

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

February 11, 2010

The Texas State Board of Examiners of Psychologists met in Austin, Texas on February 11, 2010. The following Board members were in attendance: Carl Settles, Ph.D., Chair; Gary Elkins, Ph.D., Vice-Chair; Donna L. Black, M.A.; Tim Branaman, Ph.D.; Jo Ann Campbell, M.S.; Carlos Chacón; Angela Downes, J.D.; and Lou Ann Todd Mock, Ph.D. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel. Narciso Escareno was absent.

Thursday, February 11, 2010

1. The meeting was called to order at 9:04 a.m. by Dr. Settles.
2. The Board moved into Item II, Public Comment.
 - A. Jacqueline Daves spoke regarding changing the rule for supervision of licensed psychological associates.
 - B. Betty Dawson, spoke regarding changing the rule for supervision of licensed psychological associates.
3. The Board moved into Item III, Executive Session - no items to discuss.
4. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MR. CHACÓN TO APPROVE THE MINUTES OF THE NOVEMBER 5, 2009

BOARD MEETING. THE VOTE CARRIED WITH MS. DOWNES
ABSENT FROM VOTING.

5. The Board moved into Item V, Chair's Report - Dr. Settles.
 - A. Dr. Settles stated that ASPPB is trying to establish uniform laws across state lines.
 - B. Ms. Lee reviewed the progress of Board goals for FY 2010 and stated some goals were already completed.
 - C. Dr. Branaman stated that the Texas Psychological Association Colleague Assistance Task Force had nothing to report.

6. The Board moved into Item VI, Executive Director's Report - Ms. Lee.
 - A. Ms. Lee stated that the agency had hired Delicia Choyce as the administrative assistant to replace David McCaig who had been with the agency for 17 years.
 - B. The Board reviewed the newsletter article regarding new renewal requirements for Importance of Timely Renewal of Licenses.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. CAMPBELL TO APPROVE THE NEWSLETTER ARTICLE WITH CHANGES. THE VOTE WAS UNANIMOUS.
 - C. Ms. Lee updated the Board regarding the fingerprint criminal history record checks for licensees.
 - D. Ms. Lee reviewed with the Board the status of the Shared Database Migration initiative.
 - i. Review of agency business processes compared to capabilities of existing Versa software;
 - ii. Merger with Iron Data;
 - iii. Post-poned go live date;

- iv. New cost identified;
 - v. Ongoing negotiations; and
 - vi. Progress.
- E. Ms. Lee discussed the consideration of travel options regarding rental of a car versus personal vehicle mileage reimbursement.
- F. Ms. Lee reviewed the supply trends analysis among Licensed Health Professions in Texas from 1980 - 2009 as reported by DSHS.
- G. Ms. Black discussed the new Hogg Foundation report regarding mental health providers in the state.
- H. The Board reviewed letters received from the following individuals:
- i. Jamilya Blake, Ph.D. - regarding full time supervision.

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

- ii. Madonna Constantine, Ph.D. - regarding void license status.

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

- i. Don Goldston, Ph.D. - regarding use of titles.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MR. CHACON TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. AFTER MUCH DISCUSSION THE BOARD DECIDED TO BRING THE REVISED LETTER TO THE MAY BOARD MEETING WITH CHANGES.

- ii. Virginia T. Hilley, Psy.D. - regarding post-doctoral.

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

- iii. Gerald P. Motz, Ph.D. - regarding overcharges.

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

- iv. Kerstin Reichel - regarding psychological services in Texas.

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

- v. Karl A. Slaikeu, Ph.D. - regarding refund of late renewal fee.

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

- viii. Laura Hope Steckler, Ph.D. - regarding inactive status.

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

- ix. Julie A. Whitney, Ph.D. - regarding application going void.

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

- x. Mel Whitehurst, Ed.D. - regarding supervision of post-doctoral student.

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

I. The Board reviewed the Proposed Policy Changes:

i. Policy on Board Website.

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

The Board recessed at 10:25 a.m.

The Board reconvened at 10:40 a.m.

Ms. Downes arrived at 10:29 a.m.

7. The Board moved into Item VII, Rules Committee - Dr. Settles.

A. The Board reviewed the Proposed Rule(s):

i. Amendments to Board rule 469.1, Timeliness of Complaints.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE. THE VOTE WAS UNANIMOUS.

ii. Amendments to Board rule 473.3, Annual Renewal Fee (Not Refundable).

A MOTION WAS MADE BY DR. BRANAMAN AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED AMENDMENT TO BOARD RULE. THE VOTE WAS UNANIMOUS.

B. The Board reviewed the Adopted Rule(s):

i. Amendments to Board rule 465.2, Supervision.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO ADOPT THE RULE. PUBLIC COMMENT WAS RECEIVED FROM FLOYD JENNINGS. THE VOTE WAS UNANIMOUS.

8. The Board moved into Item VIII, Enforcement Committee - Ms. Black.

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

i. 09-139;

- ii. 09-199;
- iii. 09-140;
- iv. 09-118;
- v. 09-116;
- vi. 09-173;
- vii. 09-189;
- viii.09-114;
- ix. 09-137;
- x. 09-146;
- xi. 09-099;
- xii. 08-268; and
- xiii.09-141;

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

- xiv. 09-181;
- xv. 09-059; and
- xvi. 09-202;

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

- B. Ms. Cynthia Barber, Enforcement Manager reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedule.
- D. The May 2010 IFC attendees will be Dr. Mock, Ms. Campbell and Ms. Downes.

