

# TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



EXECUTIVE DIRECTOR  
Darrel D. Spinks

## Texas State Board of Examiners of Psychologists

### MINUTES

May 11, 2017

#### MEMBERS OF THE BOARD

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

Lou Ann Todd Mock, Ph.D., Vice Chair  
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Susan Fletcher, Ph.D..  
Plano

Donna Lord Black, M.A.  
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Jo Ann Campbell, M.S.  
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John K. Bielamowicz  
Waxahachie

Angela A. Downes, J.D.  
Dallas

John R. Huffman, J.D.  
Southlake

Ronald S. Palomares Ph.D.  
Dallas

The Texas State Board of Examiners of Psychologists met in Austin, Texas on May 11, 2017. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; John Bielamowicz; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Angela A. Downes, J.D.; Susan Fletcher, Ph.D.; Lou Ann Todd Mock, Ph.D., Vice-Chair; and Ronald Palomares, Ph.D. Also in attendance were Darrel Spinks, Executive Director; Brian Creath, Deputy Executive Director; Sarah Wolf - Attorney General Office. John R. Huffman, J.D. was absent from the meeting.

#### Thursday, May 11, 2017

1. The meeting was called to order at 9:00 a.m. by Dr. Branaman.
2. The Board moved into Item II, Public Comments:
  - A. Frances Douglas, Psy.D. - spoke regarding the consolidation of Behavioral Health Boards.
  - B. Paul Andrews, Ph.D. - spoke regarding the consolidation.
  - C. Stephanie Sokolosky, Ed.D. - spoke regarding LPA supervision.

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- D. Elisabeth Middleton, Ph.D., president of the Capital Area Psychological Association - spoke regarding the consolidation.
- E. Carol Grothues, Ph.D. - spoke regarding LPA rule changes and sunset recommendations.

3. The Board moved into Item III, Minutes.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE MINUTES OF THE FEBRUARY 16, 2017 BOARD MEETING WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE THE CERTIFIED AGENDA WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

4. The Board moved into Item IV, Chair's Report - Dr. Branaman.

A. Dr. Fletcher informed the Board on items that were discussed at the ASPPB Mid-year meeting held in Memphis, TN from April 27<sup>th</sup>-30<sup>th</sup>, 2017.

- i. Town hall format; accreditation; specialty license, and consistency in regulatory agencies.
- ii. EPPP2 which is beginning to be developed.
- iii. PsyPact.
- iv. Consolidation of Mental Health Boards.

B. Update on Sunset Process:

- i. Mr. Spinks reviewed the Checklist for Agency Actions needed following Sunset Advisory Commission's Report to the 85<sup>th</sup> legislature.
  - a. Selection of Board Representatives to serve on the Executive Council, contingent upon passage of the agency's Sunset bill.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO NOMINATE DR. BRANAMAN FOR THE TERM ENDING IN 2019 AND MS. DOWNES FOR THE TERM ENDING IN 2020. THE VOTE WAS APPROVED UNANIMOUSLY.

- b. Mr. Spinks discussed the email that he sent out to the LPC, LMFT, and Social Worker Board Chairs regarding laying groundwork for the possible consolidation.
- c. The Board discussed selection of cities for townhall meetings upon passage of HB 2898 or SM 311.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. PALOMARES TO SELECT DALLAS, HOUSTON, SAN ANTONIO, EDINBURG, LUBBOCK, AND EL PASO AS THE SITES FOR THE TOWNHALL MEETINGS. THE EXECUTIVE DIRECTOR AND 2 BOARD MEMBERS WILL BE IN ATTENDANCE AT THESE MEETINGS. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. Elimination of the Oral Examination - staff will administer July 2017 exam.
- iii. Elimination of the Post-Doctoral Year of Supervised Experience - no action.
- iv. Elimination of the Provisional License - no action.
- v. Development of Remedial Plans - no action.
- vi. Changes needed to give full effect to the Agency's Revised Competency Statute - no action.
- vii. Changes needed to give full effect to the Agency's Revised Confidentiality Statue - no action.
- viii. Development of Rules Governing Board Member Recusals (to be discussed in rules section).
- ix. Board Member Training - Ms. Skiff is working on the digital Board member training manual.
- x. Development of Rule Changes Allowing LSSPs to Practice in both Public and Private Schools (to be discussed in rules section).
- xi. Review agency rules, policies, and publicly available materials to ensure they accurately reflect changes to the agency's confidentiality statute, i.e. Section 501.205, Occupations Code.

