

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR
Darrel D. Spinks

Texas State Board of Examiners of Psychologists

MINUTES

February 14, 2013

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John R. Huffman, J.D.
Southlake

Leslie D. Rosenstein, Ph.D.
Austin

The Texas State Board of Examiners of Psychologists met in Austin, Texas on February 14, 2013. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Lou Ann Todd Mock, Ph.D., Vice-Chair; Jeffrey Baker, Ph.D.; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Angela A. Downes, J.D.; John R. Huffman, J.D.; and Leslie Rosenstein, Ph.D. Also in attendance were Darrel Spinks, Executive Director; Brian Creath, Executive Assistant and Kristin Starr, General Counsel. Absent from the meeting was Carlos Chacón.

Thursday, February 14, 2013

1. The meeting was called to order at 9:02 a.m. by Dr. Branaman.
2. The Board moved into Item II, Public Comments.
 - A. Paul Andrews, Ph.D., with Texas Psychological Association (TPA) and Lonestar Consortium, discussed Board rule 463.31 regarding interns not being able to bill for services.
 - B. Gordon Bourland, Ph.D., Chair of the Public Policy Committee for the Texas Association for Behavior Analysis spoke regarding the Association of State and Provincial Psychology Board's (ASPPB) analysis indicating that Behavior analysis is not solely under the Board's jurisdiction.

333 Guadalupe, Suite 2-450, Austin, Texas 78701
(Administration) 512-305-7700 (Enforcement) 512-305-7709 (TDD) 1-800-735-2989
(Fax) 512-305-7701 <http://www.tsbep.texas.gov>

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3. The Board moved into Item III, Executive Session, pursuant to Title 5, Chapter 551, Government Code §551.071 at 9:12 a.m.
4. The Board returned from Executive Session at 9:29 a.m.
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, Minutes.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY MS. DOWNES TO APPROVE THE MINUTES OF THE OCTOBER 25, 2012 BOARD MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.

7. The Board moved in Item VI, Chair's Report - Dr. Branaman.
 - A. Dr. Branaman stated that the FY 2013 Board goals were on track.
 - B. Dr. Branaman updated the Board regarding ASPPB:
 - i. Requesting input from interest parties regarding Applied Behavior Analysis draft informational paper.
 - ii. Jurisdictional survey on inter-jurisdictional telepsychology practice.
 - iii. Exam coordination regarding EPPP bilingual issues.
 - iv. Requesting input regarding doctoral and internship level training and training on the postdoctoral level.
 - v. Mr. Spinks stated that ASPPB is an authorized agent for the Healthcare Integrity and Protection Data Bank (HIPDB) which is a federal mandate requiring disciplinary action against licensees be entered into their system. Currently, all states are in compliance with this requirement except for Texas and Puerto Rico. The new investigator that the Board is seeking as an exceptional item will be inputting this information.
 - C. The Board reviewed the new Letter of Agreement between ASPPB and the Board regarding the administration of the EPPP examination and the increase fee from \$450 to \$600.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY DR. BAKER TO APPROVE THE LETTER OF AGREEMENT. THE VOTE WAS UNANIMOUS.

- D. Dr. Branaman thanked the Rule Advisory Committee which consists of Dr. Baker, Ms. Black, Ashley Arnold, Texas Association of School Psychologists (TASP); Paul Andrews, TPA; Barbara Tate, Texas Association of Psychological Associates (TAPA); and an at large member who is both a licensed psychologist and specialist in school psychology, Vincent Ramos.
- E. The Board discussed the Reciprocity information regarding mobility for licensed psychologist. The Board recommended that staff continue to move forward with the mobility issue.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE RECOMMENDATION REGARDING RECIPROCITY WITH ADDITIONAL STATES. THE VOTE WAS UNANIMOUS.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK FOR STAFF TO LOOK AT RECIPROCITY FOR LICENSED SPECIALIST IN SCHOOL PSYCHOLOGY. THE VOTE WAS UNANIMOUS.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MR. HUFFMAN FOR STAFF TO LOOK AT RECIPROCITY FOR ALL OF THE BOARD'S LICENSEES. THE VOTE WAS UNANIMOUS.

The Board adjourned for a break at 10:20 a.m.

The Board reconvened at 10:32 a.m.

