

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

**November 17, 2005**

The Texas State Board of Examiners of Psychologists met in Austin, Texas on November 17, 2005. The following Board members were in attendance: Pauline A. Clansy, Ed.D, Chair; Gary R. Elkins, Ph.D., Vice-Chair; Arthur E. Hernandez, Ph.D.; Carl E. Settles, Ph.D.; Catherine B. Estrada, M.Ed.; Ruben Rendon, Jr., M.S.; Stephanie Sokolosky, M.P.S. and Michael D. Nogueira. Also in attendance were Sherry L. Lee, Executive Director and Brett Norbraten, General Counsel. The following Board member was absent: Betty Lou "Penny" Angelo.

**Thursday, November 17, 2005**

1. The meeting was called to order at 9:03 a.m. by Dr. Clansy.
2. The Board moved into Item II, Public Comments.
  - A. Paul Burney, Ph.D., President Texas Psychological Association (TPA) spoke to the Board thanking them for their support during Sunset.
  - B. Melba Vasquez, Ph.D., TPA President-Elect, stated that she strongly opposes rule change allowing master's level independent practice and felt the public interest would be best served if independent practice were at a doctoral level.
  - C. M. David Rudd, Ph.D., TPA President-Elect Designate, reviewed with the Board a Psychologist Fact Sheet. Dr. Rudd stated that individuals

wanting to practice at a different level should return to school for a higher education.

- D. Ollie J. Seay, Ph.D., spoke to the Board and reiterated what her colleagues had previously addressed. She was a Licensed Psychological Associate and returned back to school for a higher education and then became a Licensed Psychologist.
  - E. Alan Hopewell, Ph.D. spoke to the Board thanking them for their continued support and stated that all branches of the armed services requires psychologists to be at a doctoral level.
  - F. Bob McPherson, Ph.D. stated that there is a wide variety and quality in the post doctorate year.
  - G. Ron L. Cohorn, Ph.D., spoke to the Board about being licensed since 1973 in a rural area of west Texas and supported the standards that his colleagues had previously addressed.
  - H. Bruce Mansbridge, Ph.D., stated he supported previous statements from his colleagues.
  - I. Ms. Betty Dawson presented a summary to the Board about CAMPP standards that Psychological Associates are required to meet.
3. The Board moved into Item IX, Sunset Task Force.
- A. Ms. Lee reviewed the 2005 Sunset Legislation changes. Most areas will be addressed later.
  - B. Proposed new policies from HB 1015:
    - i. Methods of Seeking Early Input in the Rule Development Process. Ms. Lee proposed a list of organizations that the Board could send drafted rule changes for early public input. It was suggested that the website could be a way to communicate with the public and also with organizations.

AFTER MUCH DISCUSSION A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED POLICY. THE VOTE WAS UNANIMOUS.

- ii. Negotiated Rulemaking and Alternative Dispute Resolution.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. SETTLES TO APPROVE THE PROPOSED POLICY WITH CHANGES. THE VOTE WAS UNANIMOUS.

- iii. Prioritization of Complaints.

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

- 4. The Board moved into Item X, Review of Suggested Rules from the Texas Association of Psychological Associates.

- A. Ms. Lee indicated to the Board items received from TAPA.
- B. Ms. Lee reviewed with the Board opinion letters relating to licensed psychological associates:
  - i. Barry D. Berger, Ph.D.
  - ii. George M. Diekhoff, Ph.D.
  - iii. Joel T. Foster, Ph.D.
  - iv. David Hardt, Ph.D.
  - v. Donald A. Loffredo, Ed.D.
  - vi. Linda Moore, Ed.D.
  - vii. William M. Moss, M.A.; and
  - viii. John Wiebe, Ph.D.

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

- C. The Board agreed that the responses to the Legislators were appropriate.
- D. Dr. Elkins stated that he felt the Board should form a subcommittee regarding licensed psychological associates being able to have independent practice. Dr. Hernandez had concerns with reciprocity, CPQ, status with ASPPB training and internships. The Board determined that the subcommittee would need to study and gather information on scope of practice issues including intent and effects of the sunset legislation, rules suggested by TAPA and comments from interested parties as appropriate and report back to the Board. A progress report would need to be made at the February 2006 Board meeting, which would include recommendations as available.

AFTER MUCH DISCUSSION A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO ESTABLISH A SUBCOMMITTEE. THE MOTION CARRIED WITH MR. RENDON ABSTAINING FROM VOTING.

The Board recessed for a break at 10:45 am.

The Board reconvened at 11:10 am.

