

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

November 9, 2006

The Texas State Board of Examiners of Psychologists met in Austin, Texas on November 9, 2006. The following Board members were in attendance: Pauline A. Clansy, Ed.D, Chair; Gary R. Elkins, Ph.D., Vice-Chair; Penny Angelo; Arthur E. Hernandez, Ph.D.; Carl E. Settles, Ph.D.; Ruben Rendon, Jr., M.S. and Stephanie Sokolosky, M.P.S. Also in attendance were Brian Creath, Executive Assistant and Dianne L. Izzo, General Counsel. Board member absent: Catherine B. Estrada, M.Ed. and Michael D. Noguiera. Staff absent: Sherry Lee, Executive Director absent.

Thursday, November 9, 2006

1. The meeting was called to order at 9:03 a.m. by Dr. Clansy.
2. The Board moved into Item II, Public Comment.
 - A. Emily Sutter, Ph.D. - Past Texas State Board of Examiners of Psychologists Board Member spoke concerning the history of the Licensed Specialist in School Psychology rules and licensing.
 - B. Michael J. Parker, Ph.D. - President, Texas Association of School Psychologists (TASP) spoke in favor of allowing LSSPs to verbally refer to themselves as "school psychologists," to help the public understand what LSSPs do.

- C. Albert Mayo, Ph.D. - past President TASP, spoke in favor of TASP request.
 - D. Brad Shields, Legislative Consultant for TASP, spoke in favor of TASP request.
 - E. Melba Vasquez, Ph.D. - President Texas Psychological Association, opposed TASP request.
 - F. Selia Servin-Lopez, Psy.D. - spoke requesting that diversity training be used for the continuing education hours for ethics.
 - G. James Camp, Ph.D. - requested that the Board allow his supervised experience be applied to his post-doc training.
- 3. The Board moved into Item III, Executive Session at 9:45 a.m.
 - 4. The Board reconvened from Executive Session at 10:12 a.m.

The Board recessed for a break at 10:12 a.m.

The Board reconvened at 10:24 a.m.

- 5. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO APPROVE THE MINUTES OF THE JULY 27, 2006 MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.

- 6. The Board moved into Item V, Consideration of TASP Rule Change Recommendation.
 - A. Dr. Hernandez stated that the Board cannot regulate individuals that are not licensed with the Board regarding their use of the term "school psychologist."
 - B. Dr. Hernandez said that the Board could not violate first amendment rights or freedom of speech.
 - C. The Board reviewed the drafted amendments to

Board rule 465.38, Psychological Services in the Schools.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO NOT APPROVE THE USE OF THE TERM "SCHOOL PSYCHOLOGIST" BY LSSPS. THE MOTION CARRIED WITH DR. ELKINS AND MS. ANGELO VOTING IN FAVOR OF THE MOTION; MR. RENDON AND MS. SOKOLOSKY VOTING AGAINST THE MOTION.

D. Ms. Izzo stated that the Board could not pass a rule that contradicts the Act, which sets forth the title as "Licensed Specialist in School Psychology."

E. Mr. Rendon stated that he would like to have a newsletter article concerning this LSSP issue.

F. Proposed Policy:

i. Use of the Title Licensed Specialist in School Psychology and School Psychologist and Psychologist.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE POLICY WITH CHANGES. AFTER MUCH DISCUSSION MR. RENDON WITHDREW HIS MOTION. A MOTION WAS THEN MADE BY DR. HERNANDEZ AND SECONDED BY MS. SOKOLOSKY THAT AN OPINION LETTER BE DRAFTED FOR THE NEXT BOARD MEETING. THE MOTION WAS UNANIMOUS.

G. The Board approved Dr. Clansy and Dr. Hernandez to draft a letter with input from a representative of TPA and a representative of TASP.

7. The Board moved into Item VIII, TPA Proposal on Assistance in Oversight of Continuing Education and Request for Board Consideration of Revision to CE Requirements.

A. Mr. Creath reviewed TPA proposed recommendations that the required ethics hours may be satisfied by three hours of diversity training.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. HERNANDEZ THAT STAFF DEVELOP A POLICY REGARDING

DIVERSITY IN ETHICS CONTINUING EDUCATION HOURS. AFTER MUCH DISCUSSION THE MOTION CARRIED WITH DR. SETTLES AND MS. SOKOLOSKY VOTING IN FAVOR OF THE MOTION; MR. RENDON AND MS. ANGELO VOTING AGAINST THE MOTION.

8. The Board moved into Item V, Chair's Report.

A. Mr. Creath discussed with the Board the 2007 Board Goals.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. ELKINS TO APPROVE THE 2007 PLAN. THE MOTION WAS UNANIMOUS.

