

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

**May 3, 2007**

The Texas State Board of Examiners of Psychologists met in Austin, Texas on May 3, 2007. The following Board members were in attendance: Pauline A. Clansy, Ed.D, Chair; Gary R. Elkins, Ph.D., Vice-Chair; Penny Angelo; Carl E. Settles, Ph.D.; Catherine B. Estrada, M.Ed.; Ruben Rendon, Jr., M.S. and Donna L. Black, M.A. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel. Board member absent: Arthur E. Hernandez, Ph.D.

**Thursday, May 3, 2007**

1. The meeting was called to order at 9:03 a.m. by Dr. Clansy.
2. Dr. Clansy introduced new Board member - Donna Lord Black, M.A.
3. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE MINUTES OF THE FEBRUARY 1, 2007 MEETING. THE VOTE WAS UNANIMOUS WITH MS. ESTRADA ABSENT FROM VOTING.

4. The Board moved into Item VI, Chair's Report.
  - A. Ms. Lee stated that due to the late posting of the February 1, 2007 agenda the Board needed to

have an affirmation vote on the actions taken at that meeting.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. ELKINS TO AFFIRM THE ITEMS DISCUSSED AT THE FEBRUARY 1, 2007 BOARD MEETING.

- B. Ms. Lee updated the Board on Board Goals for this fiscal year. Mr. Rendon stated that the Written Exam Committee should have a licensed specialist in school psychology on the committee.
5. The Board moved into Item VII, Executive Director's Report.
- A. Ms. Lee stated that Northup Grumman was not awarded the state contract for maintaining the IT system for many state agencies. Ms. Jennifer Noack, Fiscal Manager, will be attending a meeting with Northup next week to discuss issues regarding our licensing system software.
  - B. Ms. Lee advised the Board that the Health Professions Council would be available to provide certain human resource services to member agencies including reviewing job applications and posting jobs.
  - C. Ms. Lee stated that federal rules had changed concerning discovery and that now in that process emails, faxes and other such communications can be required for review.

Ms. Estrada arrived at 9:12 a.m.

- D. Ms. Lee reviewed the State Auditor's report on the Board's Performance Measure Audit which took approximately five weeks. Ms. Lee indicated that the agency's written response to the audit findings had all been enacted.
- E. The Board reviewed letters received from the following individuals:
  - i. Angelica Melissa Garza-Benavides - regarding extension on application for provisional licensure.

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

- ii. Joanne Guernette, Ph.D. - regarding disciplinary action on website.

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

- iii. Muriel Meicler, Ph.D. - regarding renewal online.

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

- iv. Stephanie S. Rude, Ph.D. - regarding delinquent renewal.

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

- v. Kevin Schloneger, Ph.D. - regarding HB 2688, Sex Offender Treatment provider.

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

- vi. Lawrence J. Schneider, Ph.D. - regarding practicum to be paid.

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

- vii. Carol Bass Hailes Westmermeier, Ph.D. - regarding renewal audit.

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

viii. Yoly Zentella, Ph.D. - regarding gaps in supervised experience.

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

ix. Harold Jewell, Ph.D. - regarding waiver of late fee.

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

x. Serie Spicer, Ph.D. - regarding documentation in a group settings.

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

6. The Board moved into Item VIII, Board Response to TPA Proposal on Revision to CE Requirements on Diversity Training.

AFTER A LONG DISCUSSION A MOTION WAS MADE BY DR. ELKINS TO APPROVE OPTION "B" PROPOSED RULE CHANGE REGARDING BOARD RULE 461.11, CONTINUING EDUCATION TO THE NEXT BOARD MEETING THAT WOULD REFLECT LANGUAGE CONSISTENT WITH THE RECOMMENDATION FROM THE TEXAS PSYCHOLOGICAL ASSOCIATION. NO SECOND WAS RECEIVED ON THE MOTION.

The Board recessed for a break at 10:04 a.m.

The Board reconvened at 10:13 a.m.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE OPTION "C" WITH CHANGES. THE MOTION CARRIED WITH MS. ESTRADA, DR. SETTLES, MR. RENDON AND DR. CLANSY VOTING IN FAVOR OF THE MOTION; DR. ELKINS, MS. ANGELO AND MS. BLACK VOTING AGAINST THE MOTION.

The Board determined that the justification for the proposed rule change would be to address the changing population of Texas.

7. The Board moved into Item IX, Rules Committee.

A. The Board reviewed the Proposed rule review for the May 2007.

A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY DR. SETTLES TO APPROVE THE RULE REVIEW. THE VOTE WAS UNANIMOUS.

B. The Board reviewed the Proposed Rules:

i. The Board reviewed the amendments to Board rule 465.3 Providers of Psychological Services.

A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.3.

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

AFTER DISCUSSION THE BOARD DECIDED TO TABLE THIS RULE UNTIL THE NEXT BOARD MEETING.

iii. The Board reviewed the amendments to Board rule 465.12, Privacy and Confidentiality.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.12.

iv. The Board reviewed the amendments to Board rule 465.13, Personal Problems, Conflicts and Dual Relationships.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.13.

v. The Board reviewed the amendments to Board rule 465.14, Misuse of Licensees' Services.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.14.

- vi. The Board reviewed the amendments to Board rule 465.15, Fees and Financial Arrangements.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.15.

- vii. The Board reviewed the amendments to Board rule 465.16, Evaluation, Assessment, Testing, and Reports.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. RENDON TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.16 WITH CHANGES.

- viii. The Board reviewed the amendments to Board rule 465.17, Therapy and Counseling.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ANGELO TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.17.

- ix. The Board reviewed the amendments to Board rule 465.18, Forensic Services.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 465.18 WITH CHANGES.