- E. The subcommittee will be Dr. Elkins, Ms. Estrada and Ms. Sokolosky. Dr. Elkins will be the chair.

- 5. The Board moved into item III, Executive Session at 11:16 am.

The Board returned to open session at 11:27 am

- 6. The Board moved into item IV, Minutes.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. ELKINS TO APPROVE THE MINUTES FROM THE JULY 28, 2005 BOARD MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.

- 7. The Board moved into item V, Chair's Report.

- A. Ms. Lee discussed the FY 2006 New Board Goals.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED MR. NOGUEIRA TO APPROVE THE BOARD GOALS. THE VOTE WAS UNANIMOUS.

8. The Board moved into item VI, ASPPB Issues and Meetings.
  - A. Dr. Clansy stated that the passage of an oral examination will be removed from the CPQ requirements beginning June 1, 2006.
9. The Board moved into item VII, Executive Director's Report.
  - A. Ms. Lee updated the Board regarding the agency:
    - i. Enforcement Division had prepared 14 boxes for microfiche;
    - ii. Licensing Division were preparing boxes for imaging;
    - iii. Jennifer Noack, Fiscal Manager was working on two Annual Financial Report;
    - iv. End of year changes in licensing;
    - v. Purchase of new Board chairs; and
    - vi. Purchase of new computer equipment and printers.
  - B. Ms. Lee discussed how the agency responded to the individuals displaced by the hurricanes. The agency did not incur any additional cost due to the storms.
  - C. Ms. Lee stated that HB 1516 would consolidate data centers in the state. The goal was to save money.
  - D. Ms. Lee discussed electronic fingerprinting. Department of Public Safety has a vendor "FAST - Fingerprint Applicant Services of Texas" which performs the service. The agency will not incur any cost; the applicant will cover the cost. TSBEP may consider this in the near future.

- E. Ms. Lee reviewed changes to the website.
- F. Ms. Lee discussed the drafted online newsletter article and new rules.
- G. The Board reviewed letters from the following individuals:
  - i. George M. Diekhoff, Ph.D. - regarding master's level psychology.

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

- ii. Craig Foote, M.S. - regarding refund of late fees.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO APPROVE THE DRAFTED RESPONSE. THE MOTION CARRIED WITH MR. NOGUEIRA ABSTAINING FROM VOTING.

- iii. Sharon Garfield, M.S. - regarding audit fees.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE DRAFTED RESPONSE. THE MOTION CARRIED WITH DR. HERNANDEZ AND MR. NOGUIERA ABSTAINING FROM VOTING.

- iv. Paula J. Haymond, Ed.D. - regarding continuing education.

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

- v. Lisa Morris, M.S. - regarding independent practice for licensed psychological associates.

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

- vi. Leon Ashley Peek, Ph.D. - regarding a complaint.

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

- vii. Thomas Rasile, M.A. - regarding renewal of license that has gone void.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ESTRADA TO APPROVE THE DRAFTED RESPONSE. THE MOTION CARRIED WITH MS. SOKOLOSKY ABSTAINING FROM VOTING.

- viii. Pamela J. Rustemier, M.A. - regarding refund of late renewal fee.

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

- ix. Hal Stevens, Psy.D. - regarding form letter.

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

- x. Sheila Thompson, M.A. - regarding refund of late fees.

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

- xi. Don Walker, Ph.D. - regarding informed consent.

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

- xii. M.K. Hamza, Ph.D. - regarding temporary licensure.

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

H. Proposed Policy:

- i. Authorized v. Unauthorized Travel by Board Members and Staff Members.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. RENDON TO APPROVE THE REVISED POLICY. THE VOTE WAS UNANIMOUS.

10. The Board moved into item VIII, Legislative Committee.

A. Ms. Lee discussed SB 213 concerning the agencies need assessments of Spanish language for their websites.

B. Ms. Lee discussed the interim charges to standing House Committees:

- i. Government Reform;
- ii. Human Services; and
- iii. Public Health

11. The Board moved into item XI, Presentation by Texas Psychological Association on Continuing Education Board Process.

A. Dr. David Rudd submitted to the Board a proposed rule for Continuing Education.

AFTER MUCH DISCUSSION BY THE BOARD, DR. RUDD WAS ASKED TO BRING A DETAILED FORMAL PROPOSAL TO THE FEBRUARY 2006 BOARD MEETING.

