

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

JULY 28, 2005

The Texas State Board of Examiners of Psychologists met in Austin, Texas on July 28, 2005. The following Board members were in attendance: Pauline A. Clansy, Ed.D, Vice-Chair; Gary R. Elkins, Ph.D.; Carl E. Settles, Ph.D.; Catherine B. Estrada, M.Ed.; and Stephanie Sokolosky, M.P.S. Also in attendance were Sherry L. Lee, Executive Director and Brett Norbraten, General Counsel. The following Board members were absent: Arthur E. Hernandez, Ph.D., Chair; Michael D. Nogueira; and Ruben Rendon, Jr., M.S. and Betty Lou "Penny" Angelo.

Thursday, July 28, 2005

1. The meeting was called to order at 9:03 a.m. by Dr. Clansy.
2. The Board moved into item IV, Minutes.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. ELKINS TO APPROVE THE MINUTES FROM THE MAY 12, 2005 BOARD MEETING WITH CHANGES. THE MOTION WAS UNANIMOUS.

3. The Board moved into item II, Public Comments.

Mr. William Yeatts, LPA/LSSP - provided to the Board a handout regarding research on master's level providers of psychological services.

4. The Board moved into item V, Chair's Report.
 - A. Ms. Lee reviewed Board Goals.

- B. Ms. Lee reviewed the letters Dr. Hernandez sent to Representatives Jim Pitts and Vicki Truitt.
5. The Board moved into item VII, Executive Director's Report.
- A. Ms. Lee stated the Ms. Rebecca Pounds was in the hospital.
 - B. Ms. Lee informed the Board that the Office of Patient Protection was not funded this session.
 - C. Ms. Lee stated that Dr. Sutter was working in conjunction with Dr. J. Ray Hays summarizing past opinion letters received by the Board for publication in Dr. Hays' book *Mental Health Laws*.
 - D. Ms. Lee stated that the new Rulebook and the public complaint brochure were being reprinted.
 - E. Ms. Lee reviewed with the Board that the Department of Public Safety was working on electronic fingerprinting verification for applicants. The Board has the option to use this service.
 - F. Ms. Lee discussed updates to the website; including: Online applications and Sunset Review.
 - G. Ms. Lee stated that the agency had developed a sick leave pool policy in adherence to the Texas Government Code.
 - H. Ms. Lee stated that HB 2036 changed requirements for sex offender treatment providers.
6. The Board moved into item VI, Association of State and Provincial Psychology Boards (ASPPB) Issues and Meetings:
- A. Ms. Lee stated that ASPPB was considering reporting disciplinary actions to the Health Insurance Practitioners Database.
 - B. Ms. Lee presented the ASPPB Strategic Plan.

7. The Board moved into item VII, Executive Director's Report.

A. The Board reviewed letters from the following individuals:

i. Debra Dayton, Ph.D. - regarding custodian of records.

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

ii. Kristin Niemeyer, Ph.D. - regarding oral examination.

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

iii. Dale Rudin, Ph.D. - regarding waiving of late fees.

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

iv. Jorge F. Sanchez, Ph.D. - postpone decision.

v. Diana Rathjen, Ph.D. - regarding renewal online.

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

B. Proposed Policies:

i. Previous Disciplinary Actions with this Board.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED POLICY CHANGE. THE MOTION WAS UNANIMOUS.

ii. Travel and Accommodations for Board Members and State Employees.

iii. Presentations.

iv. Repeal Communication with the PAAC to Facilitate Compliance with §501.357 and §501.358.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED POLICY CHANGE WITH CHANGES. THE MOTION WAS UNANIMOUS.

v. Grading of EPPP and Jurisprudence Exam.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED POLICY CHANGE. THE MOTION WAS UNANIMOUS.

8. The Board moved into item VIII, Discussion of Psychological Associate Issues by the Texas Association of Psychological Associates (TAPA).

A. Ms. Barbara Young, Professional Affairs Director for TAPA, discussed the changes to HB 1015. Ms. Young presented a booklet regarding suggested rules changes that TAPA would like for the Board to consider. The booklet will be sent to absent Board Members.

B. Mr. Geoff Shute discussed related issues.

The Board recessed for a break at 10:10 am.

The Board reconvened at 10:30 am.

