

Psychology Board Minutes
February 5, 2004

The Texas State Board of Examiners of Psychologists met in Austin, Texas on February 4, 2004. The following Board members were in attendance: Arthur E. Hernandez, Ph.D., Chair; Gary R. Elkins, Ph.D.; Catherine B. Estrada; Ruben Rendon, Jr., M.S.; Carl E. Settles, Ph.D.; Jess Ann Thomason; and Stephanie Sokolosky, M.P.S. Also in attendance were Sherry L. Lee, Executive Director and Brett Norbraten, General Counsel. The following Board members were absent: Pauline A. Clansy, Ed.D., Vice-Chair and Michael D. Nogueira.

THURSDAY, February 4, 2004

1. The meeting was called to order at 9:03 a.m. by Dr.

Hernandez.

2. Dr. Hernandez introduced the two new Board Members: Gary R. Elkins, Ph.D. and Carl E. Settles, Ph.D. Dr. Hernandez also welcomed back Ms. Thomason.
3. The Board moved to Item III, Executive Session at 9:07 a.m.

Ms. Estrada arrived at 9:15 a.m.

The Board returned to open session at 9:37 a.m.

4. The Board discussed the response letter to Ms. Amanda Snowden regarding Joseph Robert Yohman, Ph.D.

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

5. The Board moved to item IV, Minutes.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. THOMASON TO APPROVE THE MINUTES FROM THE NOVEMBER 6, 2003 BOARD MEETING WITH CHANGES. THE MOTION WAS UNANIMOUS.

6. The Board moved to Item V, Chair's Report.

- A. Ms. Lee discussed the Board Goals for FY 2004.
- B. Dr. Hernandez presented the new Association of State and Provincial Psychology Boards (ASPPB) Agreement of Reciprocity Members.
- C. Dr. Hernandez summarized issues from the National Register. Dr. Settles is a board member for the National Register Board.
- D. Ms. Lee discussed if an oral examiner could meet continuing education ethics hours.

AFTER DISCUSSION A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. SETTLES TO APPROVE SERVING AS AN ORAL EXAMINER AS CONTINUING EDUCATION HOURS TO MEET THE ETHICS REQUIREMENT. THE MOTION WAS UNANIMOUS.

- E. Dr. Hernandez discussed the Board Committees for FY 2004 and appointed Dr. Clansy as the liaison to ASPPB.
7. The Board moved to item VI, Executive Director's Report.
- A. Ms. Lee thanked the Board Members for the Christmas luncheon.
 - B. Ms. Lee discussed fingerprint checks.
 - C. Ms. Lee stated that the Office of Patient Protection has appointed three public members: Mr. Eddie Miles, Ms. Judith Powell and Mr. Harry Widdington.
 - D. Ms. Lee reviewed the recommendation for the use of post card renewal reminders.
 - E. Ms. Lee stated that the Texas Human Rights Commission audit response was submitted via email in January.
 - F. Ms. Lee, Ms. Cynthia Barber, Enforcement Manager and Ms. Maricela Perez, Licensing Division Manager discussed the personnel pilot program. Ms. Sokolosky thanked the staff for working so hard and Dr. Settles stated he was very impressed by the professionalism of the staff.
 - G. Ms. Lee reviewed the proposed Risk Assessment for FY 2004.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED RISK ASSESSMENT. THE MOTION WAS UNANIMOUS.

- H. Ms. Lee proposed changing the wording on the licensees' certificates:
- i. Provisionally Licensed Psychologists will be in bold and centered on the license.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. THOMASON TO APPROVE THE CHANGES TO THE LICENSE. THE MOTION WAS UNANIMOUS.

- ii. Licensed Psychologists will be in bold and centered on the license.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. ESTRADA TO APPROVE THE CHANGES TO THE LICENSE. THE MOTION WAS UNANIMOUS.

- iii. Licensed Specialist in School Psychology will be in bold and centered on the license.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ESTRADA TO APPROVE THE CHANGES TO THE LICENSE. THE MOTION WAS UNANIMOUS.

