

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

May 12, 2005

The Texas State Board of Examiners of Psychologists met in Austin, Texas on May 12, 2005. The following Board members were in attendance: Arthur E. Hernandez, Ph.D., Chair; Pauline A. Clansy, Ed.D, Vice-Chair; Gary R. Elkins, Ph.D.; Carl E. Settles, Ph.D.; Catherine B. Estrada; Betty Lou "Penny" Angelo; Stephanie Sokolosky, M.P.S.; Ruben Rendon, Jr., M.S. and Michael D. Nogueira. Also in attendance were Sherry L. Lee, Executive Director and Brett Norbraten, General Counsel.

Thursday, May 12, 2005

1. The meeting was called to order at 9:08 a.m. by Dr. Hernandez.
2. The Board moved into item III, Executive Session at 9:10 am.
3. The Board reconvened from Executive Session at 9:31 am.
4. The Board moved into item IV, Minutes.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE MINUTES FROM THE FEBRUARY 10, 2004 BOARD MEETING WITH CHANGES. THE MOTION WAS UNANIMOUS.

5. The Board moved into item XVII, Enforcement Committee.
 - A. Mr. Norbraten presented the Agreed Order for the Board's approval:

- i. The Board reviewed Agreed Order No. 03-030-2063.

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

6. The Board moved into item V, Chair's Report.
 - A. Ms. Lee reviewed the Board Goals for FY 05.
 - B. Ms. Lee discussed the Texas Psychological Association's invitation to the Annual Convention. Dr. Clansy, Dr. Elkins and Mr. Norbraten will be attending this year's convention.
 - C. Ms. Lee presented to the Board a drafted response to the American Psychological Association inquiring regarding APA Ethics Code.

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

7. The Board moved into item VI, ASPPB Issues and Meetings.
 - A. Dr. Clansy discussed an issue from the ASPPB meeting in Portland: pre-evaluating an applicants' background before applying for licensure. Dr. Clansy stated that she felt that the Board's rule covered this issue.
 - B. Ms. Lee presented to the Board a drafted response regarding Guidelines for Postdoctoral Programs in Clinical Psychopharmacology.

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

- C. Ms. Lee reviewed ASPPB Meeting Minutes.

8. The Board moved into item VII, Executive Director's Report.
 - B. Ms. Lee stated that the Board should postpone any discussion regarding memo of understanding with the Office of Patient Protection, due to the fact that they were zero funded for the next biennium.
 - C. Ms. Lee informed the Board that Rebecca Pounds was in the hospital. Ms. Angelo will address this situation.
 - D. Ms. Lee informed the Board that there had been a delay in imaging files, but now they were back on track.
 - E. Ms. Lee stated that the office had a new application reference booklet.
 - F. Ms. Lee stated that each employee had a new policy manual.
 - G. Ms. Lee discussed the drafted online newsletter article regarding Sunset.

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

- H. Ms. Lee presented the proposed dates for FY 07 Board Meetings and Oral Examinations.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. CLANSY TO APPROVE THE PROPOSED DATES PENDING APA CONVENTION. THE MOTION WAS UNANIMOUS.

- I. Ms. Jennifer Noack, Fiscal Manager spoke regarding travel. Hotel receipts turned in for reimbursement must show a zero balance.
- J. Ms. Lee informed the Board that the new laptop had been stolen.
- K. Ms. Lee discussed the Risk Management Report.

L. Ms. Lee reviewed changes to the website. Ms. Lee also stated that the downloadable applications had not been added to the website yet.

M. Ms. Lee reviewed the Customer Service Surveys for FY 04.

N. Ms. Lee discussed the Risk Assessment Plan.

Ms. Estrada left at 10:23 a.m.

O. The Board reviewed letters from the following individuals:

i. Michael E. Campbell, Ph.D. - regarding late fee.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE DRAFTED RESPONSE. THE MOTION WAS UNANIMOUS WITH DR. SETTLES ABSTAINING FROM VOTING AND MS. ESTRADA ABSENT.

ii. Geralyn Engman, M.A. - regarding pending legislation.

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

Ms. Estrada returned at 10:26 a.m.

iii. Tahita Fulkerson, Ph.D. - regarding evaluation of transcript.

A MOTION MADE BY MR. RENDON AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.

iv. Jennifer L. Hixson, M.A. - regarding providing psychological services.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.

v. Alexander Howe, Ph.D. - regarding accommodations for a disability.

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

- vi. John D. King, Ed.D. - regarding refund of late fee.

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

- vii. Paul Loflin, Ph.D. - regarding supervision.

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

- viii. Patricia Q. Molina, Ph.D. - regarding test protocols.

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

- ix. Rhoda J. Nelson - regarding refund of renewal fee.

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

- x. Margaret A. Pearson - regarding diagnostic work.

