

# TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR  
Darrel D. Spinks

## Texas State Board of Examiners of Psychologists

### MINUTES

May 21, 2015

#### MEMBERS OF THE BOARD

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

Lou Ann Todd Mock, Ph.D., Vice Chair  
Bellaire

Jeff Baker, Ph.D.  
League City

Donna Lord Black, M.A.  
Frisco

Jo Ann Campbell, M.S.  
Abilene

Carlos R. Chacón  
Houston

Angela A. Downes, J.D.  
Dallas

John R. Huffman, J.D.  
Southlake

Leslie D. Rosenstein, Ph.D.  
Dallas

The Texas State Board of Examiners of Psychologists met in Austin, Texas on May 21, 2015. 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; Angela A. Downes, J.D.; John R. Huffman, J.D.; Lou Ann Todd Mock, Ph.D., Vice-Chair; and Leslie Rosenstein, Ph.D. Also in attendance were Darrel Spinks, Executive Director; and Brian Creath, Deputy Executive Director.

#### Thursday, May 21, 2015

1. The meeting was called to order at 9:00 a.m. by Dr. Branaman.
2. The Board moved into Item II, Public Comments - no comments.
3. The Board moved into Item III, Minutes.

A MOTION WAS MADE BY DR. BAKER AND SECONDED BY MS. DOWNES TO APPROVE THE MINUTES OF THE FEBRUARY 26, 2015 BOARD MEETING WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

4. The Board moved into Item IV, Chair's Report - Dr. Branaman.
  - A. Mr. Spinks reviewed the FY 2015 Board goals.

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- B. Dr. Branaman updated the Board regarding the Association of State and Provincial Psychology Boards (ASPPB):
    - i. 30<sup>th</sup> Midyear meeting was attended by Dr. Branaman and Mr. Spinks. One of the main focuses at the meeting was competency.
    - ii. ASPPB is willing to assist the Board during Sunset review.
  - C. Dr. Branaman asked the members of the Board if they were interested in starting the Board meeting at 10:00 a.m. Members elected to keep the start time at 9:00 a.m.
  - D. Mr. Spinks discussed an email that was received regarding Cranial Electrotherapy stimulation, which should not be an issue for Texas.
  - E. Mr. Spinks stated that the State Auditor's Office will be performing an audit on Performance Measures. The audit report will be released in August 2015.
  - F. The Board reviewed an article about the Texas Medical Board adopting rules limiting Telemedicine practice.
  - G. The Board reviewed proposed revisions of the APA Record Keeping Guidelines, for which they are seeking public comment.
  - H. The Board reviewed the Governor's new process for suspending rules and regulations in response to an emergency declaration.
5. The Board moved into Item V, Executive Director's Report - Mr. Spinks.
- A. Mr. Spinks discussed operational issues:
    - i. No issues with the Shared database.
    - ii. Board was in compliance with the NPDB.
    - iii. Criminal Fingerprint History Background Check is running smoothly.

- iv. The online Jurisprudence Examination will be moving forward once the Board receives pass-through funding authority.
- v. A letter of support was sent to ASPPB for 2015 Grant Application for the PLUS system.
- vi. Re-registered for NPDB has been completed.
- vii. Attended a presentation of EBAS' *Ethics and Boundaries Essay Examination; Discussion regarding Implementation of Examination in Disciplinary Cases*. This program is used by several Boards for licensees who have minor ethical issues.
- viii. The revised NPDB Guidebook has been released.
- ix. The Board reviewed the Business Continuity Plan.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. BAKER TO APPROVE THE BUSINESS CONTINUITY PLAN. THE VOTE WAS APPROVED UNANIMOUSLY.

B. The Board reviewed proposed Newsletter article:

- i. Can I Report a Patient Who is an Unsafe Driver.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED NEWSLETTER ARTICLE. THE VOTE WAS APPROVED UNANIMOUSLY.

C. The Board reviewed proposed Policy changes:

- i. Pooling of Oral Examiners.

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

D. The Board reviewed letter(s) received from the following individuals:

- i. Michael Jumes, Ph.D. - regarding full time internship.