- 8. The Board moved into Item VII, Executive Director's Report - Mr. Spinks.
 - A. Mr. Spinks discussed operational issues:
 - i. HIPAA training with staff was completed.
 - ii. Centralized policy manual is located in the reception area and it is updated after each Board meeting.
 - iii. Renewal forms have been updated to reflect the rule change regarding duty to report.
 - iv. Change in functional job title for Mr. Creath from Executive Assistant to Deputy Executive Director which is consistent with other state agencies.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE CHANGE. THE VOTE WAS UNANIMOUS.

- v. Mr. Spinks reported he had received a number of requests for the Board to appear at various local associations to give presentations regarding the Board's rules and complaint process. These presentations should prove beneficial to the agency..
 - vi. The University of Texas is increasing the fee to analysis foreign degree from \$75 to \$90.
 - vii. After the DPS audit regarding criminal history reports, the recommendation was that the Board needed to secure these reports which are located in the professional files. Agency staff obtained a quote for approximately \$2400 to install a door in the licensing area. In lieu of installing a door, staff have been instructed to review and pull criminal history information from licensee files and keep them in a locked cabinet until they can be destroyed.
 - viii. Attended TASP Board meeting in January and also completed the first joint presentation with TPA.
- B. Mr. Spinks stated that there are no changes to report regarding the shared database migration, however the Funeral Service Commission would be going online with the other six agencies later this year.
- C. The Board reviewed proposed Policy changes:
- i. Texas State Board of Examiners of Psychologists' Ethics.

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

- D. The Board reviewed the proposed Newsletter Articles:
- i. Board Rule 465.18(e), Forensic Opinions Regarding Child Visitation: You've got to know when to hold'em.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MR. HUFFMAN TO APPROVE THE PROPOSED NEWSLETTER ARTICLE. THE VOTE WAS UNANIMOUS.

- ii. What Do You Do When Served With A Subpoena?

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED NEWSLETTER ARTICLE WITH CHANGES. THE VOTE WAS UNANIMOUS.

iii. Board Welcomes New General Counsel

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED NEWSLETTER ARTICLE. THE VOTE WAS UNANIMOUS.

9. The Board moved into Item VIII, Rules Committee - Dr. Branaman.

A. The Board reviewed Emergency Rule(s):

i. 473.4, Late Fees for Renewals (Not Refundable).

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. HUFFMAN TO APPROVE THE EMERGENCY RULE. THE VOTE WAS UNANIMOUS.

B. The Board reviewed Proposed Rule(s):

i. 463.2, Application Process.

A MOTION WAS MADE BY MR. HUFFMAN AND MS. DOWNES TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS UNANIMOUS.

ii. 465.32, Disposition and Assumption of the Practice of a Mental Health Professional.

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

iii. 473.3, Annual Renewal Fees (Not Refundable).

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

iv. 473.4, Late Fees for Renewals (Not Refundable).

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED AMENDMENT. THE VOTE CARRIED WITH DR. ROSENSTEIN ABSTAINING FROM VOTING.

v. 473.7, Penalties.

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

vi. 473.8, Open Records Fees.

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

C. The Board reviewed Adopted Rule(s):

i. 461.35, Use of Historically Underutilized Businesses (HUBS).

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO ADOPT THE AMENDMENT TO THE RULE. THE VOTE WAS UNANIMOUS.

ii. 463.5, Application File Requirements.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO ADOPT THE AMENDMENT TO THE RULE. THE VOTE CARRIED WITH DR. ROSENSTEIN ABSTAINING FROM VOTING.

iii. 463.15, Oral Examination.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY DR. BAKER TO ADOPT THE AMENDMENT TO THE RULE. THE VOTE CARRIED WITH MS. BLACK, MS. CAMPBELL, MS. DOWNES, MR. HUFFMAN AND DR. MOCK ABSTAINING FROM VOTING.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY DR. MOCK TO APPROVE THE WRITTEN RESPONSE TO PUBLIC COMMENTS THAT WERE RECEIVED REGARDING THE RULE. THE VOTE CARRIED WITH MS. CAMPBELL ABSTAINING FROM VOTING.

iv. 473.2, Examination Fees (Not Refundable).

