

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

November 5, 2009

The Texas State Board of Examiners of Psychologists met in Austin, Texas on November 5, 2009. The following Board members were in attendance: Carl Settles, Ph.D., Chair; Gary Elkins, Ph.D., Vice-Chair; Donna L. Black, M.A.; Tim Branaman, Ph.D.; Jo Ann Campbell, M.S.; Carlos Chacón; Angela Downes, J.D.; Narciso Escareno and Lou Ann Todd Mock, Ph.D. Also in attendance were Sherry L. Lee, Executive Director and Dianne L. Izzo, General Counsel.

Thursday, November 5, 2009

1. The meeting was called to order at 9:05 a.m. by Dr. Settles.
2. The Board moved into Item II, Public Comment.
 - A. Andoni Zagouris spoke regarding changing the rule for supervision of licensed psychological associates.
 - B. Claudia Ghio, President, Texas Association of Psychological Associates, spoke regarding changing the rule for supervision of licensed psychological associates.
 - C. Pamela Parsons spoke regarding changing the rule for supervision of licensed psychological associates.
 - D. Norma Salazai-Cortez spoke regarding changing the rule for supervision of licensed psychological associates.

- E. Betty Dawson spoke regarding supervisors in mental health.
- 3. The Board moved into Item III, Executive Session - no items to discuss.
- 4. The Board moved into Item IV, Minutes.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. BRANAMAN TO APPROVE THE MINUTES OF THE AUGUST 20, 2009 BOARD MEETING. THE VOTE WAS UNANIMOUS.

- 5. The Board moved into Item V, Chair's Report - Dr. Settles.
 - A. Ms. Lee reviewed the Board goals for the FY 2009, all goals were completed except for two. Ms. Lee indicated that the explanations for this would be discussed in other agenda items.
 - B. The Board established Board goals for FY 2010.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. BRANAMAN TO APPROVE FY 2010 BOARD GOALS. THE VOTE WAS UNANIMOUS.

- C. Dr. Settles gave an update on ASPPB stating the need for issues to be consistent across state lines.
- D. Dr. Branaman stated that the Texas Psychological Association Colleague Assistance Task Force had nothing to report and that he did not foresee any major developments for two years.
- 6. The Board moved into Item VI, Executive Director's Report - Ms. Lee.
 - A. Ms. Lee stated that the agency had hired Christina Limon to be the new part time administrative assistant.
 - B. Ms. Lee informed the Board that the Human Rights Commission certified that the agency was in compliance.

- C. Ms. Lee updated the Board on the Health Professions Council's shared database migration project.
- D. Ms. Lee discussed the Criminal History Evaluation Letter mandated by the 81st Legislature.
- E. Ms. Lee discussed implementation of the fingerprint criminal history record checks for licensees.
 - i. All licensees would be required to obtain an FBI criminal history record check on a one-time basis.
 - ii. Licensees would be divided up by either license number or last names to allow this requirement to be phased in over 4 years.
 - iii. Advance information would be sent to licensees regarding this new requirement for renewal beginning with January 2011 renewals.
- E. The Board reviewed the newsletter article regarding new renewal requirements for Licensee Fingerprint Criminal History Record Checks.

A MOTION WAS MADE BY MS. DOWNES AND SECONDED BY MS. CAMPBELL TO APPROVE THE NEWSLETTER ARTICLE WITH CHANGES. THE VOTE WAS UNANIMOUS.

- F. Ms. Lee updated the Board regarding imaging.
- M. The Board reviewed letters received from the following individuals:
 - i. Craig Bittinger, M.A. - regarding waiving of the EPPP examination.

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

- ii. Alexander O. Daniv, Ph.D. - regarding inactive status.

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

- i. John V. Elwood, Psy.D. - regarding void LSSP license.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MS. DOWNES TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE VOTE CARRIED WITH DR. SETTLES AND DR. ELKINS ABSTAINING FROM VOTING.

- ii. Darielle Greenberg, Psy.D. - regarding sport psychology.

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

- iii. Sherry Holly-Reps, Ph.D. - regarding language of the Act.