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

ii. Robert F. Mehl, III, Ph.D. - licensee withdrew his request for an opinion.

iii. Katherine E. Hartmann, Ph.D. - regarding post doctoral supervision by an LSSP.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE PROPOSED RESPONSE. THE VOTE CARRIED WITH MR. HUFFMAN ABSENT FROM VOTING.

6. The Board moved into Item VI, Rules Committee - Dr. Branaman.

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

i. 461.22, Agency Contracts and Purchasing.

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

ii. 463.8, Licensed Psychological Associate.

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

iii. 463.17, Rescheduling of Examination Due to Religious Holy Day.

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

iv. 465.6, Listings, Public Statements and Advertisements, Solicitations, and Specialty Titles.

A MOTION WAS MADE BY DR. ROSENSTEIN AND SECONDED BY MR. HUFFMAN TO APPROVE THE PROPOSED AMENDMENT WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

v. 465.7, Display of License/Renewal Permit.

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

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

i. 461.20, Agency Staff Training and Education.

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

ii. 461.21, Sick Leave Pool.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE ADOPTED NEW RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. 463.27, Temporary License for Persons Licensed in Other States.

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

iv. 463.27, Temporary License for Persons Licensed in Other States.

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

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

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

C. Discussion and Consideration of Suggested Changes to Rules Governing Supervision.

i. Mr. Spinks stated that comments from local associations and other licensees were received regarding rules governing supervision from the public hearings that were held in Houston and White Settlement.

The Board recessed for a break at 10:38 a.m.

The Board reconvened from break at 10:50 a.m.

ii. The Board discussed changes regarding Supervision that will be brought back to the August 2015 as proposed rule changes.

7. The Board moved into Item VII, Enforcement Committee - Dr. Baker.

- A. Mr. Spinks and Ms. Cynthia Barber, Enforcement Manager reviewed the Status Report.
- B. Ms. Barber discussed the Projected Time Schedule.
- C. August 2015 ISC attendees will be Dr. Baker, Ms. Campbell and Ms. Downes.
- D. November 2015 attendees will be Dr. Rosenstein, Ms. Campbell and Mr. Huffman.
- E. February 2016 attendees will be Dr. Branaman, Dr. Mock and Mr. Chacón.
- F. May 2016 attendees will be Dr. Branaman, Dr. Mock and Ms. Downes.
- G. Ms. Barber presented dismissals for Board ratification:
  - i. 14-238;
  - ii. 15-020;
  - iii. 14-217;
  - iv. 14-218;
  - v. 14-216;
  - vi. 14-213;
  - vii. 15-019;
  - viii. 15-024;
  - ix. 15-126;
  - x. 14-235;
  - xi. 14-214;
  - xii. 14-237; and
  - xiii. 14-236

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

xiv. 15-018

A MOTION WAS MADE BY MR. HUFFMAN AND SECONDED BY DR. ROSENSTEIN TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. BAKER, DR. MOCK AND MR. CHACÓN RECUSED FROM VOTING.

Mr. Chacón left at 12:10 p.m.

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

i. The Board reviewed Agreed Order No. 2015-00065-13054, in the matter of Matthew Anthony Flores, M.A.

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

ii. The Board reviewed Agreed Order No. 2015-00097-10766, in the matter of Jo Baxter Green, Ph.D.

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

iii. The Board reviewed Agreed Order No. 2014-00242-10188, in the matter of Michael A. Grimmett, M.S.

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

iv. The Board reviewed Agreed Order No. 2015-00117-2224, in the matter of Jessica Hernandez, M.A.

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

v. The Board reviewed Agreed Order No. 2015-00093-6669, in the matter of David Scott Litton, Ph.D.

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

vi. The Board reviewed Agreed Order No. 2015-00121-9958, in the matter of Anne Bottimore Miller, Ph.D.

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

vii. The Board reviewed Agreed Order No. 13-181-8262 and 15-112-8262, in the matter of George M. Wawrykow, Ph.D.

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

viii. The Board reviewed Agreed Order No. 2014-00244-7047, in the matter of Kathleen Swoboda Wooding, M.A.

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

ix. The Board reviewed Agreed Order No. 2014-00240-1196, in the matter of Laurie Elizabeth Baldwin, Ph.D.