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. CAMPBELL TO ADOPT THE AMENDMENT TO THE RULE. THE VOTE WAS UNANIMOUS.

v. 465.22, Psychological Records, Test Data and Test Protocols.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO ADOPT THE AMENDMENT TO THE RULE. THE VOTE WAS UNANIMOUS.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE WRITTEN RESPONSE TO PUBLIC COMMENTS THAT WERE RECEIVED REGARDING THE RULE. THE VOTE WAS UNANIMOUS.

vii. 465.38, Psychological Services in the Schools.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY DR. BAKER TO ADOPT THE AMENDMENT TO THE RULE. THE VOTE CARRIED WITH MS. BLACK AND MS. CAMPBELL VOTING AGAINST THE MOTION; AND MS. DOWNES ABSTAINING FROM VOTING.

viii.469.1, Timeliness of Complaints.

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

10. The Board moved into Item IX, Enforcement Committee - Dr. Baker

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

i. 12-213

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. BAKER, MS. CAMPBELL AND MR. HUFFMAN RECUSED FROM VOTING.

ii. 13-014

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. BAKER, MS. CAMPBELL, MR. HUFFMAN, AND DR. MOCK RECUSED FROM VOTING; AND MS. BLACK VOTING AGAINST THE MOTION.

iii. 13-097;

iv. 12-166

v. 12-192;

vi. 12-133;

vii. 12-067;

viii.12-246;

ix. 12-167;

x. 12-211;

xi. 12-199;

xii. 12-136;
xiii.12-221;
xiv. 12-231;
xv. 13-095;
xvi. 12-164;
xvii.12-163;
xviii.12-181;
xix. 12-212;
xx. 13-041;
xxi.13-040;
xxii.13-050;
xxiii.13-043;
xxiv.13-042;
xxv. 13-072;
xxvi.13-071; and
xxvii.13-073

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. HUFFMAN TO APPROVE THE DISMISSALS.

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Project Time Schedule.
- D. August 2013 ISC attendees will be Dr. Branaman, Dr. Mock and Mr. Chacon.
- E. October 2013 ISC attendees will be Dr. Baker, Ms. Campbell and Mr. Chacon.
- F. February 2014 ISC attendees will be Dr. Mock and Dr. Baker.

G. May 2014 ISC attendees will be Dr. Baker and Dr. Rosenstein.

H. Ms. Starr presented the Agreed Orders for the Board's approval:

i. The Board reviewed Agreed Order No. 2011-00189-8904, in the matter of Jennifer Nichole Trapani, Ph.D.

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

ii. The Board reviewed Agreed Order No. 11-208-5129, in the matter of Bruce Mansbridge, Ph.D.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BRANAMAN, MS. CAMPBELL AND MR. CHACON RECUSED FROM VOTING; AND DR. ROSENSTEIN ABSTAINING FROM VOTING.

iii. The Board reviewed Agreed Order No. 12-113-3272, in the matter of Laurel Lee Strahan, Ph.D.

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

iv. The Board reviewed Agreed Order No. 12-074-5911, in the matter of Patricia R. Owen, Ph.D.

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

v. The Board reviewed Agreed Order No. 12-194-1714, in the matter of Lawrence Eligio Thompson, Ph.D.

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. 13-012-6122, in the matter of Francis J. Pirozzolo, Ph.D.

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

vii. The Board reviewed Agreed Order No. 13-027-1637, in the matter of Jerry B. Trice, 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. 13-035-10470, in the matter of Santhi Periasamy, Ph.D.

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 Order No. 13-036-9341, in the matter of Jaime E. Cohen, Ph.D.

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

x. The Board reviewed Agreed Order No. 13-056-3797, in the matter of Susan S. Halseth, M.Ed.

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

xi. The Board reviewed Agreed Order No. 2012-00051-10632, in the matter of Kathryn Watson Soward, Ph.D.

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

xii. The Board reviewed Agreed Order No. 12-069-3710, in the matter of Allan D. Vreeland, Ph.D.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BRANAMAN, MR. CHACON AND DR. MOCK RECUSED FROM VOTING.

xiii. The Board reviewed Agreed Order No. 12-138-3918, in the matter of John E. Hartsell, Ed.D.

