

**TEXAS STATE
BOARD OF
EXAMINERS OF
PSYCHOLOGISTS**



EXECUTIVE DIRECTOR
Darrel D. Spinks

**Texas State Board of
Examiners of Psychologists**

MINUTES

February 13, 2014

MEMBERS OF THE BOARD

Tim F. Branaman, Ph.D., Chair
Dallas

Lou Ann Todd Mock, Ph.D., Vice Chair
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Jeff Baker, Ph.D.
League City

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Jo Ann Campbell, M.S.
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Angela A. Downes, J.D.
Dallas

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 13, 2014. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Lou Ann Todd Mock, Ph.D., Vice-Chair; Jeffrey Baker, Ph.D.; Jo Ann Campbell, M.S.; Carlos Chacón; Angela A. Downes, J.D.; John R. Huffman, J.D.; and Leslie Rosenstein, Ph.D. Also in attendance were Darrel Spinks, Executive Director; and Brian Creath, Deputy Executive Director. The following Board member was absent from the meeting until 9:25 a.m. Donna L. Black, M.A.

Thursday, February 10, 2014

1. The meeting was called to order at 9:01 a.m. by Dr. Mock acting as Board Chair.
2. The Board moved into Item II, Public Comments - no comments.
3. The Board moved into Item III, Executive Session, pursuant to Title 5, Chapter 551, Government Code §551.071 at 9:01 a.m.
4. The Board returned from Executive Session at 9:14 a.m.
5. The Board moved into Item IV, Action on matters considered in Executive Session - no items to discuss.
6. The Board moved into Item V, Minutes.

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A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MR. CHACÓN TO APPROVE THE MINUTES OF THE OCTOBER 10, 2013 BOARD MEETING. THE VOTE WAS CARRIED WITH MS. BLACK ABSENT FROM VOTING.

7. The Board moved in Item VI, Chair's Report - Dr. Mock.
 - A. Dr. Mock reviewed the FY 2014 Board goals and items resolved.
 - i. Mr. Spinks stated that 1 case from SOAH had been resolved, licensing had imaged over 700 files, members of the vignette writing workshop were utilized at the January Oral Exam to begin drafting new vignettes, and the Association of State and Provincial Psychology Boards (ASPPB) PLUS Pilot Program was scheduled to go live on February 21, 2014, but would most likely be delayed.
 - B. Dr. Mock stated that the ASPPB 29th Midyear Meeting will be April 10-13, 2014 and Dr. Branaman, Mr. Spinks and Mr. Chacón will be attending. Dr. Baker will also be attending on behalf of another organization.
 - C. Dr. Mock stated that Wisconsin is no longer participating in the ASPPB Agreement of Reciprocity. The Wisconsin Board no longer administers an Oral Examination.
 - D. Mr. Spinks received a letter from the Louisiana Board regarding the Agreement of Reciprocity. Mr. Spinks contacted Kelli Parker who indicated the basis for the letter as is the lack of a residency requirement for licensing. Texas does not have a residency requirement. Dr. Branaman stated he believed the Louisiana Board had tabled the matter while they sought additional information.

Ms. Black arrived at 9:25 a.m.

- E. Dr. Baker stated that the Rules Advisory Committee has been meeting online discussing changes to 465.2, Supervision, and receiving input from different parties. This information has been forwarded to Dr. Branaman for consideration. Ms. Black also mentioned that at the last Board meeting, the issue of the use of the LSSP title while under supervision had been raised, but the matter had not yet been addressed.

