewed the proposed newsletter articles regarding the New Licensing Database and the Online Rulebook to Replace the Paper Version.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED NEWSLETTER. THE VOTE WAS UNANIMOUS.

H. The Board reviewed the proposed policies:

i. Review of License Application.

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

ii. Approval of Applicants.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED POLICY. THE VOTE WAS UNANIMOUS.

iii. Charges for Agency Publications and Written Documentation.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED POLICY. THE VOTE WAS UNANIMOUS.

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

i. Heather Arduengo, M.Ed - regarding internships.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE DRAFTED RESPONSE WITH CHANGES WITH DR. BRANAMAN'S FINAL APPROVAL. THE VOTE PASSED WITH MS. BLACK AND MS. CAMPBELL ABSTAINING FROM VOTING.

ii. Kristen Belloni, Ph.D. - regarding pre-approval of internship.

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

iii. Shery French, M.S. - regarding continuing education articles.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. BAKER TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

- iv. Maralyn Hershman, M.A. - regarding extension of inactive status.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

- v. Carmen Kaimann, Ph.D. - regarding the reciprocity agreement with Louisiana.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

- vi. Gary Leka, M.A. - regarding LPA practicum billing.

A MOTION WAS MADE BY DR. MOCK AND SECONDED MS. BLACK TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE PASSED WITH DR. BAKER ABSTAINING FROM VOTING.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY DR. MOCK TO HAVE THE RULES COMMITTEE CONSIDER LIMITATIONS ON DOING A PRACTICUM/INTERNSHIP FOR ANOTHER LICENSE WHILE HOLDING A LICENSE. THE VOTE WAS UNANIMOUS.

- vii. Andrew S. Martin, Ph.D. - regarding reinstatement of license.

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

- viii. Francis J. Pirozzolo - regarding late fees waived.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

- ix. Carol Richardson, Ph.D. - regarding transfer of Oral Examination fee.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MR. ESCARENO TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

- x. Ray M. Rosenbloom, Ph.D. - regarding refund of late renewal fees.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MR. CHACÓN TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

- xi. Cynthia L. Ruelas - regarding internships.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MR. CHACÓN TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE WAS UNANIMOUS.

- xii. Michael R. Van Winkle - regarding extension of inactive status.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MR. CHACÓN TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS UNANIMOUS.

- xiii. Loretta Zayas-Revai - regarding parameters of license.

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

The Board adjourned for a break at 10:45 a.m.

The Board reconvened at 10:57 a.m.

10. The Board moved into Item IX, Rules Committee - Dr. Branaman.
  - A. Dr. Branaman stated that the Board's request for an Attorney General's opinion on the use of the title "psychologist" had not been received.
  - B. The Board reviewed Proposed Rule(s):
    - i. 463.4, Applicants with Disabilities.

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

ii. 463.15, Oral Examination.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS UNANIMOUS.

iii. 463.27, Temporary Licensure for Licensees from Out-of-State.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ESCARENO TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS UNANIMOUS.

C. The Board reviewed Adopted Rule(s):

i. 465.1, Definitions.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MR. CHACÓN TO APPROVE THE ADOPTED RULE. THE VOTE WAS UNANIMOUS.

ii. 465.18, Forensic Services.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MR. CHACÓN TO APPROVE THE ADOPTED RULE. THE VOTE WAS UNANIMOUS.

iii. Response to the public comments to the Adopted rules.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO APPROVE THE RESPONSE TO THE PUBLIC COMMENTS, THAT WILL BE PUBLISHED IN THE TEXAS REGISTER. THE VOTE WAS UNANIMOUS.

11. The Board moved into Item X, Enforcement Committee - Ms. Black.

A. Ms. Cynthia Barber, Enforcement Manager presented dismissals for Board ratification:

i. 11-118;

- ii. 11-078;
- iii. 11-128;
- iv. 11-074;
- v. 11-137;
- vi. 11-145;
- vii. 11-126;
- viii. 11-127;
- ix. 11-102;
- x. 11-103;
- xi. 11-144; and
- xii. 11-120

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE DISMISSALS. THE VOTE WAS UNANIMOUS.

- xiii. 11-046; and
- xiv. 11-047

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MS. BLACK TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH DR. BRANAMAN, DR. BAKER, MR. CHACÓN AND DR. ROSENSTEIN ABSTAINING FROM VOTING.

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedules.
- D. The November 2011 IFC attendees will be Dr. Branaman, Ms. Campbell and Mr. Chacón.
- E. The February 2012 IFC attendees will be Dr. Baker, Ms. Downes and Dr. Mock.



- F. The May 2012 IFC attendees will be Dr. Baker, Mr. Chacón and Dr. Rosenstein.
- G. The August 2012 IFC attendees will be Dr. Baker, Dr. Branaman and Mr. Chacón.
- H. Mr. Spinks presented the Agreed Orders for the Board's approval:
  - i. The Board reviewed Agreed Order No. 11-117-15817, in the matter of Karen E. Bailey, M.A.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. ESCARENO TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER ABSTAINING FROM VOTING.

- ii. The Board reviewed Agreed Order No. 10-078-310, in the matter of Robert M. Cross, Ph.D.

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

- iii. The Board reviewed Agreed Order No. 11-116-11990, in the matter of Lindy M. Frazer, Ed.S.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MS. BLACK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER ABSTAINING FROM VOTING.