12. The Board recessed for lunch at 1:15 pm.

13. The Board reconvened at 1:50 pm.

14. The Board moved into item XII, Rules Committee.

A. The Board reviewed the Proposed Rules:

- i. The Board reviewed proposed new rule 463.27, Temporary License for Persons Licensed in Other States.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO PROPOSE THE NEW RULE WITH CHANGES. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed proposed amendments to Board rule 473.5, Miscellaneous Fees.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO PROPOSE AMENDMENTS TO THE RULE. THE VOTE WAS UNANIMOUS.

B. The Board reviewed the Adopted Rules:

- i. The Board reviewed the repeal to Board rule 461.31, Psychological Associate Advisory Committee (the PAAC).

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO ADOPT THE REPEAL OF THE RULE 461.31. THE VOTE WAS UNANIMOUS.

- ii. The Board reviewed the amendments to Board rule 463.10, Provisionally Licensed Psychologist.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED MR. NOGUEIRA TO ADOPT THE AMENDMENTS TO BOARD RULE 463.10. THE MOTION CARRIED WITH MR. RENDON AND DR. HERNANDEZ ABSTAINING FROM VOTING.

- iii. The Board reviewed the amendments to Board rule 463.11, Licensed Psychologists. Dr. Emily Sutter and Dr. Roberta Nutt sent communication regarding this rule.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. NOGUEIRA TO ADOPT THE AMENDMENTS THE BOARD DISCUSSED THE RULE CHANGE AND CHOOSE TO WITHDRAW THIS RULE AT THIS TIME.

- iv. The Board reviewed the amendments to Board rule 463.13, Requirements for Licensed Out-of-State Applicants.

AFTER MUCH DISCUSSION A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO ADOPT THE AMENDMENTS

WITH CHANGES TO BOARD RULE 463.13. THE MOTION CARRIED WITH MR. RENDON ABSTAINING FROM VOTING.

- v. The Board reviewed the amendments to Board rule 463.15, Oral Examination.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO ADOPT THE AMENDMENTS TO BOARD RULE 463.15. THE MOTION CARRIED WITH MR. NOGUEIRA AND MR. RENDON OPPOSED AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

AFTER DISCUSSION DR. HERNANDEZ MOVED TO WITHDRAW ADOPTED RULE 463.15, ORAL EXAMINATION THE MOTION WAS SECONDED BY DR. ELKINS. THE VOTE WAS UNANIMOUS.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY DR. ELKINS TO ADOPT THE AMENDMENTS TO BOARD RULE 463.15 WITH CHANGES. THE MOTION CARRIED WITH MR. RENDON OPPOSED TO THE CHANGE AND MR. NOGUIERA ABSTAINING FROM VOTING.

- vi. The Board reviewed the amendments to Board rule 463.24, Oral Examination Work Group.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY DR. SETTLES TO ADOPT THE AMENDMENTS TO BOARD RULE 463.24. THE VOTE WAS UNANIMOUS.

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

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED BY MR. RENDON TO ADOPT THE AMENDMENTS TO BOARD RULE 470.2. THE VOTE WAS UNANIMOUS.

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

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. ESTRADA TO ADOPT THE AMENDMENTS TO BOARD RULE 470.21. THE VOTE WAS UNANIMOUS.

- ix. The Board reviewed the amendment to Board rule 470.22, Schedule of Sanctions.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ESTRADA TO ADOPT THE AMENDMENTS TO BOARD RULE 470.22. THE VOTE WAS UNANIMOUS.

- x. The Board reviewed the amendment to Board rule 470.23, Aggravating and Mitigating Circumstances.

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED DR. SETTLES TO ADOPT THE AMENDMENTS TO BOARD RULE 470.23. THE VOTE WAS UNANIMOUS.

- xi. The Board reviewed the amendment to Board rule 473.3, Annual Renewal Fees (Not Refundable).

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY DR. HERNANDEZ TO ADOPT THE AMENDMENTS TO BOARD RULE 473.3. THE VOTE WAS UNANIMOUS.

15. The Board moved into item XIII, Budget Committee.

- A. Ms. Noack discussed with the Board hotel reservations at the Embassy Suites.
- B. Ms. Lee reviewed the 4<sup>th</sup> quarter Annual Performance Measures. Ms. Lee also stated that the agency had met its nine key measures for FY 2005.
- C. Ms. Lee reviewed end of year budget totals.

16. The Board moved into item XV, Technology Committee.

- A. Ms. Lee summarized the statistics for Online Renewal.
- B. Proposed Policy:
  - i. Use of Technology for HB 1015.

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

C. Ms. Lee stated that any online renewal problem was being logged by each licensing staff member and she would be reviewing the report each month.

17. The Board moved into item XVI, Oral Examination Committee.

A. Dr. Elkins stated that the oral exam working group had met twice. They had begun the process of collecting statistics concerning the consistency of oral examinations.

