

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

FEBRUARY 10, 2005

The Texas State Board of Examiners of Psychologists met in Austin, Texas on October 28, 2004. The following Board members were in attendance: Arthur E. Hernandez, Ph.D., Chair; Pauline A. Clansy, Ed.D, Vice-Chair; Gary R. Elkins, Ph.D.; Carl E. Settles, Ph.D.; Catherine B. Estrada; Betty Lou "Penny" Angelo; Stephanie Sokolosky, M.P.S.; Ruben Rendon, Jr., M.S. and Michael D. Nogueira. Also in attendance were Sherry L. Lee, Executive Director and Brett Norbraten, General Counsel.

Thursday, February 10, 2005

1. The meeting was called to order at 9:05 a.m. by Dr. Hernandez.
2. The Board moved into item IV, Minutes.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE MINUTES FROM THE OCTOBER 28, 2004 BOARD MEETING WITH CHANGES. THE MOTION WAS UNANIMOUS.

3. The Board moved into item V, Chair's Report.
 - A. Ms. Lee reviewed Board Goals.
 - B. Mr. Rendon asked that the next Jurisprudence Meeting date be sent to him via email.
 - C. Dr. Hernandez discussed the National Association of School Psychologists (NASP) requirements. Mr. Rendon stated that the Board and NASP

requirements were the same except that NASP requires seventy-five continuing education hours every three years. The Board decided that the current rule would not be changed and the rule would be reviewed as scheduled.

D. Ms. Lee discussed a proposed policy change:

- i. Continuing Education Credit for Licensee Board Members.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. CLANSY TO APPROVE THE POLICY CHANGE. THE MOTION WAS UNANIMOUS.

E. Dr. Hernandez thanked all Board Members for their participation.

4. The Board moved into item VI, Association of State and Provincial Psychology Boards (ASPPB) Issues and Meetings:

A. Dr. Clansy stated that ASPPB was considering removing the passage of an oral exam from the CPQ requirements.

B. Dr. Hernandez stated that the Board's position was to retain the oral examination, due to the fact that while some candidates can pass all written exams, they still have difficulty formulating a diagnosis.

C. Dr. Hernandez asked that when the Sunset bill is introduced all Board Members should be emailed.

D. ASPPB meeting will be April 2005; Dr. Clansy will be attending and Ms. Sokolosky will replace her if necessary.

5. The Board moved into item VIII, Sunset:

A. Dr. Hernandez discussed his meetings with the House and Senate.

B. Dr. Hernandez discussed his meeting with Senator Leticia Van de Putte.

- C. Dr. Hernandez reviewed the email sent from the staff of the Sunset Advisory Commission which suggested the Board should meet with the author of the Sunset bill.
 - D. Ms. Lee presented an update regarding Sunset.
6. The Board moved into item IX and XII, Legislative and Budget Committee.
- A. Ms. Lee stated that the Senate Finance Committee would be working that night and the next day; she will be attending those meetings.
 - B. Ms. Lee stated that the Senate Budget Mark-Up meeting for the Board's appropriations would look at exceptional items requests.
 - C. The Board members discussed the issue of raising fees to cover the exceptional items in the budget.
 - D. When addressed, Mr. Brad Shields, representative for the Texas Association of School Psychologists, stated that he testified for the Board's budget.
 - E. Ms. Lee reviewed the history of fee increases.
 - F. Ms. Lee discussed the proposed letter regarding raising the licensing fees for exceptional items.

A MOTION WAS MADE BY MR. NOGUEIRA AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE LETTER WITH CHANGES. THE MOTION WAS UNANIMOUS.

- G. Ms. Lee reviewed the 1st Quarter Performance Measures.
- H. Ms. Lee stated that agency staff had met with the Governor's staff December 16, 2004 regarding the Board's legislative agenda, budget items and Sunset.
- I. Ms. Lee reviewed the Senate Finance Committee Testimony.