B. Mr. Creath reviewed Ms. Lee's summary of the ASPPB Annual Meeting.

C. Mr. Creath reviewed the Board Committee Chairs for Fiscal Year 2007 set by Dr. Clansy.

D. Mr. Creath discussed Ms. Lee's jurisdictional updates for Texas for ASPPB.

E. Mr. Creath reviewed a thank you letter Ms. Sherry Lee wrote to ASPPB regarding the annual meeting in San Diego.

9. The Board moved into Item VI, Executive Director's Report.

A. Mr. Creath noted the agency has been short staffed due to surgery and illnesses.

B. Mr. Creath stated that the installation of the phone tree had been completed and the system was working well.

C. Mr. Creath stated that the agency had received a safety award from SORM.

D. The Board reviewed the completed Executive Director's evaluation.

E. Mr. Creath noted the report that states that the Sunset management recommendations for this Board were completed. Mr. Creath noted the chart completed by Ms. Lee that states that the Board

has implemented changes to the Act made by Sunset.

- F. Ms. Jennifer Noack, Fiscal Manager stated that the Health Professions Council had met with the Texas Workforce Planning Partnership concerning the recommendation to have a minimum data set provided by health licensing agencies.
- G. Mr. Creath reminded the Board members of the mandated open meeting and open record training completed by January 2007.
- H. The Board reviewed the drafted newsletter article that the Board requested regarding length of internships.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO APPROVE THE NEWSLETTER ARTICLE. THE MOTION WAS UNANIMOUS.

- I. The Board reviewed the Sex Offender Treatment rule changes and summary memo by Ms. Lee.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES FOR MS. LEE TO DRAFT A RESPONSE TO THE SEX OFFENDER TREATMENT COUNCIL REGARDING THEIR ACT AND RULES AND TO BRING IT TO THE NEXT BOARD MEETING WITH INTERESTED BOARD MEMBERS INPUT. THE VOTE WAS UNANIMOUS.

- J. The Board reviewed letters received from the following individuals:
 - ii. Donna S. Cohen, Ph.D. - regarding refund of late renewal fee.

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

- iii. Daniela Costa, Ph.D. - regarding formal year of supervision.

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

iv. Martha DeLaGarza - regarding internship.

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

v. Amy DeVito, M.S. - regarding record exonerated for jurisprudence examination/failure and refund of examination fees.

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

vi. Joan M. Franklin, Ph.D. - regarding inactive status.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO NOT APPROVE THE DRAFTED RESPONSE. THE BOARD INSTRUCTED STAFF TO GET DOCUMENTATION AND GIVE LICENSE 60 DAYS TO REMEDY THE PROBLEM.

The Board recessed for a break at 12:44 p.m.

The Board reconvened at 1:15 p.m.

vii. Myron Friedman, Ph.D. - regarding retention of patient records.

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

viii. Deborah O'Banion - regarding consent to pre-assessments.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. ANGELO TO NOT APPROVE THE DRAFTED RESPONSE. AFTER MUCH DISCUSSION, THE BOARD INSTRUCTED STAFF TO REWRITE THE RESPONSE AND REFER TO THE RULES AND SEND FINAL DRAFT TO DR. CLANSY FOR APPROVAL. THE VOTE WAS UNANIMOUS.

viii. Carolyn Sasano - regarding scope of school psychology services.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. SOKOLOSKY TO NOT APPROVE THE DRAFTED RESPONSE. AFTER MUCH DISCUSSION, THE BOARD INSTRUCTED STAFF TO REWRITE THE RESPONSE AND SEND FINAL DRAFT TO DR. CLANSY FOR APPROVAL. THE VOTE WAS UNANIMOUS.

ix. Brenda Stady, M.Ed. - regarding supervision.

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

Dr. Hernandez left at 2:05 p.m.

x. Denise Stavinoha - regarding pre-approved internship.

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

Dr. Hernandez returned at 2:13 p.m.

xi. Ellen C. Verret, Ph.D. - regarding supervision.

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

xii. Michael W. Ross, Ph.D. - regarding nature disaster/emergency situation.

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

Ms. Sokolosky left at 2:22 p.m.

xiii. Margaret A. Sullivan, Ph.D. - regarding inactive status.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE WAS UNANIMOUS WITH MS. SOKOLOSKY ABSENT FROM VOTING.

xiv. James Camp, Ph.D. - regarding supervised experience.

THE BOARD REAFFIRMED PREVIOUS RESPONSE TO THE LICENSE.

Ms. Sokolosky returned at 2:35 p.m.

Ms. Angelo left at 2:35 p.m.

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

- A. Ms. Noack reviewed the testimony to the Senate Finance Committee on September 13, 2006.
- B. Ms. Noack reviewed the Legislative Appropriation Request.

11. The Board moved into Item XI, Budget Committee.

- A. Ms. Noack reviewed the 4th Quarter Performance Measures.
- B. Ms. Noack reviewed the number of new licenses for Fiscal Years 2005 and 2006.
- C. Ms. Noack discussed the history of increases in the number of licenses from fiscal years 1997 through 2006.

