

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

November 3, 2011

The Texas State Board of Examiners of Psychologists met in Austin, Texas on November 3, 2011. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Jeffrey Baker, Ph.D.; Donna L. Black, M.A.; Jo Ann Campbell, M.S.; Carlos Chacón; Narciso Escareno; Lou Ann Todd Mock, Ph.D.; and Leslie Rosenstein, Ph.D. Also in attendance were Sherry L. Lee, Executive Director; Joe Thrash, Attorney General Representative and Darrel Spinks, General Counsel. Angela Downes, J.D. was absent from the meeting.

Thursday, November 3, 2011

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. Robin Hilsabeck spoke in favor of neuropsychology competency rules.
3. The Board moved into Item III, Executive Session, pursuant to Title 5, Chapter 551, Government Code §551.071 and Title 5, Chapter 551, Government Code §551.074 at 9:12 am.
4. The Board returned from Executive Session at 9:26 am.
5. The Board moved into Item IV, Action on matters considered in Executive Session - no action taken at this time.

6. The Board moved into Item V, Minutes.

A MOTION WAS MADE TO APPROVE THE MINUTES OF THE AUGUST 18, 2011 BOARD MEETING WITH CHANGES. THE VOTE WAS UNANIMOUS.

7. The Board moved in Item VI, Chair's Report - Dr. Branaman.

- A. Ms. Lee discussed the status of FY 2011 Board goals.
- B. Ms. Lee discussed the FY 2012 Board goals.
- C. Dr. Baker stated that he was appointed to the Association of State and Provincial Psychology Board's (ASPPB) competency committee.

8. The Board moved into Item VII, Executive Director's Report - Ms. Lee.

- A. Ms. Lee gave a personnel update indicating the promotion of one staff person to a vacant position, and the hiring of two new staff for other vacated positions.
- B. Ms. Lee stated that new carpeting would be installed in November.
- C. Ms. Lee stated that the Fire Marshall ordered all of the boxes of previously imaged documents stored in the central shared storage area to be removed. Brenda Skiff, Administrative Assistant, reviewed the files and then a professional shredded the 50 boxes of files.
- D. The Board reviewed letters received from the following individuals:
 - i. Louisiana State Board of Examiners of Psychologists - recanted their previous determination concerning the Oral Examination of requirement of the Reciprocity Agreement with Texas.

NO ACTION REQUIRED BY THE BOARD, INFORMATIONAL PURPOSES ONLY.

- ii. A. Paul Andrews, Ph.D. and C.R. Barké, Ph.D.
- regarding state laws to report child abuse
when the person is no longer a child.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. BLACK TO SEEK AN ATTORNEY GENERAL OPINION REGARDING THIS MATTER. THE VOTE WAS UNANIMOUS.

- iii. Donna Carpenter, Ph.D. - regarding how to
become licensed.

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

- iv. Sheila Fling, Ph.D. - regarding waiving the
late fee.

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

- v. Gary Leka, M.A. - regarding LPA practicum
billing.

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

- vi. Brock L. Fowler, Psy.D. - regarding inactive
status.

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

- viii. Pamela D. Garcy, Ph.D. - regarding
practicums.

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

- ix. Don Goldston, Ph.D. - regarding complaints
regarding LSSP using titles.

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

- x. Alexander Howe, Ph.D. - regarding relocation of practice.

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

- xi. Noah K. Kaufman, Ph.D. - regarding accreditation issues.

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

- xii. Christina Spragg, Ph.D. - regarding licensure in Texas.

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

- xiii. Irene Tobis, Ph.D. - regarding Board rules that limit those individuals who can legally provide psychological services in Texas.

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

- xiv. Constance J. Turner, Ph.D. - regarding inactive status.

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

- xv. Gabby Walsh - regarding test data.

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

xvi. Tamara Hodges, Ph.D. - regarding practicum's.

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

The Board adjourned for a break at 10:23 a.m.

The Board reconvened at 10:30 a.m.

F. Ms. Lee asked Ms. Jennifer Noack, Fiscal Manager to provide an update on the Health Professions Council's (HPC) new shared computer system:

- i. Ms. Noack stated the HPC's most important issue currently is the stability of the online renewal system.
- ii. Ms. Noack stated that all of the agency's statement of work issues on the system were operable.
- iii. Ms. Noack stated that the DPS and student loan interface uploads were working.
- iv. Ms. Noack stated that the agency would develop a contract with a not to exceed limit with Doug Deputy to provide some programming support.
- v. Ms. Noack stated that the Oral Examination module was working.
- vi. Ms. Noack noted that some of the other agencies in the shared database continue to have unresolved issues that are of considerable concern.
- vii. Ms. Black said the renewal process does not provide technical assistance. Ms. Noack stated that that issue had been addressed and that technical assistance is being sent to the HPC help desk.

9. The Board moved into Item IX, Rules Committee - Dr. Branaman.

A. Dr. Branaman stated that the Board's request for an Attorney General's opinion on the use of the title "psychologist" had not been received and the AG's office indicated that the Board would not be receiving a response in the 180 day time frame.

B. The Board reviewed Proposed Rule(s):

i. 461.7, License Statuses.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. BAKER TO APPROVE THE PROPOSED AMENDMENT. THE VOTE WAS UNANIMOUS.

ii. 463.30, Licensing for Military Spouses.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MR. ESCARENO TO APPROVE THE PROPOSED NEW RULE WITH CHANGES. THE VOTE WAS UNANIMOUS.

iii. 469.6, Temporary Suspension of a License.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY DR. MOCK TO APPROVE THE PROPOSED AMENDMENT WITH CHANGES. THE VOTE WAS UNANIMOUS.