- iv. Licensed Psychological Associate will be in bold and centered on the license.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MR. RENDON TO APPROVE THE CHANGES TO THE LICENSE. THE MOTION WAS UNANIMOUS.

- I. Ms. Lee reviewed the survey of organizational excellence.

- J. Ms. Lee discussed the Minnesota Health Licensing Board's Report provided by Dr. Roberta Nutt.
- K. Ms. Lee reviewed the supply trends among Licensed Health Professions.
- L. Ms. Lee requested that each Board member submit a brief biography so that it can be added to the website.

The Board recessed for a break at 10:41 a.m.

The Board reconvened from break at 10:52 a.m.

- M. The Board reviewed letters to the following individuals:
 - i. Ralph Casazza, Ph.D. – regarding AIMS testing.

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

- ii. Francis Y. Chen, M.A. – regarding ethics.

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

- iii. Judi Craig, Ph.D. – regarding record retention.

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

- iv. Josie De Los Santos, Ph.D. – regarding extended time.

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

- v. Joseph C. Kobos, Ph.D. – regarding newsletter.

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

- vi. Clyde C. Mayo, Ph.D. – regarding continuing education hours.

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

- vii. Mandy Menzer, M.S. – regarding post doctoral supervision experience in Ireland.

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

- viii. Connie Jo Ponce, M.A. – regarding supervision of post doctoral hours.

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

- ix. Thomas D. Ridley – regarding supervision.

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

- x. Thomm Kevin Roberts, Ph.D. – regarding medical documentation.

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

- xi. Laura Hope Steckler, Ph.D. – regarding refund professional fees.

A MOTION WAS MADE BY MS. THOMASON AND SECONDED BY MS. ESTRADA TO APPROVE THE DRAFTED RESPONSE. THE MOTION WAS UNANIMOUS.

xii. James E. Wicker, M.A. – regarding status of license.

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

xiii. Leslie D. Rosenstein, Ph.D. – regarding

unlicensed technicians.

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

N. Ms. Lee discussed policy changes:

i. Criminal Records Check Procedure.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. THOMASON TO APPROVE THE POLICY. THE MOTION WAS UNANIMOUS.

ii. Responding to Phone Calls for the Licensing Staff and Appointments with Staff.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MR. ELKINS TO APPROVE THE POLICY CHANGE. THE MOTION WAS UNANIMOUS.

iii. Charges for Agency Publications and Written Documentation.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY MS. THOMASON TO APPROVE THE POLICY CHANGE. THE MOTION WAS UNANIMOUS.

- iv. Delivery of Psychological Services Using Telephones, Teleconferencing and Internet or Other Electronic Media.

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

- v. Travel and Accommodations for Board Members.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. ELKINS TO APPROVE THE POLICY CHANGE. THE MOTION WAS UNANIMOUS.

- vi. Offering Agreed Order Without an Informal Conference.

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

8. The Board moved into item VII, Sunset Task Force.

- A. Ms. Lee reviewed the draft report from the Sunset Commission.
- B. Ms. Lee presented the agency's drafted response to the Sunset Commission.

The Board recessed for lunch at 1:10 p.m.

The Board reconvened from lunch at 2:24 p.m.

Ms. Thomason left at 2:24 p.m.

9. The Board moved to item VIII, Legislative Committee.

- A. Ms. Lee gave a synopsis the meeting with Cindy Alexander from the Senate and Office of the Lt. Governor.
- B. Ms. Lee reviewed the House Committee Items:

- i. Licensing and Administrative Procedures;
- ii. Government Reform;
- iii. Government Organization; and
- iv. Finance.

10. The Board moved into item IV, Psychology Associate

Advisory Committee Report.

- A. Ms. Sokolosky presented to the Board a letter for Pamela T. Parson, M.A., PAAC Chair regarding repayment of travel costs for the September 19, 2003 PAAC meeting. This letter will be forwarded to the Comptrollers Office.

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

- A. The Board reviewed the Proposed Rules:

- i. The Board reviewed proposed amendments to Board rule 473.3, Annual Renewal Fees (Not Refundable).

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. ELKINS TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.

- ii. The Board reviewed proposed amendments to Board rule 473.5, Miscellaneous Fees (Not Refundable).