- F. The August 2010 IFC attendees will be Dr. Branaman, Dr. Mock and Mr. Chacón.
 - G. The October 2010 IFC attendees will be Dr. Elkins, Ms. Campbell, and Mr. Chacón.
 - H. The February 2011 IFC attendees will be Dr. Mock, Ms. Campbell and Mr. Chacón.
9. The Board moved into Item IX, Compliance Committee - Dr. Branaman.
- A. Ms. Barber reviewed the Compliance report.
10. The Board moved into Item VIII, Enforcement Committee - Ms. Black.
- A. Ms. Izzo presented the Agreed Orders for the Board's approval:
 - i. The Board reviewed Agreed Order No. 09-076-10180 in the matter of Michelle L. Bengtson, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 08-080-6625 in the matter of Sam S. Hill, III, Psy.D.

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

- iii. The Board reviewed Agreed Order No. 09-128-5189 in the matter of Robert Schindler, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 09-129-14554 in the matter of John C. Hardie, Ph.D.

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

- v. The Board reviewed Agreed Order No. 09-150-10468 in the matter of Robert E. Codina, M.A.

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

- vi. The Board reviewed Agreed Order No. 09-055-14814 in the matter of Linda M. Stone, Psy.D.

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

- vii. The Board reviewed Agreed Order No. 09-151-15130 in the matter of Leila L. Flores-Torres, M.A.

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

- viii. The Board reviewed Agreed Order No. 09-187-15222 in the matter of Michael D. McKee, Ed.S.

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

- ix. The Board reviewed Agreed Orders No. 08-239-8677 and No. 09-167-8677 in the matter of Annette G. Raj, M.A.

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

- x. The Board reviewed Agreed Order No. 09-162-5370 in the matter of Anne C. Cunningham, M.A.

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

- xi. The Board reviewed Agreed Order No. 09-208-9241 in the matter of Phyllis M. Nash, M.A.

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

- xii. The Board reviewed Agreed Order No. 09-113-9465 in the matter of Linda M. Luscomb, M.A.

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

- xiii. The Board reviewed Agreed Order No. 0-034-12356 in the matter of Cynthia A. Orrego, Ph.D.

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

- xiv. The Board reviewed Agreed Order No. 09-147-13080 in the matter of Linda J. Pitts, Ph.D.

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

- xv. The Board reviewed Agreed Order No. 09-188-8362 in the matter of Mark C. Winslett, M.A.

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

- xvi. The Board reviewed Agreed Order No. 09-148-5893 in the matter of Sherry D. Crowell, Ph.D.

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

11. The Board moved into Item X, Legislative Committee - Ms. Downes - no items to discuss.
12. The Board moved into Item XI, Legal Matters/General Counsel Report - Ms. Izzo.
 - A. Ms. Izzo discussed cases going to SOAH.
13. The Board moved into Item XII, Budget Committee - Dr. Settles.
 - A. Ms. Lee discussed the 1st Quarter Performance Measures.
 - B. Ms. Lee reviewed the operating budget.
 - C. Ms. Lee discussed the plan to reduce 2010-2011 biennium budget by 5% for our agency required by the Governor's office and the leadership of the Texas Legislature.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. BRANAMAN TO APPROVE THE PLAN. THE VOTE WAS UNANIMOUS.

14. The Board moved into Item XIII, Written Examination Committee - Dr. Mock - no items to discuss.
15. The Board moved into Item XIV, Oral Examination Committee - Dr. Elkins.
 - A. Dr. Elkins stated that the January Oral Examinations went well and that the vignette writing workshop resulted in three new child clinical vignettes being completed.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. CAMPBELL TO APPROVE THE NEW CHILD CLINICAL VIGNETTES. THE VOTE WAS UNANIMOUS.

- B. Requests for new oral examiners were mailed out and the agency has only received one response.

- C. Dr. Branaman stated that the feedback from oral examiners was very positive about this exam.
 - D. Ms. Lee gave an update on the progress of recommendations that the agency received from the Oral Exam Workgroup report from October 2009:
 - i. Create additional Child Clinical Vignettes - completed;
 - ii. Create additional Neuropsychological Vignettes - on hold;
 - iii. Change Instruction Sheet for state of Oral Examination - completed;
 - iv. Recruit Oral Examiners - in process;
 - v. Transfer training tape to DVD - completed;
 - vi. Lanyards - completed;
 - vii. Ensure recording of examinees - completed; and
 - viii. Vignette changes - in process.
 - E. Dr. Elkins expressed his gratitude to staff for all of their hard work.
16. The Board moved into Item XV, Technology Committee - Mr. Chacón.
- A. Mr. Chacón discussed the online renewal statistics.
 - B. Mr. Chacón discussed the website updates.
 - C. Mr. Chacón suggested changes involving use of licensee emails and the online roster. Staff responded that these proposals would be researched and a report made back to the Board.
17. The Board moved into Item XVI, Applications Committee - Dr. Branaman - no items to discuss.

18. The Board moved into Item XVIII, Personnel Committee - Ms. Campbell.
 - A. Ms. Campbell stated that due to the prospect of inclement weather the Christmas party was cancelled and that we could possibly have a party after the May 2010 Board meeting.
19. The Board moved into Item XVIII, Customer Service Committee - Mr. Escareno - no items to discuss.
20. The Board moved into Item XXI, Future Issues.
 - A. Ms. Black stated that the Board should review the issue of supervision of licensed psychological associate in view of Board required training for this license. Ms. Lee was directed to provide copies of all information on this general issue of supervisions of LPAs that had been previously reviewed by the Board in past years to Dr. Mock, Ms. Black, Ms. Downes and Ms. Campbell.
 - B. Dr. Settles noted that in this difficult fiscal year the Board has to set priorities and therefore the Colleague Assistance Program per the TPA Task Force could not be given priority.
23. The meeting was adjourned at 12:06 p.m. by Dr. Settles.