C. Ms. Lee presented to the Board letters that had been sent out regarding the changes to the Act.

D. Ms. Lee presented TAPA's newsletter that had been sent out to their members.

9. The Board moved into item IX, Sunset Task Force.

A. Ms. Lee discussed actions taken as a result of changes to the Psychologists Licensing Act, HB 1015.

B. Mr. Norbraten discussed procedures for analyzing trends in complaints per the new requirement in the Act by HB 1015.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE PROCEDURE WITH CHANGES. THE MOTION WAS UNANIMOUS.

C. Ms. Lee discussed quarterly licensee criminal record checks requirements due to changes from HB 1015.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. ELKINS TO APPROVE THIS CHANGE. THE MOTION WAS UNANIMOUS.

10. The Board moved into item X, Ad-Hoc Committee Reports.

A. Ms. Sokolosky discussed with the Board the working group findings regarding the Licensed Specialist in School Psychology record retention.

B. Ms. Sokolosky presented to the Board the work group findings regarding English as a Second Language.

C. Proposed Policy:

i. Special Accommodations for Testing.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED POLICY CHANGE. THE MOTION WAS UNANIMOUS.

D. Opinion Letter:

i. Jorge F. Sanchez, Ph.D. - regarding special accommodations for EPPP testing.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED LETTER. THE MOTION WAS UNANIMOUS.

11. The Board moved into item XVI, Oral Examination Committee.

- A. Dr. Elkins discussed with the Board findings regarding the Oral Exam Workgroup.
- B. Mr. Norbraten presented to the Board an Oral Exam Review Contract between the Board and the Texas Psychological Association.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. SOKOLOSKY TO GENERALLY APPROVE THE CONTRACT. THE MOTION WAS UNANIMOUS. IT WAS DETERMINED THAT DR. ELKINS WILL GIVE FINAL APPROVAL FOR ANY CHANGES TO THE CONTRACT THAT ARE NECESSARY.

12. The Board moved into item X, Ad-Hoc Committee Reports.

- A. Dr. Settles discussed with the Board the working group findings regarding Provisional Licensed Psychologists.
- B. The Board reviewed the Proposed Rules regarding CPQ and changes to the Psychologists' Licensing Act:
 - i. The Board reviewed proposed amendments to 463.10, Provisionally Licensed Psychologist.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED AMENDMENT. THE MOTION WAS UNANIMOUS.

- ii. The Board reviewed proposed amendments to 463.13, Requirements for Experienced Out-of-State Applicants.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENT. THE MOTION WAS UNANIMOUS.

The Board recessed for lunch at 12:05 p.m.

The Board reconvened at 1:33 p.m.

13. The Board moved into item XI, Legislative Committee.

- A. Ms. Lee discussed the Board's response to SB 213 and the Board approved soliciting input on this new legislation.

B. Ms. Lee summarized legislation that was passed by the 79th Texas Legislature.

14. The Board moved into item XII, Rules Committee.

A. The Board reviewed Proposed Rules:

i. The Board reviewed proposed repeal to Board rule 461.31, Psychological Associate Advisory Committee (the PAAC).

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED REPEAL. THE MOTION WAS UNANIMOUS.

ii. The Board reviewed proposed amendments to Board rule 463.11, Licensed Psychologist.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED AMENDMENTS WITH CHANGES. THE MOTION WAS UNANIMOUS.

iii. The Board reviewed proposed amendments to Board rule 463.15, Oral Examination.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.

iv. The Board reviewed proposed new Board rule 463.24, Oral Examination Work Group.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED NEW RULE. THE MOTION WAS UNANIMOUS.

v. The Board reviewed proposed amendments to Board rule 470.2, Definitions.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.

vi. The Board reviewed proposed amendments to Board rule 470.21, Disciplinary Guidelines.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.

vii. The Board reviewed proposed new Board rule 470.22, Schedule of Sanctions.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED NEW RULE. THE MOTION WAS UNANIMOUS.

viii. The Board reviewed proposed new Board rule 470.23, Aggravating and Mitigating Circumstances.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED NEW RULE. THE MOTION WAS UNANIMOUS.

B. The Board reviewed the Adopted Rule:

i. The Board reviewed amendments to Board rule 463.1, Types of Licensure.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY DR. SETTLES TO APPROVE THE ADOPTED AMENDMENTS TO BOARD RULE 463.1. THE MOTION WAS UNANIMOUS.