- C. The Board reviewed the Article regarding TSBEP in March/April 2017 edition of the National Psychologist.
5. The Board moved into Item V, Executive Director's Report - Mr. Spinks.
- A. Mr. Spinks discussed operational issues:
    - i. Shared database updates, no issues.
    - ii. NPDB survey showed that Texas was 100% in compliance.
    - iii. No issues on the HB 300 reporting.
    - iv. Some issues with DPS/Identigo offices regarding the fingerprint criminal history reporting.
    - v. No updates on the agency website.
  - B. Budget Update:
    - i. Mr. Spinks reviewed the 2<sup>nd</sup> Quarter Performance Measures.
    - ii. Mr. Spinks reviewed the Year-to-Date Financial Report.
    - iii. Mr. Spinks discussed the Legislative Workforce Summary.
  - C. Mr. Spinks updated the Board on pending legislation and possible special session.
  - D. Mr. Spinks and Mr. Creath discussed reciprocity with only five other states if the post-doc requirement is eliminated.
  - E. The Board reviewed Newsletter Articles:
    - i. TSBEP Votes to Support the Texas Board of Behavioral Health Executive Council.
- A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE NEWSLETTER ARTICLE. THE VOTE WAS APPROVED UNANIMOUSLY.
- F. The Board reviewed the Policies:
    - i. Examinations on Religious Holy Days.

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

ii. Mandatory Reporting of Child and Elder Abuse.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. CAMPBELL TO APPROVE THE NEW POLICY. THE VOTE WAS APPROVED UNANIMOUSLY.

iii. Processing of PD Complaints.

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

iv. Offering Agreed Order Without An Informal Conference.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO APPROVE THE PROPOSED AMENDMENT TO THE POLICY WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

v. Selection of Professionals To Assist Investigations and Enforcement.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED AMENDMENT TO THE POLICY WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

vi. Compliance and Prohibition On Board Member Ex Parte Communications With Respondents.

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

G. The Board reviewed the Opinion Letter:

i. Eleazar Ramirez - regarding if an LSSP may provide school psychological services as an employee or contractor of a business entity.

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

H. Mr. Spinks discussed the DPS audit of criminal history of policy use and discrimination of the information.

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

A. The Board reviewed the Proposed Rules:

i. 461.9, Conflicts of Interest and Recusals.

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

ii. 461.14, Conflict Between Laws and Board Rules.

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

iii. 463.1, Types of Licensure.

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

iv. 463.5, Application File Requirements.

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

7. The Board moved into Item XIV, Executive Session, pursuant to Tex. Gov't Code Ann. §551.071 at 11:19 a.m. Ms. Wolf was also present in the meeting.

8. The Board returned from Executive Session at 12:13 p.m.

9. The Board moved into Item VI, Rules Committee - Dr. Branaman and Mr. Bielamowicz

A. The Board reviewed the Proposed Rules:

i. 463.8, Licensed Psychological Associate.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. CAMPBELL TO APPROVE PROPOSED REPEAL AND APPROVE THE PROPOSED NEW RULE WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY. THE BOARD REQUESTED MS. DAWSON, DR. GROTHUES AND DR. KLOSE TO COMMENT ON THIS RULE.

ii. 463.14, Written Examinations.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. PALOMARES TO APPROVE THE PROPOSED AMENDMENT. THE VOTE CARRIED WITH MS. BLACK AND MS. CAMPBELL VOTING AGAINST THE MOTION.

iii. 463.28, Emergency Limited Temporary License.

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

iv. 463.30, Licensing for Military Service Members, Veterans and Spouses.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. DOWNES TO APPROVE THE PROPOSED AMENDMENT WITH CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

v. 465.2, Supervision.

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

vi. 465.3, Providers of Psychological Services.

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

vii. 465.6, Public Statements, Advertisements, and Specialty Titles.

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

viii. 465.16, Evaluation, Assessment, Testing, and Reports.

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

ix. 465.19, Teaching.

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

- x. 465.22, Psychological Records, Test Data and Test Protocols.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS APPROVED UNANIMOUSLY.