- J. Ms. Lee reviewed the Operating Budget.
 - K. Ms. Lee summarized the Legislative Budget Hearings.
7. The Board moved into item VII, Executive Director's Report.
- A. Ms. Lee stated that Ms. Kay Bradford had passed away. Ms. Rebecca Pounds had been hired to fill the position.
 - B. Ms. Lee stated that the staff had a wonderful luncheon at the County Line.
 - C. Ms. Lee discussed the Fraud Training Risk Management and procedures that were developed as a result.
 - D. Ms. Lee reviewed the proposed online newsletter article.
 - E. Ms. Lee discussed the survey regarding State Classification Office's workforce analysis.
 - F. Ms. Lee reviewed the article in the Austin American Statesman regarding better mental health benefits.
 - G. Ms. Lee reviewed the proposed letter to Mr. Joey Longley, Director Sunset Advisory Commission, requesting a change to current language in the Act concerning diplomats.
 - H. Ms. Lee stated that the agency staff performs criminal record checks online with the Department of Public Safety, but staff do not perform fingerprint checks.
 - I. Ms. Lee stated that no new information has been discussed regarding the memo of understanding "draft" from Office of Patient Protection (OPP). OPP may be further defined in the session. Dr. Hernandez directed that the Board be informed about the memo of understanding before it is agreed to.

J. Ms. Lee stated that the OPP favored consolidation of this agency with other agencies, per the Sunset recommendation.

The Board recessed for a break at 10:50 a.m.

The Board reconvened from break at 11:06 a.m.

K. The Board reviewed letters from the following individuals:

i. Mary Cunningham, Ph.D. - regarding transfer of professional fee for medical reasons.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. ANGELO TO APPROVE THE DRAFTED RESPONSE. THE MOTION WAS UNANIMOUS.

ii. Carlos M. Antoline, Ph.D. - regarding waiving of fee, due to military service.

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

iii. Kevin Gilliland - regarding change of address.

A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE DRAFTED RESPONSE. THE MOTION WAS UNANIMOUS.

iv. Uri L. Gonik, Ph.D. - regarding ethical requirements.

A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY DR. SETTLES TO APPROVE THE DRAFTED RESPONSE TO INCLUDE RULE 461.11(C). THE MOTION WAS UNANIMOUS.

v. Gloria Heinrichs, M.A. - regarding LSSP counseling in public schools.

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

- vi. Jim Hitchcock, M.A. - regarding establishment of a business.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ESTRADA TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.

- vii. Don Jackson, M.S. - regarding LPA online renewal.

A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY MR. RENDON TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.

- viii. Charlotte Sikes - regarding second post-doctoral supervision.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ANGELO TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.

- xiv. Darrell Smith, Ph.D. - regarding lapse in license.

A MOTION WAS MADE BY MR. NOGUEIRA AND SECONDED BY MS. ESTRADA TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS WITH DR. ELKINS RECUSING HIMSELF FROM VOTING.

AFTER MUCH DISCUSSION THE BOARD WILL ADDRESS THE RULE IN QUESTION AT THE NEXT BOARD MEETING. THE MOTION WAS MADE BY MR. NOGUEIRA AND SECONDED BY MS. ANGELO. THE MOTION WAS UNANIMOUS.

- 7. The Board moved into item XX, Personnel Committee.
 - A. Ms. Estrada would like the Board to have a formal written election system for Chair and Vice-Chair.
 - B. Ms. Lee requested that Ms. Angelo be appointed to the Personnel Committee.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. ELKINS TO APPROVE THE APPOINTMENT. THE MOTION WAS UNANIMOUS.

8. The Board moved into item XVI, Written Examination Committee.

A. Ms. Lee presented an "Alert" notice to be sent to all provisional licensed psychologists regarding Applicants for the Oral Examination.

The Board adjourned for lunch at 12:15 p.m.

The Board reconvened at 1:46 p.m.

9. The Board moved into item Executive Director's Report.

A. Proposed Policies:

i. Continuing Education.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED POLICY CHANGE WITH CHANGES. THE MOTION WAS UNANIMOUS.

ii. Facsimile and Electronic Mail.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. CLANSY TO APPROVE THE PROPOSED POLICY CHANGE WITH CHANGES. THE MOTION WAS UNANIMOUS.

iii. Responding to Phone Calls for Applicants.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED POLICY CHANGE. THE MOTION WAS UNANIMOUS.

10. The Board moved into item XI, Rules Committee.

A. The Board reviewed the Proposed Rules:

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

A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.

ii. The Board reviewed proposed amendments to Board rule 465.9, Competency.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. RENDON TO APPROVE THE PROPOSED AMENDMENTS WITH CHANGES. THE MOTION WAS UNANIMOUS.