- F. Dr. Mock reviewed the guidelines from the American Psychological Association (APA) regarding practice of telepsychology.
 - G. Dr. Mock stated that the Governor had reappointed Dr. Branaman, Ms. Downes and Dr. Mock for a term to expire October 31, 2019.
 - H. Mr. Spinks reviewed the Attorney General Opinion RQ-1126-GA, regarding LSSP exemption in a university setting.
 - I. Dr. Mock reviewed a letter from Speaker Joe Straus regarding executive agency oversight.
 - J. Dr. Mock stated that APA is seeking public comment on its proposed Standards of Accreditation in Health Service Psychology.
8. The Board moved into Item VII, Executive Director's Report - Mr. Spinks.
- A. Mr. Spinks discussed operational issues:
 - i. Governor's office requested an appointment to the State Advisory Council which provides opportunities for professional development, community service and a forum to discuss women's issue. Ms. Skiff has been appointed to represent the agency.
 - ii. Corrective action on the DPS audit report is going well.
 - iii. The Board is in compliance with NPDB/HIPDB. Twelve infractions were reported for the last quarter. The draft version of the guideline book reflects that administrative penalties and denial of initial license or renewal that is reportable.
 - iv. A sample form was provided reflecting the information required to be reported to the OAG under HB 300.
 - v. Corrective actions taken following SORM review:
 - a. New Worker's Compensation policy.
 - b. Business Continuity Plan - waiting to hear from DIR, DPS and SORM regarding a template.

- c. A request for a quote under the Statewide Automobile Program has been submitted.
- d. A request for clarification has been submitted under the Director's and Officer's Liability Statewide Program.
- vi. Contemplated allowing licensee to change their address and email address online anytime; however, due to system limitations, it is not advisable at this time. Incorrect or improperly entered information cannot be corrected prior to assimilation into the system, and will negatively affect Board operations.
- vii. Business Continuity plan will be revised once DIR, DPS, and SORM prepare a template.
- viii. FY 2014 Formal Risk Assessment was submitted.
- B. Mr. Spinks stated there were no new issues regarding the shared database.
- C. The Board reviewed the proposed Newsletter Article:
 - i. Introduction of Scott Merchant new General Counsel.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED NEWSLETTER ARTICLE. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. Duty to Report Child Abuse.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED NEWSLETTER ARTICLE WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

- iii. Ms. Black would like to do another article regarding informed consent for LSSPs working in the schools. This article would clarify and discuss the role of an LSSP.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO WRITE THE NEWSLETTER ARTICLE. THE VOTE CARRIED WITH MR. HUFFMAN ABSENT FROM VOTING.

- D. The Board reviewed the Policy changes:

i. Renewal of Licenses.

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

b. Repeal Workers' Compensation Claims Administration.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE REPEAL. THE VOTE WAS APPROVED UNANIMOUSLY.

c. New Worker's Compensation Claims Administration.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE NEW POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

d. Vignette Writing Workshops.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MR. CHACÓN TO APPROVE THE POLICY CHANGE. THE VOTE WAS APPROVED UNANIMOUSLY.

e. Review of Oral Exam Vignettes.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MS. BLACK TO APPROVE THE POLICY CHANGE. THE VOTE WAS APPROVED UNANIMOUSLY.

f. Provision of Copy of Complaint to Respondent.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE POLICY CHANGE. THE VOTE WAS APPROVED UNANIMOUSLY.

The Board recessed for a break at 10:11 a.m.

The Board reconvened from break at 10:21 a.m.

E. Mr. Steven Matt and Mr. John Matthews with EStrategy Solutions gave a presentation regarding software available to provide an online jurisprudence examination.

i. In addition to the standard application fee of \$210.00 for the jurisprudence examination, each applicant would be required to pay an additional fee of up to \$34.00 if the exam were moved online.

ii. Exam would be customized for the Board's questions.

- iii. System could be set up to give applicants their examination result at the completion of examination.

AFTER MUCH DISCUSSION THE BOARD INSTRUCTED STAFF TO CONTINUE TO PURSUE THIS MATTER AND LOOK AT WHAT CHANGES WOULD NEED TO BE MADE AND ALSO THE STRUCTURE OF THE EXAM. LOOK AT POSSIBLY REDUCING THE EXAMINATION FEE AND BRING BACK TO THE MAY 2014 BOARD MEETING.

F. The Board reviewed the Opinion Letters:

- i. Kristen Mainor, Ed.S. - regarding LSSP exemption in a university setting.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. Elvyn Leonard - regarding retirement of license despite having failed to submit proof of Professional development.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO APPROVE THE DRAFTED RESPONSE. THE VOTE WAS APPROVED UNANIMOUSLY.

- iii. Ellen Hightower-Smith - regarding retirement by LSSPs from public schools.