- x. The Board reviewed the amendments to Board rule 471.5, Updated Information Requirements.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 471.5.

- C. The Board reviewed the Adopted rule review for February 2007.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ANGELO TO APPROVE THE ADOPTED RULE REVIEW. THE VOTE WAS UNANIMOUS.

D. The Board reviewed the Adopted Rules:

- i. The Board reviewed the amendments to Board rule 461.16, Inaccurate and False Information in Licensure Application/Documentation and for Annual Licensure Renewal Application/Documentation.

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

- ii. The Board reviewed the amendments to Board rule 465.1, Definitions.

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

- iii. The Board reviewed the amendments to Board rule 465.4, Employment of Individuals Not Licensed by This Board.

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

- iv. The Board reviewed the amendments to Board rule 465.5, Practice of Psychology.

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

- v. The Board reviewed the amendments to Board rule 465.6, Listings, Public Statement and Advertisements, Solicitations, and Specialty Titles.

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

- vi. The Board reviewed the amendments to Board rule 465.7, Display of License/Renewal Permit.

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

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

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

- viii. The Board reviewed the amendments to Board rule 465.22, Psychological Records, Test Data and Test Protocols.

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

- ix. The Board reviewed the amendments to Board rule 470.21, Disciplinary Guidelines.

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

- x. The Board reviewed the amendments to Board rule 473.7, Penalties.

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

The Board recessed for lunch at 11:51 a.m.

The Board reconvened from lunch at 1:21 p.m.

- 8. The Board moved into Item X, Enforcement Committee.
  - A. Ms. Cynthia Barber, Enforcement Manager, presented dismissals for Board ratification:
    - i. 06-0195;

- ii. 06-053;
- iii. 06-104;
- iv. 07-018;
- v. 07-037;
- vi. 06-029;
- vii. 06-138;
- viii.07-031;
- ix. 06-116;
- x. 07-004;
- xi. 06-105;
- xii. 06-066;
- xiii.06-006;
- xiv. 06-091;
- xv. 06-136;
- xvi. 06-119; and
- xvii.06-120

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

- xviii.06-181

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. ELKINS, MR. RENDON AND MS. ANGELO ABSTAINING FROM VOTING.

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedule.

D. Ms. Izzo presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 06-043-8835 in the matter of Kathryn A. Crawford, M.S.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. ELKINS TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH MS. ANGELO ABSTAINING FROM VOTING.

- ii. The Board reviewed Agreed Order No. 05-169-12334 in the matter of Loretta Zayas-Reval, M.S.

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

- iii. The Board reviewed Agreed Order No. 07-008-11319 in the matter of David G. Atkins, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 07-051-13733 in the matter of Timothy O. Blanchard, M.A.

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

- v. The Board reviewed Agreed Order No. 07-015-13397 in the matter of Leonetta D. Green, M.A.

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

E. The July/August 2007 IFC attendees will be Dr. Clansy, Ms. Estrada and Ms. Black.

- F. The October 2007 IFC attendees will be Dr. Elkins, Mr. Rendon (if still on the Board) and Ms. Angelo. There could be changes to these attendees.
  - G. The February 2008 IFC attendees will be Dr. Settles, Ms. Estrada and Ms. Black. There could be changes to these attendees.
9. The Board moved into Item XI, Compliance Committee.
- A. Ms. Izzo reviewed the Compliance Report.
- A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY DR. SETTLES TO APPROVE THE COMPLIANCE REPORT. THE VOTE WAS UNANIMOUS.
10. The Board moved into Item XIV, Budget Committee.
- A. Ms. Noack stated to the Board that it is becoming quite difficult to make reservations for a group. A list of hotels will be furnished to each Board member and after the July/August 2007 Board meeting, Board members will need to make their own reservations.
  - B. Ms. Lee reviewed the 2<sup>nd</sup> Qtr. Performance Measures.
11. The Board moved into Item XII, Legislative Committee.
- A. Ms. Lee discussed the letter to the House Regulatory Subcommittee and the testimony given to the Appropriations Committee.
  - B. Ms. Lee compared the House and Senate versions of the appropriations bill before the Conference Committee.
  - C. Ms. Lee gave a synopsis of introduced legislation:
    - i. HB 38 - Identify documentation required for renewal;
    - ii. HB 1056 - Minimum data set (one version);

- iii. SB 316 - Allow health licensing agency to deny license for false statement on application;
  - iv. SB 1313 - Annual report by health licensing board required; and
  - v. SB 1750 - Required issuance of license to certain felony offenders.
12. The Board moved into Item XIII, Legal Matters/General Counsel Report.
- A. Ms. Izzo stated that rules of civil procedures have changed.
  - B. Ms. Izzo will be attending a forensic group meeting in Dallas.
13. The Board moved into Item XV, Written Examinations Committee.
- A. Dr. Elkins stated that the next meeting will be May 11, 2007.
14. The Board moved into Item XVI, Oral Examination Committee.
- A. Dr. Elkins discussed some concerns/ideas regarding the oral examination:
    - i. Increase Oral Exam fee - the Board will provide a \$200 stipend to examiners for the July 2007 oral exams.
- A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ESTRADA TO APPROVE THE JULY 2007 EXAMINER FEE INCREASE. THE VOTE WAS UNANIMOUS.
- ii. Dr. Elkins will approve a letter to be sent to the Texas Psychological Association and Texas Association of School Psychologists to make them aware of the need for oral examiners.
15. The Board moved into Item XVII, Technology Committee.

- A. Ms. Lee reviewed the online renewal statistics.
  - B. Ms. Lee discussed the updates to the website.
16. The meeting was adjourned at 2:44 p.m. by Dr. Clansy.