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

xiv. The Board reviewed Agreed Order No. 12-218-5115, in the matter of Robert Barry Mandell, Ph.D.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. HUFFMAN TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BRANAMAN, MR. CHACON AND DR. MOCK RECUSED FROM VOTING.

11. Dr. Rosenstein stated that for the August Board meeting she would prefer the first half of the month for that Board meeting. Dr. Rosenstein left at 12:02 p.m.
12. The Board moved into Item X, Compliance Committee - Ms. Black
 - A. Ms. Barber stated current cases were being monitored.
13. The Board moved into Item XI, Legal Matters/General Counsel Report - Ms. Starr
 - A. Ms. Starr stated that ten cases were going to the State Office of Administrative Hearings (SOAH).
 - B. The HPC agencies met with SOAH and (3) Administrative Law Judges who agreed to make some changes regarding summary disposition process and a new format for proposal for decisions.
 - C. Ms. Starr discussed the lawsuit by the Texas Medical Association against the Board of Examiners of Marriage and Family Therapist.
 - D. Ms. Starr stated that after researching the matter of staff possessing test data during the processing of complaints, the Board is permitted to do so under case law and the "fair use" exception to copyright law.
14. The Board moved into Item XII, Legislative Committee - Ms. Downes
 - A. Ms Downes discussed the proposed legislation that could possibly affect the agency:
 - i. HB 45, Licensing of Military Service Members, Recent Veterans and Military Spouses.
 - ii. HB 86, Criteria for Review of Certain Agencies.
 - iii. HB 87, Right to Engage in Occupation.
 - iv. HB 130, Honesty in State Taxation.

- v. HB 291, Hiring Freeze.
 - vi. SB 152, Duty to Report
 - vii. HB 646, Requirement for Appointment to TSBEP.
 - viii. SB 258, Practice by Psychologist
 - ix. HB 807, Exemption Statutes
15. The Board moved into Item XIII, Budget Committee - Dr. Branaman
- A. Mr. Spinks reviewed the 1st Quarter Performance Measures.
 - B. Mr. Spinks discussed base line funding from previous year.
 - C. Mr. Spinks discussed the Annual Financial Report.
16. The Board moved into Item XIV, Written Examinations Committee - Dr. Mock
- A. Dr. Mock stated they would be meeting on April 26th.
17. The Board moved into Item XV, Oral Examination Committee - Drs. Rosenstein and Baker
- A. Dr. Baker discussed the January 2013 Oral exam results.
18. The Board moved into Item XVI, Technology Committee - Mr. Chacon
- A. Mr. Spinks reviewed the online statistics.
 - B. Mr. Spinks updated the Board on website changes.
19. The Board moved into Item XVII, Applications Committee - Dr. Rosenstein - no items to discuss.
20. The Board moved into Item XVIII, Personnel Committee - Ms. Campbell
- A. Mr. Spinks stated that Priscilla Tenorio had been hired as the part time administrative assistant.
21. The Board moved into Item XIX, Customer Service Committee - Mr. Huffman.

A. Mr. Huffman stated from the FY 11 customer service surveys that staff had an overall rating of 90%.

22. The Board moved into Item XX, Future Issues and Other Requested Agenda Items.

A. Due to scheduling issues the August Board meeting date would need to be set for August 6-8, 2013 or August 13-15, 2013.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. BAKER TO SCHEDULE THE BOARD MEETING FOR AUGUST 13-15, 2013. THE VOTE WAS UNANIMOUS.

B. Janet Orwig with ASPPB would like to do a 30-40 minute presentation at the May 2013 Board meeting regarding the PLUS System.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MR. HUFFMAN TO REQUEST THE PRESENTATION AT THE MAY 2013 BOARD MEETING. THE VOTE WAS UNANIMOUS.

23. The Board moved into Item VII, Executive Director's Report - Mr. Spinks

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

i. Jennifer Darakjy, Ph.D. - regarding supervised practice.

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

ii. Kristen Mainor, Ed.S. - regarding LSSP practicum students.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. BAKER TO TABLE AND GET MORE INFORMATION. THE VOTE WAS UNANIMOUS.

iii. William Rockwell - regarding hypnosis.

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

iv. Selia Servin-Lopez, Psy.D. - regarding late fee.

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

24. The meeting was adjourned at 1:05 p.m. by Dr. Branaman.