

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

July 27, 2006

The Texas State Board of Examiners of Psychologists met in Austin, Texas on July 27, 2006. The following Board members were in attendance: Pauline A. Clansy, Ed.D, Chair; Gary R. Elkins, Ph.D., Vice-Chair; Arthur E. Hernandez, Ph.D.; Carl E. Settles, Ph.D.; Catherine B. Estrada, M.Ed.; Ruben Rendon, Jr., M.S. and Stephanie Sokolosky, M.P.S. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel. The following Board member was absent: Betty Lou "Penny" Angelo.

Thursday, July 27, 2006

1. The meeting was called to order at 9:10 a.m. by Dr. Clansy.
2. The Board moved into Item II, Public Comment.
 - A. Mr. Michael Parker, President, Texas Association of School Psychologists (TASP) supported the written request to the Board to allow Licensed Specialists in School Psychology (LSSPs), to verbally use the title "School Psychologist."
 - B. Mr. Brad Shields, Legislative Consultant for TASP, passed out a handout regarding their request.
 - C. Albert Mayo, Ph.D., past President TASP, supported the request.

3. The Board moved into Item VI, Executive Director's Report.
 - A. The Board reviewed a letter from the following individual:
 - i. Michael J. Parker, Ph.D. - regarding use of the title "School Psychologist" by LSSPs.

AFTER MUCH DISCUSSION MR. RENDON MOVED TO TABLE THE LETTER UNTIL THE BOARD STAFF DRAFTS A BOARD RULE ALLOWING LICENSED SPECIALISTS IN SCHOOL PSYCHOLOGY TO USE THE TERM "SCHOOL PSYCHOLOGISTS." THE MOTION WAS SECONDED BY MS. ESTRADA. THE MOTION CARRIED WITH DR. HERNANDEZ AND MS. ESTRADA VOTING IN FAVOR OF THE MOTION; DR. SETTLES AND DR. ELKINS VOTING AGAINST THE MOTION. MS. LEE ASKED IF THE BOARD WANTED A DRAFTED POLICY CHANGE. A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. SOKOLOSKY FOR A POLICY STATEMENT. THE MOTION WAS UNANIMOUS.

The Board recessed for a break at 10:06 a.m.

The Board reconvened at 10:18 a.m.

- B. Ms. Lee discussed the Health Professions Council (HPC) annual report.
- C. Ms. Lee stated the imaging of professional files had been stopped and that a different user-friendly system was being purchased by HPC.
- D. Ms. Lee updated the Board regarding the Sex Offender Treatment Council rules that have been proposed by their Council. Dr. Elkins asked about how these rules would affect students in training that are placed in correctional facilities and the impact on psychologists who would need to get another license. Ms. Lee stated that we would need to look at the final adopted rule. Dr. Clansy and Dr. Elkins will respond to the rule if any changes need to be made.
- E. Ms. Lee stated that the 2006 Roster was online.

- F. Ms. Lee reminded each Board member about the Open Records/Open Meeting online training deadline.
- G. Ms. Lee discussed the final copy of the Strategic and Workforce Plan.
- H. Ms. Lee stated that the State Auditor's Report indicates that the Board has completed its management recommendations made by the Sunset Commission.
- I. The Board reviewed letters received from the following individuals:
 - i. Cyndi Alexander, M.S. - regarding jurisprudence examination.

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

- ii. Vicki Alger, M.A. - regarding inactive status.

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

- iii. Ken Brewlow, M.A. - regarding licensure as an LSSP.

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

- iv. Donna S. Cohen, Ph.D. - regarding medical documentation.

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

- v. Dale G. Klosterman, Ed.D. - regarding refund of late fee.

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

- vi. Matthew L. Nance, Ph.D. - regarding employment contacts.

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

- vii. Joan Clayton, Ph.D. - regarding ethics credit for taking jurisprudence examination.

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

- viii. Michael W. Ross, Ph.D. - regarding exemption.