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

- iv. Clara Duckers - regarding refund of annual renewal fee.

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

- v. Joy Nicewander - regarding transfer of oral examination fee to July 2014 exam.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY MS. BLACK TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

G. Mr. Spinks required permission to destroy the original copies of all disciplinary orders once they have been imaged. Mr. Creath indicated that the originals could not be destroyed without TSLAC's permission. Mr. Spinks then

requested permission to carry out the destruction pending TSLAC's approval. It was noted that in addition to the disciplinary orders being imaged, a digital copy is also saved on Ms. Skiff's Home drive.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE DESTRUCTION OF AGREED ORDERS UPON IMAGING, AND CONTINGENT UPON TSLAC'S APPROVAL. THE VOTE WAS APPROVED UNANIMOUSLY.

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

A. The Board considered the withdrawal of the following previously Proposed rule(s):

i. 461.5, Contents of License.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. BAKER TO WITHDRAW BOARD RULE 461.5. THE VOTE WAS APPROVED UNANIMOUSLY.

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

i. 461.5, Contents of License.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. 463.15, Oral Examination.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MS. CAMPBELL TO APPROVE THE PROPOSED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

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

i. 461.7, License Statuses.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE ADOPTED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

ii. 461.16, Inaccurate and False Information in Licensure Application/Documentation and for Annual Licensure Renewal Application/Documentation.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE ADOPTED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. 463.30, Licensing of Military Spouses and Applicants with Military Experience.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO APPROVE THE ADOPTED RULE. THE VOTE CARRIED WITH MS. BLACK ABSTAINING FROM VOTING. STAFF WERE ALSO INSTRUCTED TO EXPLORE THE POSSIBILITY OF A RULE CHANGE WHEREBY APPLICATION FEES WOULD BE REDUCED FOR APPLICANTS WITH MILITARY EXPERIENCE.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MR. CHACÓN TO APPROVE THE COMMENTS TO THE RULE. THE VOTE CARRIED WITH MS. BLACK ABSTAINING FROM VOTING.

iv. 469.8, Rehabilitation Guidelines.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. BAKER TO APPROVE THE ADOPTED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

v. 470.22, Schedule of Sanctions.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE ADOPTED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

vi. 471.5, Updated Information Requirements.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE ADOPTED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

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

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MR. CHACÓN TO APPROVE THE ADOPTED RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

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

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

i. 14-006;

ii. 13-228;

iii. 13-174;

iv. 14-002;

v. 14-032;

vi. 13-184;
vii. 14-029;
viii.14-007;
ix. 13-207;
x. 13-208;
xi. 13-226;
xii. 13-229;
xiii.13-230;
xiv. 14-072;
xv. 13-232;
xvi. 13-248;
xvii.13-247;
xviii.13-250;
xix. 13-250; and
xx. 14-045

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. CHACÓN TO APPROVE THE DISMISSALS. THE VOTE WAS APPROVED UNANIMOUSLY.

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedule.
- D. May 2014 ISC attendees will be Dr. Baker, Ms. Black and Ms. Downes.
- E. August 2014 ISC attendees will be Ms. Campbell, Mr. Chacón and Dr. Rosenstein.
- F. November 2014 ISC attendees will be Dr. Branaman, Dr. Mock and Mr. Huffman.

G. Mr. Merchant presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Dismissal Order No. 12-134-5129 (read incorrectly as 11-121-8677), in the matter of Bruce Mansbridge, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 12-085-10440, in the matter of Dana Nicole Bernstein, Ph.D.

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

- iii. The Board reviewed Agreed Order No. 13-209-12908, in the matter of Richard Boone, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 13-105-1682, in the matter of Gerald Lee Bryan, Ph.D.

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

- v. The Board reviewed Agreed Order No. 13-154-1861, in the matter of Jorge Hernando Carrillo, Ph.D.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

- vi. The Board reviewed Agreed Order No. 2013-00166-9874, in the matter of Marcella Irene Fooks, Ph.D.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY MR. CHACÓN TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

vii. The Board reviewed Agreed Order No. 14-001-745, in the matter of James Goggin, Ph.D.