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

- iv. Luis Valdes, Ph.D. - regarding late renewal fee.

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

- v. Maralyn Latzes Hershman, M.A. - regarding extension of inactive status, due to a catastrophic medical condition.

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

- viii. Ramona Gayle Jefferson, Ph.D. - regarding medical condition to take EPPP exam.

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

- ix. Cynthia A. Riccio - regarding LSSP trainee year.

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

The Board recessed at 10:10 a.m.

The Board reconvened at 10:20 a.m.

- 7. The Board moved into Item VII, Rules Committee - Dr. Settles.

- A. The Board reviewed the Adopted Rule(s):

- i. Amendments to Board rule 463.7, Criminal History Record Reports.

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

- ii. Amendments to Board rule 469.7, Persons with Criminal Backgrounds.

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

- iii. Amendments to Board rule 470.2, Definitions.

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

- iv. Amendments to Board rule 473.5, Miscellaneous Fees (Not Refundable).

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

- B. The Board reviewed the Texas Association of Psychological Associates recommended rule change.

ATER MUCH DISCUSSION BY THE BOARD A MOTION WAS MADE BY MR. CHACÓN SECONDED BY DR. BRANAMAN TO APPROVE THE DRAFTED RESPONSE. THE VOTE CARRIED WITH MS. BLACK AND MS. CAMPBELL ABSTAINING FROM VOTING.

8. The Board moved into Item VIII, Enforcement Committee - Ms. Black.

A. Ms. Barber, Enforcement Manager, presented dismissals for Board ratification:

i. 09-133;

ii. 09-112;

iii. 09-134;

iv. 09-073;

v. 09-046;

vi. 09-152;

vii. 09-086;

viii.09-058;

ix. 09-145;

x. 09-066;

xi. 09-161;

xii. 09-064;

xiii.08-231;

xiv. 09-153;

xv. 09-079;

xvi. 09-115;

xvii.09-098; and

xviii.09-097;

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. ESCARENO TO APPROVE THE DISMISSALS. THE VOTE WAS UNANIMOUS.

xix. 08-235

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH MS. CAMPBELL AND MS. DOWNES ABSTAINING FROM VOTING.

- B. Ms. Cynthia Barber, Enforcement Manager reviewed the Status Report.
 - C. Ms. Barber discussed the Projected Time Schedule.
 - D. The February 2010 IFC attendees will be Dr. Branaman, Ms. Black and Mr. Chacón.
 - E. The May 2010 IFC attendees will be Dr. Mock, Ms. Campbell and Ms. Downes.
 - F. The August 2010 IFC attendees will be Dr. Branaman, Dr. Mock and Mr. Chacón.
9. The Board moved into Item IX, Enforcement Committee - Ms. Black.
- A. Ms. Izzo presented the Agreed Orders for the Board's approval:
 - i. The Board reviewed Agreed Order No. 04-011-7209, SOAH Docket No. 520-05-8842 in the matter of Mary M. Wetherby, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 09-120-9048 in the matter of David McCall, M.A.

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

- iii. The Board reviewed Agreed Order No. 09-125-5262 in the matter of Elizabeth Mast, M.A.

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

- iv. The Board reviewed Agreed Order No. 09-127-9416 in the matter of William D. Tarter, M.A.

A MOTION WAS MADE BY MR. ESCARENO AND SECONDED BY DR. MOCK TO APPROVE THE AGREED ORDER. THE VOTE WAS UNANIMOUS.

- v. The Board reviewed Agreed Order No. 08-024-9252 in the matter of Bryan A. Taylor, M.A.

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

- vi. The Board reviewed Agreed Order No. 09-031-6633 in the matter of Michael H. Bennett, Ph.D.

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

B. Ms. Lee discussed changes to the website on the disciplinary action list.

C. The Board reviewed the proposed policy change:

- i. Policy on Website Disciplinary List.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. ELKINS TO APPROVE THE POLICY CHANGE. THE VOTE WAS UNANIMOUS.