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

- 4. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO APPROVE THE MINUTES OF THE MAY 11, 2006 WITH CHANGES. THE VOTE WAS UNANIMOUS.

- 5. The Board moved into Item V, Chair's Report.

- A. Ms. Lee stated that the Association of State and Provincial Psychology Boards were waiving the registration fee for one delegate to attend the October 2006 meeting. Dr. Clansy will be attending.

- B. Ms. Lee reviewed the 2006 Annual Board Goals.

- 6. The Board moved into Item IX, Budget.

- A. Ms. Lee and Ms. Jennifer Noack, Fiscal Manager, reviewed the Operating Budget and 3rd Quarter Performance Measures.

- B. Ms. Lee reviewed the letter received from the Legislative Budget Board regarding the 10% budget reduction required for all agencies in their 2008 - 2009 LARs.
 - C. Ms. Lee discussed the summary of the Board's Legislative Appropriation Request (LAR).
 - D. Dr. Clansy stated that she would be meeting in July with the Governor's office to discuss budget issues and expects to be going back mid August in smaller groups.
7. The Board moved into Item VIII, Rules Committee.

A. The Board reviewed the Proposed Rules:

- i. The Board reviewed the amendments to Board rule 463.7, Criminal History Records Report.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. HERNANDEZ TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 463.7. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed the amendments to Board rule 469.11, Legal Actions Reported.

A MOTION WAS MADE MS. ESTRADA AND SECONDED BY MR. RENDON TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 469.11. THE VOTE WAS UNANIMOUS.

B. The Board reviewed the Adopted Rules:

- i. The Board reviewed the amendments to Board rule 463.5, Application File Requirements.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. SOKOLOSKY TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed the amendment to Board rule 463.28, Emergency Limited Temporary Licensure.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. ELKINS TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

- iii. The Board reviewed the amendment to Board rule 471.5, Updated Information Requirements.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

C. The Board reviewed the Proposed Rule Review Plan:

- i. For review in November 2006 - January 2007, this Board will review Chapter 470, Administrative Procedure (All), and Chapter 471, Renewals (All).
- ii. For review in February - April 2007, this Board will review Chapter 465, Rules of Practice (465.1-465.10), and Chapter 473, Fees (All).
- iii. For review in May - August 2007, this Board will review Chapter 465, Rules of Practice (465.11-465.20).
- iv. For review in September - November 2007, this Board will review Chapter 465, Rules of Practice (465.21-465.38).
- v. For review in December 2007 - February 2008, this Board will review Chapter 461, General Rulings (All).
- vi. For review in March - May 2008, this Board will review Chapter 463, Applications and Examinations (All).
- vii. For review in June - August 2008, this Board will review Chapter 469, Complaints and Enforcement (All).

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO APPROVE THE RULE REVIEW PLAN. THE VOTE WAS UNANIMOUS.

- 8. The Board moved into Item X, Legal Matters.

- A. Ms. Izzo discussed Case Law update regarding Texas Open Records Law preempting Federal Privacy Rules.
- B. Ms. Izzo discussed her request to meet with forensic psychologists, Family Court judges and lawyers to research their understanding of accepted legal standards and Board standards. The Board approved her research in this area.

Dr. Clansy thanked Ms. Sokolosky and Mr. Rendon for their service with the Board.

The Board recessed for lunch at 12:07 p.m.

The Board reconvened at at 1:31 p.m.

- 9. The Board moved into Item XI, Technology Committee.
 - A. Ms. Lee reviewed the statistics on online renewals versus paper renewals and the total online renewal statistics.
 - B. Ms. Lee updated the Board on the website changes.
- 10. The Board moved into Item XII, Oral Examination Committee.
 - A. Ms. Lee stated that at the July Oral Examination there were 75 candidates. She noted that the calculators recommend by the Oral Exam Work Group were used at this exam and other recommendations were implemented as well.
 - B. Dr. Elkins discussed the need to develop child clinical vignettes.
- 11. The Board moved into Item XIII, Written Examinations Committee.
 - A. Mr. Rendon discussed the most recent Jurisprudence Examination meeting.
 - B. Mr. Rendon stated that he had really enjoyed being on the exam committee.