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

x. The Board reviewed Agreed Order No. 2014-00239-1202, in the matter of Timothy O. Blanchard, M.A.

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

xi. The Board reviewed Agreed Order No. 2015-00179-13695, in the matter of Jenny Rebecca Moores, Ph.D.

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

xii. The Board reviewed Agreed Order No. 2015-00125-3351, in the matter of Piper Denise Perlichek, M.A.

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

xiii. The Board reviewed Agreed Order No. 2015-00192-1752, in the matter of Carole Ann Busick, Ph.D.

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

8. The Board moved into Item VIII, Compliance Committee - Ms. Black - no items to discuss.
9. The Board moved into Item IX, Legal Matters/General Counsel Report.
  - A. Mr. Merchant stated that the Board has two hearings at SOAH.
  - B. Mr. Spinks updated the Board regarding Cause No. 03-130-00077-CV TX State Bd. Of Marriage and Family Therapists, et al v. Texas Medical Association, et al, 3<sup>rd</sup> COA, Austin, Texas. The court ruled in January 2015 that the Marriage and Family Therapists may not diagnose. They are seeking review from the Texas Supreme Court.
  - C. Mr. Spinks discussed the Kentucky case, Cause No. 3:13-cv-00042-GFVT-EBA, Rosemond v. Kentucky Board of Examiner of Psychology et al, regarding a psychologist from North Carolina with a syndicated column published in Kentucky. This case could have implications for all agencies around the country. This matter is before the District Court awaiting a summary judgment decision.
  - D. Mr. Spinks will discuss in Executive Session the North Carolina Board of Dental Examiners case.
10. The Board moved into Item X, Legislative Committee - Ms. Downes.
  - A. Ms. Downes reviewed bills that could potentially affect the agency:
    - i. HB 1924, relating to the authority of a psychologist to delegate certain care to an intern.
    - ii. HB 2089, relating to the repeal of certain occupational license fees and taxes.
    - iii. HB 2624, relating to the effects of default on a student loan administered by the Texas Higher Education Coordinating Board on renewal of certain licenses.

- iv. HB 2703, relating to the establishment of the Texas Board of Behavior Analyst Examiners and the requirement to obtain a license to practice as a behavior analyst; imposing fees; providing an administrative penalty; creating a criminal offense.
  - v. HB 1449, relating to child custody evaluations and adoption evaluations conducted and testimony provided in certain suits affecting the parent-child relationship; providing penalties; creating an offense; authorizing fees.
11. The Board moved into Item XI, Budget Committee - Dr. Branaman.
    - A. Mr. Spinks reviewed the 2<sup>nd</sup> Quarter Performance Measures.
  12. The Board moved into Item XII, Written Examination Committee - Dr. Mock - no items to discuss.
  13. The Board moved into Item XIII, Oral Examination Committee - Drs. Rosenstein and Baker.
    - A. New oral examiners in the pool.
  14. The Board moved into Item XIV, Technology Committee - Mr. Chacón.
    - A. Mr. Spinks reviewed the online renewal statistics.
  15. The Board moved into Item XV, Applications Committee - Dr. Rosenstein.
    - A. Mr. Spinks stated that approximately 25 people have applied to become licensed through ASPPB Plus system pilot.
  16. The Board moved into Item XVI, Personnel Committee - Ms. Campbell.
    - A. Mr. Spinks stated that Cindy Craft had been hired as the Enforcement Assistant.
  17. The Board moved into Item XVII, Customer Service Committee - Mr. Huffman - no items to discuss.
  18. The Board moved into Item XVIII, Future Issues and Other Requested Agenda Items.

- A. Licensee recognition possibly take picture and newsletter article.
- 19. The Board moved into Item XIX, Executive Session, pursuant to Tex. Gov't Code Ann. §551.071; §501.402 and 22 Tex. Admin. Code, Pt. 21, §469.6 at 12:32 p.m.
- 20. The Board returned from Executive Session at 12:52 p.m.
- 21. The Board moved into Item XX, Action on matters considered in Executive Session - no items to discuss.
- 22. The meeting was adjourned at 12:52 p.m. by Dr. Branaman.