- xi. 465.38, Psychological Services for Public Schools.

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY DR. FLETCHER TO TABLE THE PROPOSED AMENDMENT. THE VOTE FAILED WITH MR. BIELAMOWICZ, MS. BLACK, MS. CAMPBELL, MS. DOWNES, AND DR. MOCK VOTING AGAINST THE MOTION.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED AMENDMENT WITH CHANGES. THE VOTE CARRIED WITH DR. PALOMARES VOTING AGAINST THE MOTION.

- xii. 465.1, Definitions.

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

- xiii. 465.11, Informed Consent.

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

- xiv. 469.1, Timeliness of Complaints.

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

- xv. 469.9, Complaints Alleging Violations of Court Orders.

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

B. The Board reviewed the Adopted Rules:



i. 463.5, Application File Requirements.

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

ii. 463.9, Licensed Specialist in School Psychology.

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

iii. 463.10, Provisionally Licensed Psychologists.

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

The Board recessed for a break at 2:32 p.m.

The Board reconvened at 2:43 p.m.

10. The Board moved into Item VII, Enforcement Matters and Report from General Counsel.

A. Ms. Barber presented the dismissals for Board ratification:

i. 17-052;

ii. 16-245;

iii. 17-030;

iv. 17-060;

v. 17-006;

vi. 17-066; and

vii. 17-001

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

viii. 15-110; and

ix. 17-056

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

x. 16-243

A MOTION WAS MADE BY MS. CAMPBELL AND SECONDED BY DR. FLETCHER TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH MR. BIELAMOWICZ, MS. BLACK, MS. DOWNES, MR. HUFFMAN, DR. MOCK, AND DR. PALOMARES RECUSED FROM VOTING.

xi. 16-240;

xii. 17-061;

xiii. 17-056;

iv. 17-044;

v. 17-051; and

vi. 17-083

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

B. Ms. Barber reviewed the Status Report.

C. Ms. Barber discussed the Projected Time Schedule.

D. August 2017 ISC attendees will be Ms. Campbell, Mr. Huffman and Dr. Palomares.

E. November 2017 ISC attendees will be Mr. Bielamowicz, Dr. Branaman and Ms. Campbell.

F. February 2018 ISC attendees will be Mr. Bielamowicz, Dr. Fletcher and Dr. Mock.

G. May 2019 ISC attendees will be Ms. Black, Ms. Downes and Dr. Mock.

H. Mr. Hyde presented the Agreed Orders for the Board's approval:

- i. The Board reviewed Agreed Order No. 2017-00075-14603, in the matter of Christopher Lawrence Love, M.S.

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

- ii. The Board reviewed Agreed Order No. 2016-00203-3980/SOAH Docket No. 520-17-2984, in the matter of Kathleen McCord Darrah, M.Ed.

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

- I. Mr. Hyde stated that the Serafine vs Branaman lawsuit had been paid.
- J. Mr. Spinks updated the Board on Cause No. 15-0299, TX State Bd. Of Marriage and Family Therapists, et al v. Texas Medical Association, et al, Texas Supreme Court had ruled in favor of the Board.

11. The Board moved into Item VIII, Compliance - Ms. Black - no items to discuss.

12. The Board moved into Item IX, Jurisprudence Examination Committee - Dr. Mock and Ms. Black.

- A. Dr. Mock stated the need for a separate Jurisprudence Examination was not needed due to the future expansion of practice in the private schools.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MS. BLACK TO NOT HAVE A SEPARATE EXAM FOR LSSPS. THE VOTE WAS APPROVED UNANIMOUSLY.

13. The Board moved into Item X, Oral Examination - Dr. Fletcher - no items to discuss.

14. The Board moved into Item XI, Applications Committee - Ms. Campbell and Dr. Fletcher - no items to discuss.

15. The Board moved into Item XII, Personnel Committee - Dr. Palomares - no items to discuss.

16. The Board moved into Item XIII, Future Issues and Other Requested Agenda Items.
  - A. Review Schedule of Sanctions at the August Board meeting.
17. The Board moved into Item XIV, Executive Session, pursuant to Tex. Gov't Code Ann. §551.074 at 2:53 p.m.
18. The Board returned from Executive Session at 3:02 p.m.
19. The meeting was adjourned at 3:03 p.m. by Dr. Branaman.