Ms. Angelo returned at 2:46 p.m.

12. The Board moved into Item X, Rules Committee.

- A. The Board reviewed the Adopted rule review.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. RENDON TO APPROVE THE RULE REVIEW PLAN. THE VOTE WAS UNANIMOUS.

- B. The Board reviewed the Proposed rule review for November 2006.

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

C. The Board reviewed the Proposed Rules:

- i. The Board reviewed the amendments to Board rule 461.16, Witness Fees.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. ANGELO TO APPROVE THE PROPOSED REPEAL TO BOARD RULE 461.16. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed the amendments to Board rule 470.2, Definitions.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.2. THE VOTE WAS UNANIMOUS.

- iii. The Board reviewed the amendments to Board rule 470.4, Records of Official Action.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.4. THE VOTE WAS UNANIMOUS.

- iv. The Board reviewed the amendments to Board rule 470.5, Conduct and Decorum.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ANGELO TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.5. THE VOTE WAS UNANIMOUS.

- v. The Board reviewed the amendments to Board rule 470.6, Agreement to be in Writing.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ANGELO TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.6. THE VOTE WAS UNANIMOUS.

- vi. The Board reviewed the new Board rule 470.9, Witness Fees.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED NEW RULE 470.9. THE VOTE WAS UNANIMOUS.

- vii. The Board reviewed the amendments to Board rule 470.15, Proposal for Decision.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. HERNANDEZ TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.15. THE VOTE WAS UNANIMOUS.

viii. The Board reviewed the amendments to Board rule 470.16, Final Decision.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.16. THE VOTE WAS UNANIMOUS.

ix. The Board reviewed the amendments to Board rule 470.18, The Record.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.18. THE VOTE WAS UNANIMOUS.

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

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.21. THE VOTE WAS UNANIMOUS.

xi. The Board reviewed the amendments to Board rule 470.22, Schedule of Sanctions.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ANGELO TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.22. THE VOTE WAS UNANIMOUS.

xii. The Board reviewed the amendments to Board rule 470.23, Aggravating and Mitigating Circumstances.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. RENDON TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.23. THE VOTE WAS UNANIMOUS.

xiii. The Board reviewed the amendments to Board rule 470.24, Enforcements of Orders, Decisions, and Rules.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 470.24. THE VOTE WAS UNANIMOUS.

- xiv. The Board reviewed the amendments to Board rule 471.1, Notification of Renewal.

A MOTION WAS MADE BY MS. ANGELO AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 471.1. THE VOTE WAS UNANIMOUS.

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

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. HERNANDEZ TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 471.5. THE VOTE WAS UNANIMOUS.

- xvi. The Board reviewed the amendments to Board rule 471.6, Renewal Penalty Waiver for Licensees on Deployment.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE PROPOSED AMENDMENTS TO BOARD RULE 471.6. THE VOTE WAS UNANIMOUS.

D. The Board reviewed the Adopted Rules:

- i. The Board reviewed the amendments to Board rule 463.7, Criminal History Record Reports.

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

- ii. The Board reviewed the amendments to Board rule 469.11, Legal Actions Reported.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. HERNANDEZ TO ADOPT THE RULE AS AMENDED. THE VOTE WAS UNANIMOUS.

Ms. Sokolosky and Ms. Angelo left the Board Meeting at 3:30 p.m.

13. The Board moved into Item XVI, Enforcement Committee.

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

- i. The Board reviewed Agreed Order No. 06-016-7554 and 06-090-4221, in the matter of Gale L. Joslin, Ph.D.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. ELKINS TO APPROVE THE AGREED ORDER. THE MOTION CARRIED WITH DR. SETTLES ABSTAINING FROM VOTING AND MS. SOKOLOSKY AND MS. ANGELO ABSENT FROM VOTING.

- ii. The Board reviewed Agreed Order No. 06-134-2375, in the matter of Joel B. Dobbins, Ph.D.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. HERNANDEZ TO APPROVE THE AGREED ORDER FOR TEMPORARY SUSPENSION. AFTER MUCH DISCUSSION THE VOTE WAS UNANIMOUS.

- iii. The Board discussed the revocation of 06-134-2375, in the matter of Joel B. Dobbins, Ph.D.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. HERNANDEZ TO APPROVE THE RATIFICATION WITH SPECIFIC STIPULATIONS. THE VOTE WAS UNANIMOUS.

Mr. Rendon left the Board Meeting at 4:00 p.m.

- 14. After Mr. Rendon left, the Board did not have a quorum to continue this meeting.
- 15. The Board directed staff to determine a date in the near future where a quorum of Board members could be present at a public meeting to complete the Enforcement actions. Dr. Clansy adjourned the meeting at 5:01 p.m.