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ESTRADA TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.

- B. The Board reviewed the Adopted Rules:

- i. The Board reviewed the amendments to Board rule 461.11, Continuing Education.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO ADOPT AMENDMENTS TO BOARD RULE 461.11. THE MOTION WAS UNANIMOUS.

- ii. The Board reviewed the amendments to Board rule 463.9, Licensed Specialist in School Psychology.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ESTRADA TO ADOPT AMENDMENTS TO BOARD RULE 463.9. THE MOTION WAS UNANIMOUS.

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

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. SETTLES TO ADOPT AMENDMENTS TO BOARD RULE 471.1. THE MOTION WAS UNANIMOUS.

12. The Board moved into item XI, Budget Committee.
 - A. Ms. Jennifer Noack, Fiscal Manager reviewed the 1st Quarter Performance Measures.
 - B. Ms. Noack reviewed 1st Quarter Operating Budget.
 - C. Ms. Noack discussed the Appropriated Budget.
 - D. Ms. Lee presented the last (2) items remaining for the state audit, which have been implemented.
 - E. Ms. Noack discussed the Annual Report of Non-Financial Data.
13. The Board moved into item XIII, Technology Committee.
 - A. Ms. Lee presented the Board with the online renewal statistics.
 - B. Ms. Lee discussed directions for public access to online profiles for Licensed Psychologists.
 - C. Ms. Lee stated that the profile and online renewals continue to be relatively problem free.

- D. Ms. Lee stated that the shared IT Services with the Health Professions Council was working quite well.
 - E. Ms. Lee updated the Board regarding Northrop Grumman with recent fee increases to the RAES system.
14. The Board moved into item XV, Written Examinations Committee.
- A. Ms. Lee presented the Board a memorandum regarding Americans with Disabilities Act (ADA) and Canadian Human Rights Act Accommodations Costs.
15. The Board moved into item XVI, Enforcement Committee.
- A. Ms. Cynthia Barber, Enforcement Manager presented dismissals for Board ratification:
 - i. Case No. 02-754;
 - ii. Case No. 03-033;
 - iii. Case No. 03-027;
 - iv. Case No. 02-737;
 - v. Case No. 03-051;
 - vi. Case No. 03-112;
 - vii. Case No. 03-002;
 - viii. Case No. 03-102;
 - ix. Case No. 03-021;
 - x. Case No. 03-050; and
 - xi. Case No. 03-0320

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

- B. xii. Case No. 02-640

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE DISMISSAL. THE MOTION WAS UNANIMOUS WITH DR. HERNANDEZ, MS. ESTRADA AND MR. RENDON ABSTAINING FROM VOTING.

- C. Ms. Barber reviewed the status report.
- D. Ms. Barber discussed the projected time line schedule changes.
- E. Mr. Norbraten presented the Agreed Orders and Proposal for Decision for the Board's approval:

- i. The Board reviewed Agreed Order No. 03-118-3748 in the matter of Stephen T. Bailey, Ed.D.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. ESTRADA TO APPROVE THE AGREED ORDER. THE MOTION WAS UNANIMOUS.

- ii. The Board reviewed Agreed Order No. 03-095-2232 in the matter of Wei-Ning Chang, Ph.D.

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

- iii. The Board reviewed Agreed Order for Eligibility in the matter of Thomas H. Cook, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 02-617-3669 in the matter of Sandra Jean Wixson, Ph.D.

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

- 16. The Board moved into item XVII, Compliance Committee.

- A. Mr. Norbraten reviewed the Agreed Order Compliance List.
17. The Board moved into item XX, Future Items.
- A. Future IFC dates and members set:
 - i. May 12, 2004 – Dr. Hernandez, Dr. Elkins (observer), Mr. Rendon and Mr. Nogueira.
 - ii. July 27 – (Tentative) Mr. Rendon and Ms. Estrada.
18. The Board moved into item XIX, Publications/Public Information Committee.
- A. Ms. Lee discussed changes to the website.
 - B. Ms. Lee reviewed the usage statistics for the website.
19. The meeting was adjourned at 4:19 p.m. by Dr. Hernandez.