C. The Board discussed the work of the Jurisprudence Exam Committee and the documentation of their work.

12. The Board moved into Item XIV, Enforcement Committee.

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

i. 05-118;

ii. 06-048;

iii. 06-063;

iv. 06-021;

v. 06-052;

vi. 06-045;

vii. 06-054;

viii. 05-117;

ix. 05-078;

x. 04-025;

xi. 06-046;

xii. 05-136

xiii. 05-137

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

xiv. 06-057;

xv. 06-056; and

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

xvi. 05-097

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. HERNANDEZ TO APPROVE THE DISMISSALS. THE VOTE WAS UNANIMOUS.

- B. Ms. Barber reviewed the status report.
- C. Ms. Barber discussed the projected time schedule changes.
- D. The November 2006 IFC attendees will be Dr. Settles, Ms. Angelo (Estrada) and Dr. Hernandez (Clansy).
- E. Ms. Izzo presented the Agreed Orders for the Board's approval:
 - i. The Board reviewed Agreed Order No. 06-018-2206, in the matter of Stephen D. Carella, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 06-050-9680, in the matter of Douglas N. McMillan, Ph.D.

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

- iii. The Board reviewed Agreed Order No. 05-058-4534, in the matter of David R. Poole, Ph.D.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. ESTRADA TO APPROVE THE AGREED ORDER. THE MOTION CARRIED WITH DR. CLANSY AND MR. RENDON ABSTAINING FROM VOTING.

- iv. The Board reviewed Agreed Order No. 06-036-6778, in the matter of Margaret K. Barker, M.A.

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

- v. The Board reviewed Agreed Order No. 06-027-1423, in the matter of Cynthia A. Taylor, M.Ed.

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

- vi. The Board reviewed Agreed Order No. 06-033-13527, in the matter of Sonia D. Baker, M.A.

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

- vii. The Board reviewed Agreed Order No. 06-032-8932, in the matter of Bradley K. Mason, M.Ed.

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

- viii. The Board reviewed Agreed Order No. 04-150-1927, in the matter of Dina T. Trevino, Ph.D.

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

- ix. The Board reviewed Agreed Order No. 06-074-13543, in the matter of Scott C. Storm, Ph.D.

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

- x. The Board reviewed Agreed Order No. 04-084-4686, in the matter of William H. Tedford, Ph.D.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. CLANSY, MS. SOKOLOSKY AND MS. ESTRADA ABSTAINING FROM VOTING.

13. The Board moved into Item XV, Compliance Committee.

A. Ms. Izzo reviewed the compliance report:

i. 04-038-2899, released from order.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO APPROVE THE COMPLIANCE REPORT. THE VOTE WAS UNANIMOUS.

ii. 05-009-4866, extension request.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. ELKINS TO APPROVE THE COMPLAINCE REPORT. THE VOTE WAS UNANIMOUS.

iii. 05-025-7137, extension request.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO APPROVE THE COMPLAINCE REPORT. THE VOTE WAS UNANIMOUS.

iv. 05-075-13107 released from order.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. ESTRADA TO APPROVE THE COMPLAINCE REPORT. THE VOTE WAS UNANIMOUS.

14. The Board moved into Item XVII, Personnel Committee.

A. Ms. Lee stated that the Executive Director's evaluation needed to be completed and returned to Mr. Creath.

15. The Board moved into Item XVIII, Election of Board Officer.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. ESTRADA TO VOTE DR. ELKINS AT VICE-CHAIR OF THE BOARD. THE VOTE WAS UNANIMOUS.

16. The meeting was adjourned at 2:54 p.m. by Dr. Clansy.