C. The Board reviewed the Proposed Rule:

i. The Board reviewed proposed amendments to Board rule 473.3, Annual Renewal Fees (Not Refundable) effective September 1, 2005.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.

15. The Board moved into item XIII, Budget Committee.

A. Ms. Lee reviewed the letter that was sent to the Governors' office regarding the fee increase for the next biennium.

B. Ms. Lee reviewed the 3rd quarter Budget.

- C. Ms. Lee reviewed the 3rd quarter Performance Measures.
 - D. Ms. Jennifer Noack, Fiscal Manager informed the Board that beginning September 1, 2005 travel reimbursement would increase from \$110 to \$121 per day (lodging \$85/\$36 meals) and mileage reimbursement would be paid at .485 per mile.
 - E. The Board members discussed possibly staying at a different hotel.
16. The Board moved into item XV, Technology Committee.
- A. Ms. Lee reviewed online renewal statistics.
17. The Board moved into item XVIII, Written Exam Committee.
- A. Mr. Brian Creath, Executive Assistant discussed the Written Exam Committee meeting held May 20, 2005.
 - B. Ms. Lee reviewed the Jurisprudence Exam scores.
18. The Board moved in item XVIII, Enforcement Committee.
- A. Mr. Norbraten presented the Agreed Order for the Board's approval:
 - i. The Board reviewed Agreed Order No.04-038-2899, in the matter of Ramon A. Laval, Ph.D.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ESTRADA TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS WITH DR. SETTLES AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

- ii. The Board reviewed Agreed Order No. 04-107-6622, in the matter of Maralyn Billings, Ph.D.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY DR. ELKINS TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS WITH DR. SETTLES AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

- iii. The Board reviewed Agreed Order No. 04-110-2832, in the matter of John D. King, Ed.D.

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

- iv. The Board reviewed Agreed Order No. 04-094-4318, in the matter of Daniel L. Logan, Ph.D.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY DR. ELKINS TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS WITH DR. SETTLES AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

- v. The Board reviewed Agreed Order No. 05-062-7311, in the matter of Robert D. Robinson, M.S.

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

- vi. The Board reviewed Agreed Order No. 05-021-4986, in the matter of June Ellen Shepherd, Ph.D.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ESTRADA TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS WITH DR. SETTLES AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

- vii. The Board reviewed Agreed Order No. 04-194-5973, in the matter of Pamela Sue Youngman, M.A.

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

The Board recessed for a break at 2:47 p.m.

The Board reconvened at 2:52 p.m.

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

- i. 04-195;
- ii. 05-054;
- iii. 05-094;
- iv. 04-155;
- v. 05-023;
- vi. 05-063;
- vii. 05-001; and
- viii. 04-190

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

- ix. 04-149;
- x. 04-192;
- xi. 05-041; and
- xii. 04-111

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. ELKINS TO APPROVE THE DISMISSAL. THE MOTION WAS UNANIMOUS WITH MS. ESTRADA AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

- C. Ms. Barber reviewed the status report.
- D. Ms. Barber discussed the projected time schedules.
- E. November 2005 IFC attendees will be Dr. Elkins, Mr. Rendon and Ms. Angelo and February 2006 attendees possibly Dr. Settles, Ms. Estrada and Ms. Sokolosky.

19. The Board moved into item XX, Applications Committee.

- A. Dr. Clansy discussed Licensed Specialists in School Psychology applying with master degrees in other than psychology.
- 20. The Board moved into item XXI, Personnel Committee.
 - A. Ms. Lee stated that Dr. Settles had given \$6.00 for the next Board Meeting donuts.
- 21. The Board moved into item XXII, Future Items.
 - A. The Board decided to discuss TAPA's information at the November 2005 Board Meeting.
- 22. The Board moved into item XXIII, Elections of Officers.
 - MS. SOKOLOSKY NOMINATED DR. CLANSY FOR BOARD CHAIR.
DR. CLANSY WAS ELECTED CHAIR.
 - MS. ESTRADA NOMINATED DR. ELKINS FOR BOARD VICE-CHAIR.
DR. ELKINS WAS ELECTED VICE-CHAIR.
- 23. The meeting was adjourned at 3:36 p.m. by Dr. Clansy.