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

- xi. Elizabeth Kelley Rhoades, Ph.D. - regarding supervision.

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

- xii. Nancy Schill, M.A. - regarding adherence to rules.

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

Dr. Settles left at 11:30 a.m.

xiii. Margaret A. Cain - regarding evaluations.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ESTRADA TO APPROVE THE DRAFTED RESPONSE. THE MOTION WAS UNANIMOUS WITH DR. CLANSY ABSTAINING FROM VOTING AND DR. SETTLES ABSENT.

Dr. Settles returned at 11:32 a.m.

xiv. Billy James - regarding intership.

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

xv. Richard T. Scott, Ph.D. - regarding Sentence Completion Tests.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MR. RENDON TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.

P. Proposed Policies:

i. Special Accommodations for Testing.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED POLICY. DR. ELKINS AND MR. NOGUEIRA VOTED IN FAVOR OF THE PROPOSED POLICY. MS. SOKOLOSKY, MR. RENDON, DR. SETTLES, DR. CLANSY, MS. ESTRADA AND MS. ANGELO VOTING AGAINST THE PROPOSED POLICY. PROPOSED POLICY FAILED.

Q. Opinion Letter:

i. Jorege F. Sanchez, Ph.D. - regarding EPPP accommodations.

A MOTION WAS MADE BY MR. NOGUEIRA AND SECONDED BY MS. ANGELO TO APPROVE THE DRAFTED RESPONSE WITH CHANGES.

AFTER MUCH DISCUSSION THE MOTION WAS WITHDRAW AND THE ISSUE WILL BE DISCUSSED AT THE NEXT BOARD MEETING.

The Board adjourned for lunch at 12:17 p.m.

The Board reconvened at 1:32 p.m.

R. Proposed Policies:

i. Renewal of Licenses.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. RENDON TO APPROVE THE PROPOSED POLICY CHANGE. THE MOTION WAS UNANIMOUS.

ii. Classification of Board Sanctions.

A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY MS. ESTRADA TO DISAPPROVE THE PROPOSED POLICY CHANGE. THE MOTION WAS UNANIMOUS. THE BOARD WILL DISCUSS THIS ISSUE AT THE NEXT BOARD MEETING.

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

A. Dr. Hernandez briefed the Board on the status of legislation regarding the Oral Examination. The Board would establish an Oral Examination Work group to propose recommendations that would have to be implemented by FY 07.

B. Dr. Hernandez reviewed HB 1015.

C. Dr. Hernandez stated that the Governor will now appoint the Board Chair.

10. The Board moved into item IX, Legislative Committee.

A. Dr. Hernandez updated the Board on meetings attended for the 79th Legislative Session.

B. Ms. Lee gave the status of Psychology Board Appropriations.

C. Ms. Lee reviewed status of Pending Legislation.

11. The Board moved into item X, Rules Committee.

A. The Board reviewed the Adopted Rules:

- i. The Board reviewed the amendments to Board rule 461.11, Continuing Education.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE ADOPTED AMENDMENTS TO BOARD RULE 461.11. THE MOTION WAS UNANIMOUS.

- ii. The Board reviewed the amendments to Board rule 465.9, Competency.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. RENDON TO APPROVE THE ADOPTED AMENDMENTS TO BOARD RULE 465.9. THE MOTION WAS UNANIMOUS.

- iii. The Board reviewed the amendments to Board rule 465.11, Informed Consent/Describing Psychological Services.

A MOTION WAS MADE BY DR. CLANSY AND SECONDED BY MS. ESTRADA TO APPROVE THE ADOPTED AMENDMENTS TO BOARD RULE 465.11 WITH CHANGES. THE MOTION WAS UNANIMOUS.

B. The Board reviewed the Proposed Rules:

- i. The Board reviewed proposed amendments to Board rule 463.10, Provisionally Licensed Psychologists.

AFTER MUCH DISCUSSION THE BOARD WILL DISCUSS THIS ISSUE AT THE NEXT BOARD MEETING.

- ii. The Board reviewed proposed amendments to Board rule 463.1, Types of Licensure.

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

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

AFTER MUCH DISCUSSION THE BOARD WILL DISCUSS THIS ISSUE AT THE NEXT BOARD MEETING.

- iv. The Board reviewed proposed amendments to new Board rule 463.30, Reactivation of License by Out-of-State Licensee.

AFTER MUCH DISCUSSION THE BOARD WILL DISCUSS THIS ISSUE AT THE NEXT BOARD MEETING.

- v. The Board reviewed proposed amendments to new Board rule 473.6, Reactivation Fees.

AFTER MUCH DISCUSSION THE BOARD WILL DISCUSS THIS ISSUE AT THE NEXT BOARD MEETING.

- vi. The Board reviewed proposed amendments to Board rule 461.7, License Statuses.

