

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

February 10, 2011

The Texas State Board of Examiners of Psychologists met in Austin, Texas on February 10, 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; Lou Ann Todd Mock, Ph.D.; and Leslie Rosenstein, Ph.D. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel. Angela Downes, J.D. and Narciso Escareno were absent from the meeting.

Thursday, February 10, 2011

1. The meeting was called to order at 9:08 a.m. by Dr. Branaman.
2. The Board moved into Item II, Public Comments.
 - A. Paul Andrews stated that the Board should not deviate from the Act regarding the proposed amendment to Board rule 465.38.
 - B. John Godfrey opposed the proposed amendment to Board rule 465.38.
 - C. Cynthia DeLaFuentes, member of the Texas Psychological Association (TPA), opposed the proposed amendment to Board rule 465.38.
 - D. Robin Hilsabeck, member of the National Academy of Neuropsychology, opposed the proposed amendment to Board rule 465.38.

- E. Ashley Arnold, President of the Texas Association of School Psychologists, stated that Nationally Certified School Psychologists (NCSP) is not a title, but a credential.
 - F. Vicky Spradling, Ph.D., member of TPA, stated that the doctoral level should continue to be required for the use of the title "psychologists."
 - G. Laurie Klose commented in favor of the proposed amendment to Board rule 465.38.
 - H. Dan Roberts, President of the Capital Area Psychological Association, opposed the proposed amendment to Board rule 465.38.
 - I. Beth Peters, Ph.D. opposed the proposed amendment to Board rule 465.38.
 - J. Nancy Nussbaum opposed the proposed amendment to Board rule 465.38.
 - K. Carol Grothues, Ph.D. opposed the proposed amendment to Board rule 465.38.
 - L. Bruce Mansbridge, Ph.D. opposed the proposed amendment to Board rule 465.38.
 - M. Susan Hendricks, attorney representing the National Association of School Psychologists (NASP), commented in favor of the proposed amendment to Board rule 465.38.
 - N. Bonnie Gardner, Ph.D. opposed the proposed amendment to Board rule 465.38.
 - O. Michael Morris, President-elect of the Dallas Psychological Association, opposed the proposed amendment to Board rule 465.38.
- 3. The Board moved into Item III, Executive Session, pursuant to Title 5, Chapter 551, Government Code, §551.071 at 9:47 a.m.
 - 4. The Board returned from Executive Session at 10:10 a.m.

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

The Board reconvened at 10:20 a.m.

5. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. BLACK TO APPROVE THE MINUTES OF THE OCTOBER 28, 2010 BOARD MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.

6. Dr. Branaman introduced new Board member Dr. Jeffrey Baker.

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

A. The Board reviewed Adopted Rule(s):

a. Amendment to Board rule 463.10,
Provisionally Licensed Psychologists.

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

b. Amendment to Board rule 465.2, Supervision.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE ADOPTED AMENDMENT. THE VOTE WAS UNANIMOUS.

c. Amendments to Board rule 465.18, Forensic Services.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. BLACK TO APPROVE THE ADOPTED AMENDMENTS. THE VOTE WAS UNANIMOUS.

d. Amendment to Board rule 465.38,
Psychological Services for Public Schools.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE ADOPTED AMENDMENT.

AFTER DISCUSSION A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MR. CHACÓN TO TABLE THE MOTION. THE

VOTE CARRIED WITH MS. BLACK AND MS. CAMPBELL VOTING AGAINST THE MOTION.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. BAKER TO SEEK AN ATTORNEY GENERAL OPINION ON THIS ISSUE. THE VOTE CARRIED WITH MS. BLACK AND MS. CAMPBELL VOTING AGAINST THE MOTION. DR. BRANAMAN WILL APPROVE THE FINAL LETTER GOING TO THE ATTORNEY GENERAL'S OFFICE.

8. The Board moved into Item V, Chair's Report - Dr. Branaman.
 - A. Ms. Lee discussed FY 2011 Board goals that were in process.
 - B. Dr. Branaman stated that the Association of State and Provincial Psychology Boards (ASPPB) does not acknowledge that Texas recognizes the Certificate of Professional Qualification (CPQ) to some extent.
 - C. Dr. Branaman stated that ASPPB would increase the fee for taking the EPPP examination to \$600 beginning March 1, 2013.
9. The Board moved into Item VI, Executive Director's Report - Ms. Lee.
 - A. Ms. Lee stated that an employee was on the Family Medical Leave Act (FMLA) and that would mean other staff would have to support that area.
 - B. Ms. Lee thanked the Board for a wonderful Christmas party at Threadgill's.
 - C. Ms. Lee informed the Board that the Governor was recommending consolidation for the health licensing agencies as a way to save state funds.
 - D. Ms. Lee updated the Board regarding the shared replacement database system. The Board directed Ms. Lee to add information to the website about the upcoming change for online renewals.
 - E. Ms. Lee reviewed the Workforce Summary document prepared by the State Auditor's office.

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

- i. Sidney M. Aguirre, Sr., Psy.D. - regarding post doctoral year.