- iii. The Board reviewed proposed amendments to Board rule 465.11, Informed Consent/Describing Psychological Services.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. ANGELO TO APPROVE THE PROPOSED AMENDMENTS WITH CHANGES. THE MOTION WAS UNANIMOUS.

- iv. The Board reviewed proposed amendments to Board rules 463.10, Provisionally Licensed Psychologists and 463.13, Requirements for Experienced Out-of-State Applicants.

AFTER MUCH DISCUSSION THE BOARD DECIDED TO TABLE THESE RULES UNTIL THE MAY 2005 BOARD MEETING.

B. The Board reviewed the Adopted Rule:

- i. The Board reviewed the amendments to Board rule 463.13, Requirements for Experienced Out-of-State Applicants.

A MOTION WAS MADE BY MR. NOGUEIRA AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE ADOPTED AMENDMENTS TO BOARD RULE 463.13. THE MOTION WAS UNANIMOUS.

- 11. The Board moved into item XIV, Technology Committee.
 - A. Ms. Lee reviewed the Online Renewal Statistics.
 - B. Ms. Lee reviewed the Psychologists' Profiles.
 - C. Ms. Lee discussed downloadable application forms and material from the agency's website.
 - D. Ms. Lee updated the Board regarding Online Services through the Department of Information Resources.

12. The Board moved into item XVI, Written Examination Committee.
 - A. Mr. Rendon updated the Board on the last exam meeting.
 - B. Ms. Lee discussed the feasibility study by ASPPB regarding online applications for the EPPP.

13. The Board moved into item XVII Enforcement Committee.
 - A. Ms. Cynthia Barber, Enforcement Manager presented dismissals for Board ratification:
 - i. 04-033, 04-034, 04-035, 04-036, 04-037;
 - ii. 04-041;
 - iii. 04-027;
 - iv. 04-085;
 - v. 04-173;
 - vi. 04-172;
 - vii. 04-079;
 - viii.04-083;
 - ix. 04-077;
 - x. 04-169; and
 - xi. 04-080

A MOTION WAS MADE BY DR. CLANSY AND SECONDED BY MS. SOKOLSKY TO APPROVE THE DISMISSALS. THE MOTION WAS UNANIMOUS.

xii. 04-009; and

xiii.04-081.

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

UNANIMOUS WITH DR. CLANSY, MR. RENDON AND MR. NOGUEIRA
ABSTAINING FROM VOTING.

- B. Ms. Barber reviewed the status report.
- C. Ms. Barber discussed the project time schedule.
- D. Mr. Norbraten presented the Agreed Orders for the Board's approval:
 - i. The Board reviewed Agreed Order No. 04-023-9838 in the matter of Malcolm Christopher Barrow, M.S.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS WITH DR. ELKINS, MS. ESTRADA AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

- ii. The Board reviewed Agreed Order No. 04-211-9820 in the matter of Gloria Denman, M.A.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. CLANSY TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS.

- iii. The Board reviewed Agreed Order No. 03-116-4033 in the matter of H. David Feltoon, Ph.D.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS WITH DR. ELKINS, MS. ESTRADA AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

- iv. The Board reviewed Agreed Order No. 04-143-8930 in the matter of Bryan Todd Payne, M.S.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ESTRADA TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS.

- v. The Board reviewed Agreed Order No. 04-045-3443 in the matter of Susanne Sommers, Ph.D.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ANGELO TO APPROVE THE AGREED ORDER. THE MOTION WAS

UNANIMOUS WITH DR. ELKINS, MS. ESTRADA AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

- vi. The Board reviewed Agreed Order No. 03-127-7437 in the matter of Brenda May Vardy, M.A.

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

- vii. The Board review Agreed Order No. 04-023-9838 in the matter of Jules Cary Weiss, Ed.D.

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

- E. The May 2005 IFC attendees will be Dr. Settles, Ms. Sokolosky and Ms. Angelo.

14. The Board moved into item XVIII, Compliance Committee.

- A. Mr. Norbraten reviewed the Agreed Order Compliance Report.

15. The Board moved into item XXI, Future Issues.

- A. Dr. Hernandez will update all Board Members on legislative issues.

16. The meeting was adjourned at 3:10 p.m. by Dr. Hernandez.