AFTER MUCH DISCUSSION THE BOARD WILL DISCUSS THIS ISSUE AT THE NEXT BOARD MEETING.

12. The Board moved into item XI, Budget Committee.

- A. Ms. Lee reviewed the 2nd Quarter Performance Measures.

- B. Ms. Lee discussed the Budget Report.

The Board recessed for a break at 3:37 p.m.

The Board reconvened at 3:46 p.m.

13. The Board moved into item XIII, Technology Committee.

- A. Ms. Lee reviewed the Psychologists Profiles, Online Renewal Statistics and Online Applications.

14. The Board moved into item XV, Oral Examination Committee.

- A. Dr. Elkins, Dr. Settles and Dr. Hernandez will be attending the Oral Examinations in July 2005.

- B. Dr. Elkins stated that the following vignettes have been changed NP 4, SC 2, CO1, CL 1, CL 2, CL 4 and CL6; also CL 5 will be retired.
 - C. The Oral Examination working group will be discussed at the next Board Meeting.
15. The Board moved into item XVI, Written Examination Committee.
- A. Mr. Rendon stated that the next Written Examination meeting will be Friday, May 20, 2005.
 - B. The Board considered letter from PES concerning possible on-line registration for the EPPP.
16. The Board moved into item XVIII, Enforcement Committee.
- A. Ms. Cynthia Barber, Enforcement Manager presented dismissals for Board ratification:
 - i. #04-082;
 - ii. #05-042;
 - iii. #04-156;
 - iv. #04-171;
 - v. #04-098;
 - vi. #04-175;
 - vii. #04-148;
 - viii.#04-175;
 - ix. #04-100; and
 - x. #05-055

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

- B. Ms. Barber reviewed the status report.

C. Ms. Barber discussed the projected time schedule.

D. Mr. Norbraten presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 04-007-10652 in the matter of Sarah H. Kramer, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 05-075-4320 in the matter of Richard L. Long, Psy.D.

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

- iii. The Board reviewed Agreed Order No. 04-051-3299 in the matter of Barbara A. Rila, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 04-152-1013 in the matter of Pat Neal Moran, Ph.D.

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

- v. The Board reviewed Agreed Order No. 04-140-6682 in the matter of Joan Rae Hudson, Psy.D.

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

- vi. The Board reviewed Agreed Order No. 04-153-2633 in the matter of John E. Hartsell, Ph.D.

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

- vii. The Board reviewed Agreed Order No. 04-151-1994 in the matter of Judith Anderson, Ph.D.

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

- viii. The Board reviewed Agreed Order No. 04-145-3686 in the matter of James Robert Young, Ph.D.

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

- ix. The Board reviewed Agreed Order No. 05-018-1124 and 05-019-8910 in the matter of Brenda Kay Perry, M.Ed.;

- x. The Board reviewed Agreed Order No. 04-188-12350 in the matter of Elizabeth M. Soety, Ph.D.;

- xi. The Board reviewed Agreed Order No. 05-034-1087 in the matter of Robert J. Ondarza, M.S.;

- xii. The Board reviewed Agreed Order No. 05-037-6994 in the matter of Mickey Dale Tomlinson, M.A.; and

- xiii. The Board reviewed Agreed Order No. 05-050-4735 in the matter of Donnel G. Wallace, Ph.D.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE AGREED ORDERS. THE MOTION WAS UNANIMOUS.

- E. The July 2005 IFC attendees will be Dr. Clansy, Ms. Estrada and Mr. Rendon.
 - F. The November 2005 IFC attendees will be Dr. Elkins, Ms. Sokolosky and Ms. Angelo.
17. The Board moved into item XVIII, Compliance Committee.
- A. Mr. Norbraten reviewed the Agreed Order Compliance Report.
18. The Board moved into item XIX, Applications Committee.
- A. Ms. Lee discussed the changes to the American Psychological Associations policies for accreditation.
19. The Board moved into XXI, Future Issues.
- A. Dr. Hernandez established working groups for the following issue to be discussed at the next Board Meeting:
 - i. Record Retention - Dr. Clansy, Ms. Sokolosky and Mr. Rendon;
 - ii. English Second Language (ESL) - Dr. Clansy, Mr. Rendon and Ms. Estrada;
 - iii. Sunset (Sanctions) - Dr. Hernandez, Ms. Estrada and Mr. Norbraten;
 - iv. Oral Examination Working Group - Dr. Hernandez and Dr. Elkins; and
 - v. Provisionally License Psychologists Licensure Credentials - Dr. Settles, Dr. Clansy and Ms. Sokolosky.
20. Ms. Angelo and Mr. Nogueira stated that they would not be at the July 2005 Board Meeting.
21. The meeting was adjourned at 4:31 p.m. by Dr. Hernandez.