C. The Board reviewed Adopted Rule(s):

i. 463.4, Applicants with Disabilities.

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. BLACK TO APPROVE THE ADOPTED RULE. THE VOTE WAS UNANIMOUS.

ii. 463.15, Oral Examination.

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY DR. MOCK TO APPROVE THE ADOPTED RULE WITH CHANGES. THE VOTE WAS UNANIMOUS.

iii. 463.27, Temporary License for Persons in Other States.

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

D. Dr. Branaman stated that the Board needed to look at Board rule 465.9, Competency, regarding the federal law language and how it might impact the suggested rule change concerning competency for neuropsychological evaluations. Dr. Branaman, Dr. Rosenstein and Ms. Black will research this concern and bring any findings back to the Board.

10. The Board moved into Item X, Enforcement Committee - Ms. Black.

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

- i. 11-124;
- ii. 11-160;
- iii. 11-123;
- iv. 11-190;
- v. 11-142;
- vi. 11-184;
- vii. 2011-00192;
- viii. 11-193;
- ix. 11-158;
- x. 11-143; and
- xi. 11-204

A MOTION WAS MADE BY MR. CHACÓN AND SECONDED BY MS. BLACK TO APPROVE THE DISMISSALS. THE VOTE WAS UNANIMOUS.

- xii. 2011-00187;
- xiii. 2011-00185; and

xiv. 2011-00186

A MOTION WAS MADE BY MS. BLACK AND SECONDED BY MR. ESCARENO TO APPROVE THE DISMISSALS. THE VOTE CARRIED WITH DR. BRANAMAN, MS. CAMPBELL, AND MR. CHACÓN ABSTAINING FROM VOTING.

- B. Ms. Barber reviewed the Status Report.
- C. Ms. Barber discussed the Projected Time Schedules.
- D. The February 2012 IFC attendees will be Dr. Baker, Dr. Mock and Ms. Downes.
- E. The May 2012 IFC attendees will be Dr. Baker, Mr. Chacón and Dr. Rosenstein.
- F. The August 2012 IFC attendees will be Dr. Baker, Dr. Branaman and Mr. Chacón.
- G. The October 2012 IFC attendees will be Dr. Baker, Dr. Branaman and Mr. Chacón.
- H. Mr. Spinks presented the Agreed Orders for the Board's approval:
 - i. The Board reviewed Agreed Order Nos. 2011-00161-6204 and 2011-00217-6204, in the matter of Steven Craig Dealmeida, Ed.D.

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

- ii. The Board reviewed Agreed Order No. 11-129-4311, in the matter of Karen Orsak Jackson, Ph.D.

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

- iii. The Board reviewed Agreed Order No. 11-119-3640, in the matter of Michael D. Whitley, Ph.D.

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

- iv. The Board reviewed Agreed order No. 11-032-13708, in the matter of Lisa Mary Mancuso, Ph.D.

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

- I. Ms. Black discussed the pie chart in the trends in complaints research charts regarding complaints resolved by category for FY 11.
 - i. 55% of complaints resolved concerned continuing education.
 - ii. Ms. Black recommended stiffer penalties for licensees who fail to provide proof of continuing education and that a newsletter article be written regarding the cost change.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. CHACÓN TO APPROVE THE FEE CHANGES AND NEWSLETTER ARTICLE. THE VOTE WAS UNANIMOUS.

- iii. The Board stated that the changes in the fees would take effect immediately.

- 11. The Board moved into Item X, Compliance Committee - Ms. Campbell.
 - A. Ms. Barber reviewed the Compliance report.
- 12. The Board moved into Item XI, Legislative Committee - Ms. Downes - no items to discuss.
- 13. The Board moved into Item XII, Legal Matters/General Counsel Report/Assistant Attorney General - Mr. Spinks.

- A. Mr. Spinks stated that he had two cases pending at SOAH and three more that would be sent to SOAH.
- B. Mr. Spinks presented to the Board a revised complaint form that consolidates all of the waiver and release of record requirements into one form.

A MOTION WAS MADE BY MR. CHACON AND SECONDED BY MS. CAMPBELL TO APPROVE THE REVISED COMPLAINT FORM. THE VOTE WAS UNANIMOUS.

- 14. The Board moved into Item XV, Budget Committee - Dr. Branaman.
 - A. Ms. Lee discussed the 4th Quarter Performance Measures and the Annual Performance Measures. She noted that all performance measures for FY 2011 had been met or exceeded with the exception of the number of complaints resolved.
- 15. The Board moved into Item XIV, Written Examinations Committee - Dr. Mock - no items to discuss.
- 16. The Board moved into Item XV, Oral Examination Committee - Dr. Rosenstein.
 - A. Dr. Rosenstein stated that 12 vignettes have been changed and approved.
- 17. The Board moved into Item XVI, Technology Committee - Mr. Chacón.
 - A. Mr. Chacón reviewed the latest online renewal statistics.
 - B. Mr. Chacón reviewed updates to the Board's website.
- 18. The Board moved into Item XVII, Applications Committee - Dr. Baker - no items to discuss.
- 19. The Board moved into Item XVIII, Personnel Committee - Ms. Campbell.
 - A. Ms. Campbell discussed collecting money from each

Board member for a staff Christmas party.

20. The Board moved into Item XIX, Customer Service Committee - Mr. Escareno - no items to discuss.
21. The Board moved into Item XX, Future Issues.
 - A. Ms. Black requested that the Board discuss the organizational chart. Ms. Lee stated that this would be part of the Strategic Plan for the Board's consideration at a future Board meeting.
22. The meeting was adjourned at 12:15 p.m. by Dr. Branaman.