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

- ii. Eiryth Finnigan - regarding the length of time it took to get an evaluation from the University of Texas.

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

- iii. Sarah Graves, Ph.D. - regarding NCSP and out of state application.

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

- iv. James D. Herbert, Ph.D. and Evan M. Forman, Ph.D. - regarding video conferencing.

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

- v. Donald Loffredo, Ed.D. - regarding obtaining post doctoral year by teaching in a university.

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

- vi. Abigail McNeely, Psy.D. - regarding post doctoral work.

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

vii. Kristine Poland - regarding licensure questions.

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

viii. Lawrence J. Schneider, Ph.D. - regarding disciplinary action on the Board's website.

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

ix. Pamela D. Garcy, Ph.D. - regarding practicum requirements.

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

The Board recessed for lunch at 11:50 a.m.

The Board reconvened at 1:22 p.m.

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

A. Ms. Black asked the staff to bring to the next Board meeting information about continuing education complaints.

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

i. 11-022;

ii. 11-052;

iii. 11-004;

iv. 11-025;

v. 11-030;

- vi. 10-111;
- vii. 11-021;
- viii. 10-112;
- ix. 11-044;
- x. 10-110;
- xi. 11-002;
- xii. 10-108;
- xiii. 11-051;
- xiv. 11-003;
- xv. 10-096; and
- xvi. 10-097;

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

- xv. 10-081

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

- C. Ms. Barber reviewed the Status Report.
- D. Ms. Barber discussed the Projected Time Schedule.
- E. The April 2011 IFC attendees will be Dr. Mock, Ms. Campbell and Mr. Chacón.
- F. The August 2011 IFC attendees will be Dr. Branaman, Dr. Rosenstein, Dr. Baker (observer) and Mr. Chacón.
- G. The November 2011 IFC attendees will be Dr. Branaman, Ms. Campbell and Mr. Chacón.

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

- i. The Board reviewed Agreed Order No. 10-055-5330, in the matter of Brian Eugene Pope, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 11-020-14077, in the matter of John W. Pope, M.S.

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

- iii. The Board reviewed Agreed Order No. 11-042-13298, in the matter of William M. Moss, M.A.

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

- iv. The Board reviewed Agreed Order No. 11-048-6619, in the matter of Cynthia V. Eaton, M.A.

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

- v. The Board reviewed Agreed Order No. 10-102-8670, in the matter of Rhoda Buckley Rogers, M.A.

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

- vi. The Board reviewed Agreed Order No. 11-019-12908, in the matter of Michael E. Sturman, M.A.

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

vii. The Board reviewed Agreed Order No. 11-069-14616, in the matter of Rhonda A. Morris, M.S.

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

11. The Board moved into Item XI, Compliance Committee - Dr. Branaman
 - A. Ms. Barber reviewed the Compliance Report.
12. The Board moved into Item XII, Legislative Committee - Ms. Downes.
 - A. Ms. Lee discussed the proposed legislation that could possibly affect the agency.
13. The Board moved into Item XI, Legal Matters/General Counsel Report - Ms. Izzo - no items to discuss.
14. The Board moved into Item XIII, Budget Committee - Dr. Branaman.
 - A. Ms. Lee stated that an additional 2.5% reduction was mandated for state agencies from their FY 2011 Appropriations.
 - B. Ms. Lee discussed the summary of the Legislative Budget Board's (LBB) recommendations to the Board.
 - C. Ms. Lee discussed the efficiency of staff.
 - D. Ms. Lee discussed the 1st Quarter Performance Measures.
15. The Board moved into Item XV, Written Examinations Committee - Dr. Mock.

- A. Dr. Mock stated that the next meeting of the Jurisprudence Exam committee was set for May 2011.
16. The Board moved into Item XVI, Oral Examinations Committee - Dr. Branaman.
- A. Dr. Rosenstein stated that the last Oral Examination went very well and that staff did an excellent job.
 - B. Dr. Rosenstein stated that the Board needs to recognize oral examiners.
 - C. Dr. Rosenstein discussed the option of revising the Oral Examination orientation.
17. The Board moved into Item XV, Technology Committee - Mr. Chacón.
- A. Mr. Chacón reviewed the Board's website usage statistics.
 - B. Mr. Chacón stated that the latest online renewal statistics were at 98%.
 - C. Mr. Chacón discussed the advantages of the new agency website.
 - D. Mr. Chacón presented the website updates since the last Board meeting.
18. The Board moved into Item XVI, Application Committee - Dr. Rosenstein - no items to discuss.
19. The Board moved into Item XVI, Personnel Committee - Ms. Campbell
- A. Ms. Black asked that the Board consider a plaque or memento for all outgoing Board members. Staff will bring recommendations to the April Board meeting.
20. The Board moved into Item XVII, Customer Service Committee - Mr. Escareno - no items to discuss.

21. The Board moved into Item XIX, Future Issues - Dr. Branaman - no items to discuss.
22. The meeting was adjourned at 2:18 p.m.