D. Ms. Lee reviewed the proposed website text regarding changes to the website discipline list.

E. Ms. Lee reviewed the trends in complaints for FY 2009.

10. The Board moved into Item IX, Compliance Committee - Dr. Branaman.
 - A. Ms. Barber reviewed the compliance report with agreed orders.
11. The Board moved into Item X, Legislative Committee - Ms. Downes - no items to discuss.
12. The Board moved into Item XI, Legal Matters/General Counsel Report - Ms. Izzo.
 - A. Ms. Izzo discussed cases going to SOAH.
13. The Board moved into Item XII, Budget Committee - Dr. Settles.
 - A. Ms. Lee discussed the 4th Quarter Performance Measures.
14. The Board moved into Item XIII, Written Examination Committee - Dr. Mock - no items to discuss.
15. The Board moved into Item XIV, Oral Examination Committee - Dr. Elkins.
 - A. Dr. Elkins stated that the Oral Examination Review Committee met in October and had a few recommendations (abbreviated):
 - i. Create additional Child Clinical Vignettes;
 - ii. Create additional Neuropsychological Vignettes;
 - iii. Change Instruction Sheet for state of Oral Examination;
 - iv. Recruit Oral Examiners;
 - v. Transfer training tape to DVD;
 - vi. Lanyards;
 - vii. Ensure recording of examinees; and
 - viii. Vignette changes.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. BLACK TO APPROVE THE ORAL EXAMINATION RECOMMENDATIONS. THE VOTE WAS UNANIMOUS.

16. The Board moved into Item XV, Technology Committee - Mr. Chacón.
 - A. Mr. Chacón discussed the website changes.
 - B. Mr. Chacón reviewed the online renewal statistics.
17. The Board moved into Item XVI, Applications Committee - Dr. Branaman - no items to discuss.
18. The Board moved into Item XVIII, Personnel Committee - Ms. Campbell.
 - A. Ms. Campbell stated that the Christmas party would be held December 5, 2009 at 1:00 p.m.
 - B. Dr. Settles presented service plaques to agency staff:
 - i. Brian Creath - 20 years
 - ii. Becky Pounds - 20 years
 - iii. Maricela Ramirez - 20 years
 - iv. Carol Erickson - 10 years
 - v. Dianne Izzo - 5 years
19. The Board moved into Item XVIII, Customer Service Committee - Mr. Escareno - no items to discuss.
20. The Board moved into Item XIX, Set Future Board Meeting Dates.
 - A. Future dates will be as follows:
 - i. October 28, 2010
 - ii. February 10, 2011

- iii. April 14, 2011
- iv. August 18, 2011
- v. November 3, 2011
- vi. February 9, 2012
- vii. May 3, 2012
- viii. August 16, 2012

21. The Board moved into Item XX, Election of Vice Chair.

A MOTION WAS MADE BY DR. ELKINS TO ELECT DR. BRANAMAN AS VICE CHAIR AND A MOTION WAS MADE BY MS. CAMPBELL TO ELECT MS. BLACK AS VICE CHAIR.

A VOTE WAS TAKEN FOR DR. BRANAMAN AS VICE CHAIR WITH DR. SETTLES, MR. CHACÓN, DR. ELKINS AND DR. BRANAMAN VOTING ON THIS MOTION, WITH MS. DOWNES ABSTAINING FROM VOTING.

A VOTE WAS TAKEN FOR MS. BLACK AS VICE CHAIR WITH MR. ESCARENO, DR. MOCK, MS. CAMPBELL AND MS. BLACK VOTING ON THIS MOTION WITH MS. DOWNES ABSTAINING FROM VOTING.

AFTER DISCUSSION FROM THE BOARD, MS. BLACK WITHDREW HER NOMINATION.

A MOTION WAS MADE TO ELECT DR. BRANAMAN AS VICE CHAIR. THE VOTE WAS UNANIMOUS WITH DR. BRANAMAN ABSTAINING FROM VOTING.

22. The Board moved into Item XXI, Future Issues - no items to discuss.

23. The meeting was adjourned at 12:30 a.m. by Dr. Settles.