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

viii. The Board reviewed Agreed Order No. 13-188-12621, in the matter of Colette Ann Miesse, Ph.D.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY MS. CAMPBELL TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

ix. The Board reviewed Agreed Order No. 2013-00059-716 and 2014-00055-716, in the matter of Patricia R. Parkinson, M.A.

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

x. The Board reviewed Agreed Order No. 13-211-6028, in the matter of Michael Clendon Pelfrey, Ph.D.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

xi. The Board reviewed Agreed Order No. 2013-190-1523, in the matter of Alethea R.M. Phillips, M.S.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. DOWNES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

xii. The Board reviewed Agreed Order No. 13-175-12919, in the matter of Angela Lynette Rash, Psy.D.

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

xiii. The Board reviewed Agreed Order No. 14-009-2357, in the matter of Sean Patrick Ricks, SSPY.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MR. HUFFMAN TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. BAKER RECUSED FROM VOTING.

xiv. The Board reviewed Agreed Order No. 14-069-9233, in the matter of April Olivia Owen, Psy.D.

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY MR. CHACÓN TO APPROVE THE AGREED ORDER. THE VOTE WAS APPROVED UNANIMOUSLY.

11. The Board moved into Item X, Compliance Committee - Ms. Black
 - A. Currently monitoring 11 cases for compliance.
12. The Board moved into Item XI, Legal Matters/General Counsel Report.
 - A. Mr. Merchant stated that Cause No. 03-130-00077-CV TX State Bd. Of Marriage and Family Therapists, et al v. Texas Medical Association, et al, 3rd COA, Austin, Texas was submitted to the court and the parties are awaiting a ruling.
 - B. Mr. Merchant stated that cause No. 03-10-00673-CV, TX State Bd. Of Chiropractic Examiners, et al v. Texas Medical Association, et al, 3rd COA, Austin, Texas was remanded to District Court for further proceedings.
13. The Board moved into Item XII, Legislative Committee - Ms. Downes - no items to discuss.
14. The Board moved into Item XIII, Budget Committee - Dr. Branaman
 - A. Mr. Spinks reviewed the 1st Quarter Performance Measures.
 - B. Ms. Jennifer Noack, Chief Financial Officer reviewed the Annual Financial Report.
15. The Board moved into Item XIV, Written Examinations Committee - Dr. Mock - no items to discuss.
16. The Board moved into Item XV, Oral Examination Committee - Drs. Baker and Rosenstein
 - A. Dr. Rosenstein stated that at the January 2014 oral examinations there were no splits.

- B. Dr. Rosenstein stated that the pass rate is in line with previous years.
 - C. Discussion was had concerning whether to give out oral examination results immediately following the exam. It was also discussed whether to provide feedback to those candidates passing the exam, yet who showed deficiencies in certain areas. Staff will review policies and bring back to the May 2014 Board meeting.
 - D. Mr. Spinks stated that due to the age of the recorders and the availability of cassette tapes, staff would like to try a digital recorder in one room during the July oral examination. The request was approved.
17. The Board moved into Item XVI, Technology Committee - Mr. Chacón
- A. Mr. Chacón reviewed the online renewal statistics.
 - B. Mr. Chacón updated the Board on website changes.
18. The Board moved into Item XVII, Applications Committee - Dr. Rosenstein - no items to discuss.
19. The Board moved into Item XVIII, Personnel Committee - Ms. Campbell
- A. Scott Merchant was hired as the General Counsel.
 - B. Annual evaluation of the Executive Director was performed and given to Mr. Spinks.
 - C. Faye Bailey was hired as the new Enforcement Investigator and Ms. Priscilla Tenorio has left the agency.
20. The Board moved into Item XIX, Customer Service Committee - Mr. Huffman
- A. Customer service survey for FY 2012 has been completed, and the survey results have continued to improve.
21. The Board moved into Item XX, Future Issues and Other Requested Agenda Items
- A. Congratulations to Ms. Black she is receiving an award from NASP for her efforts in the area of School Psychology.

22. The meeting was adjourned at 12:43 a.m. by Dr. Mock.