B. Dr. Elkins proposed the following individuals be added to the Oral Examiner Pool:

- i. Deann Ware, Ph.D.;
- ii. Gregory W. Harter, Ph.D.; and
- iii. Gilbert Martinez, Ph.D.

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

C. Dr. Elkins recommended revisions for the following vignettes:

- i. School 9;
- ii. School 5; and
- iii. Clinical 19

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

D. Proposed Policy:

- i. Pooling of Oral Examiners

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MR. NOGUEIRA TO APPROVE THE PROPOSED POLICY. THE VOTE WAS UNANIMOUS.

18. The Board moved into item XVII, Written Examinations Committee.

- A. Mr. Rendon updated the Board in regard to EPPP Online Score Reports for Jurisdictions.
- B. Mr. Rendon discussed the Jurisprudence Exam meeting held on October 14, 2005.
- C. Mr. Rendon requested that the Board add Dr. Louanne Mock to the Written Examination Committee.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO ADD DR. LOUANNE MOCK TO THE COMMITTEE. THE VOTE WAS UNANIMOUS.

- D. Mr. Norbraten advised the Board about an issue with the EPPP exam "brain dumping" on the internet that PES and ASPPB Exam Committee are aware of.

The Board recessed for a break at 4:38 pm.

The Board reconvened at 4:44 pm.

19. The Board moved into item XVIII, Enforcement Committee.

- A. Ms. Cynthia Barber, Enforcement Manager presented dismissal for Board ratification:
  - i. 05-039;
  - ii. 05-004;
  - iii. 05-074;
  - iv. 05-057;
  - v. 05-012;
  - vi. 05-007;
  - vii. 05-024;
  - viii. 05-080;

- ix. 05-005;
- x. 05-006;
- xi. 04-108; and
- xii. 04-109

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

xiii.04-154-4314

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

- B. Ms. Barber reviewed the status report.
- C. Ms. Barber discussed the projected time schedule changes.
- D. Ms. Barber summarized FY 2005 cases.
- E. Mr. Norbraten presented the Agreed Orders for the Board's approval:
  - i. The Board reviewed Agreed Order No. 05-145-3144 in the matter of Henry Orloff, Ph.D.;
  - ii. The Board reviewed Agreed Order No. 05-106-2674 in the matter of James W. Herring, Ph.D.;
  - iii. The Board reviewed Agreed Order No. 05-133-1110 in the matter of Susan C. Patterson, M.A.;
  - iv. The Board reviewed Agreed Order No. 05-139-12643 in the matter of Nick A. Barneclo, M.S.;

- v. The Board reviewed Agreed Order No. 05-100-9137 and 05-101-6909 in the matter of Kelley Dee Burgin, M.A.;
- vi. The Board reviewed Agreed Order No. 05-083-10004 in the matter of Gail Ann Jensen, M.S.;
- vii. The Board reviewed Agreed Order No. 05-107-12414 in the matter of Allison Lynn Nevin, M.A.; and
- viii. The Board reviewed Agreed Order No. 05-036-12213 in the matter of Kristen L. Tizzano, M.S.

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

- ix. The Board reviewed Agreed Order No. 04-196-5397 in the matter of Constance Celaya-Forbes, Ph.D.

A MOTION WAS MADE BY MR. RENDON AND SECONDED DR. SETTLES TO APPROVE THE AGREED ORDER. THE MOTION CARRIED WITH DR. HERNANDEZ ABSTAINING FROM VOTING.

- x. The Board reviewed Agreed Order No. 04-174-5260 in the matter of Maritza J. Milan, Ph.D.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE AGREED ORDER. THE MOTION CARRIED WITH MS. ESTRADA AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

- xi. The Board reviewed Agreed Order No. 04-050-5043 in the matter of Elizabeth Ann Murphy, Ed.D.

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

xii. The Board reviewed Agreed Order No. 04-097-3150 in the matter of Rafael F. Otero, Ph.D.

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

xiii. The Board reviewed Agreed Order No. 05-026-12626 in the matter of David Charles Weers, Ph.D.

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

F. The February 2006 IFC attendees will be Dr. Settles, Ms. Angelo and Ms. Sokolosky.

G. The May 2006 IFC attendees will be Dr. Clansy, Mr. Rendon and Ms. Estrada.

20. The Board moved into item XIX, Compliance Committee.

A. Mr. Norbraten reviewed the Agreed Order Compliance Report.

21. The meeting was adjourned at 5:12 pm by Dr. Clansy.