- iv. The Board reviewed Agreed Order No. 2011-00163-12090, in the matter of Amy Nicole Giles, M.A.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER ABSTAINING FROM VOTING.

- v. The Board reviewed Agreed Order No. 11-045-2772, in the matter of Ronald J. Jereb, Ph.D.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED

WITH MS. CAMPBELL, MR. CHACÓN AND DR. MOCK ABSTAINING FROM VOTING.

- vi. The Board reviewed Agreed Order No. 11-001-5158, in the matter of Stephen Liter, Ph.D.

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

- vii. The Board reviewed Agreed Order No. 11-155-8984, in the matter of Frank Eugene Miller, M.Ed.

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

- viii. The Board reviewed Agreed Order No. 11-050-6757, in the matter of William A. Montgomery, Ph.D.

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

- ix. The Board reviewed Agreed Order No. 11-094-3154, in the matter of Dan Kelley Owen, Ph.D.

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

- x. The Board reviewed Agreed Order No. 11-095-13520, in the matter of Piper D. Perlichek, M.A.

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

- xi. The Board reviewed Agreed Order No. 11-027-12818, in the matter of Misty Compton Atha, M.S.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY MS. BLACK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BRANAMAN, MR. CHACÓN, MS. DOWNES AND DR. ROSENSTEIN.

- I. Ms. Skiff updated the Board regarding concerns from different entities regarding the Board's policy on the Online Disciplinary Action List.
  - J. Ms. Lee presented the enhanced warning notifications to licensees prohibiting practice on a delinquent license.
12. The Board moved into Item XI, Compliance Committee - Ms. Campbell.
- A. Ms. Barber reviewed the Compliance Report.
13. The Board moved into Item XII, Consideration of the nature and extent of the provision of specialty psychological services by Board licensees who do not meet the requirements for specialty titles - Board Rule 465.6(d).
- A. After discussion of this issue, Dr. Rosenstein asked the Rules Committee to study this issue and make a recommendation for possible rule changes to protect the public.
14. The Board moved into Item XIII, Legislative Committee - Ms. Downes.
- A. Ms. Lee discussed the proposed legislation that would affect the agency:
    - i. SB 1733 would amend the Occupations Code to require that licensing agencies provide an alternate license procedure for military spouses.
    - ii. SB 867 would amend the Occupations Code to require that applicants for licensure who have dyslexia must be provided reasonable

accommodations on examinations required for licensure.

15. The Board moved into Item XIV, Legal Matters/General Counsel Report - Darrel Spinks
  - A. Mr. Spinks stated that two cases would be going to SOAH following a temporary suspension hearing.
16. The Board moved into Item XV, Budget Committee - Dr. Branaman.
  - A. Ms. Lee gave a summary of the Appropriations Bill passed by the 82<sup>nd</sup> Texas Legislature.
  - B. Ms. Lee stated that Article IX of the Appropriations Bill requires that each state agency set aside 1% of its budget for employee salaries to fund state employee benefits. The cost for this for our agency is approximately \$5,000 per year.
  - C. Ms. Lee discussed the 3<sup>rd</sup> Quarter Performance Measures.
17. The Board moved into Item XVI, Written Examination Committee - Dr. Mock - no items to discuss.
18. The Board moved into Item XVII, Oral Examination Committee - Dr. Rosenstein.
  - A. Dr. Rosenstein stated that the July Oral Examination candidates had an overall 83% passing rate.
  - B. Dr. Rosenstein thanked staff for doing a wonderful job.
  - C. Dr. Rosenstein presented the Oral Exam Workgroup Report that met in May 2011. The report provided recommendations concerning the oral examination.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ESCARENO TO APPROVE THE RECOMMENDATIONS FROM THE WORK GROUP. THE VOTE WAS UNANIMOUS.

19. The Board moved into Item XVIII, Technology Committee - Mr. Chacón.
  - A. Mr. Chacón reviewed the latest online renewal statistics.
  - B. Mr. Chacón reviewed updates to the Board's website.
  - C. Ms. Lee updated the Board regarding sending the IFC packets electronically to members of the IFC panels.
  - D. Todd Landry, HPC shared IT staff, reviewed the Google docs system for sending and receiving the electronically transmitted IFC packets.
20. The Board moved into Item XIX, Applications Committee - Dr. Baker - no items to discuss.
21. The Board moved into Item XX, Personnel Committee - Ms. Campbell - no items to discuss.
22. The Board moved into Item XXI, Customer Service Committee - Mr. Escareno.
  - A. Mr. Escareno reviewed the customer service survey results for fiscal year 2011 with the Board and noted that the survey reflects that the Board received the highest customer service satisfaction to date.
  - B. Mr. Escareno thanked Ms. Lee and staff for doing an excellent job.
23. The Board moved into Item XXII, Future Issues.
  - A. Dr. Branaman noted that Louisiana may possibly be dropping reciprocity with Texas because Texas does not require some doctoral level training to be obtained while the student is in residence at the college or university.
  - B. The Board reviewed the proposed future Board meeting dates.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MS. BLACK TO APPROVE THE IMPORTANT DATES. THE VOTE WAS UNANIMOUS.

- C. Mr. Spinks informed the Board that the court had just ruled in the Board's favor in the TAPA lawsuit.
  - D. Ms. Black requested all emails that need to be sent to her be sent to her home email address.
24. The meeting was adjourned at 1:00 p.m. by Dr. Branaman.