

**Psychology Board Minutes**  
**July 31, 2003**

The Texas State Board of Examiners of Psychologists met in Austin, Texas on July 31, 2003. The following Board members were in attendance: Brian Stagner, Ph.D., Chair; Pauline A. Clansy, Ed.D, Vice-Chair; Catherine B. Estrada; Arthur E. Hernandez, Ph.D.; Michael D. Nogueira; Ruben Rendon, Jr., M.S.; M. David Rudd, Ph.D.; and Stephanie Sokolosky, M.P.S. Also in attendance were Sherry L. Lee, Executive Director and Brett Norbraten, General Counsel. The following Board member was absent: Jess Ann Thomason.

THURSDAY, July 31, 2003

1. The meeting was called to order at 9:01 a.m. by Dr. Stagner.
2. The Board moved into Executive Session at 9:02 a.m.

The Board returned to open session at 9:09 a.m.

3. The Board moved to item IV, Minutes.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. RUDD TO APPROVE THE MINUTES FROM THE MAY 15 – 16, 2003 BOARD MEETING. THE MOTION WAS UNANIMOUS.

4. The Board moved to item V, Chair's Report.

A. Dr. Stagner discussed the Board Goals status for this fiscal year.

B. Dr. Stagner stated that the ASPPB has seen a reduction of one-third of candidates taking the EPPP exam, which has had a significant financial impact on the Association.

C. Dr. Stagner informed the Board that the Texas Association of School Psychologists requested that he present the Boards policy on continuing education at their October meeting.

D. Dr. Stagner reported that Polly Sowell in the Governors' Office, stated that the appointment office is not replacing Board Members very quickly.

E. Dr. Stagner reviewed with the Board the handout for out-of-state psychologists.

AFTER DISCUSSION THE BOARD DECIDED TO TABLE THE DISCUSSION REGARDING OUT-OF-STATE PSYCHOLOGISTS AT THIS TIME.

5. The Board moved to item VI, Executive Director's Report.

A. Ms. Lee informed the Board that the licensing staff would be accepting office calls Monday – Friday rather Tuesday and Thursday only.

B. Ms. Lee discussed issues concerning the Health Professions Council (HPC):

i. Our agency had requesting new funding to take on a greater share of the cost for HPC (shared network computer/imaging person), but the Legislature reduced funding for HPC for the next biennium. As a result, our agency will be paying HPC less for the next biennium;

ii. the Office of Patient Protection (OPP) will have to be established through the HPC by January 1, 2004. We will have to raise our application fees by \$5.00 and annual renewal fess by \$1.00. These mandated increased fees are to establish the OPP; and

iii. OPP Board will have a three-member board of public members only. The public members will be taken from the health licensing agencies current board members.

C. Ms. Lee stated that the imaging system upgrades will be minimal due to funding cuts.

D. Ms. Lee stated that the Texas Department of Licensing and Regulation (TDLR) would receive telephone calls from licensees needing to make address changes. TDLR will charge the agencies for this service.

E. Ms. Lee discussed that the HPC has been encouraged by the Auditors' office to actively participate in the mandated study to determine the cost efficiency of outsourcing human resources. This would be a problem for small state agencies, due to the fact that not one certain person does this job. If this service were outsourced we would have to come up with the funding, which means we would have to cut staff.

F. Ms. Lee stated that the HPC would be documenting any cost savings that agencies achieve working together to consolidate services.

G. Ms. Lee discussed the Legal Committee looking at some situations together regarding how felonies relate to the practice of psychology and HIPPA matters.

H. Ms. Lee informed the Board that the agencies that have been through Sunset have been encouraged to use negotiated rule making and dispute mediations. We will wait and see how other agencies implement it, before devising such rules.

I. Ms. Lee discussed the Small State Agency Task Force changes issues that affect small state agencies:

i. small state agencies are no longer required to submit an annual internal audits, only annual risk assessments. One expert indicated that a small state agency should only take 3-4 hours to complete a risk assessment of this nature; and

ii. an outside entity can be hired to do the risk assessment.

J. Ms. Lee informed the Board on the agency computer security issues:

i. executive director computer was hacked into;

ii. several computers had viruses;

iii. no internet technician;

iv. staff getting virus updates daily;

v. staff was trained and informed of internet access, i.e. no downloading, no opening email attachments (only from an official source), no checking personal email; and

vi. firewall was installed.

K. Ms. Lee stated that due to new ethics requirements the agency needs a Board member to assist the staff with ethic requirements.

L. Ms. Lee informed the Board that the Texas Commission on Human Rights would be performing an audit on the agency the first week of October. Costs for this audit are at an hourly rate \$48. It is estimated that for an agency our size, it will take approximately 20 hours to complete the audit.

M. Dr. Stagner asked how we determine what an ethics course is.

**AFTER DISCUSSION DR. STAGNER APPOINTED DR. HERNANDEZ, MR. RENDON AND MS. SOKOLOSKY TO BE THE COMMITTEE TO DEFINE ETHICS.**

N. Ms. Lee discussed a letter received from Amelia S. Kornfeld, Ph.D. regarding continuing education hours.

AFTER DISCUSSION THE BOARD DIRECTED STAFF TO WRITE RESPONSE LETTER.

O. Ms. Lee reviewed the Texas Department of Health information sheet.

P. The Board reviewed letters with regards to the following individuals:

i. Don Goldston, Ph.D. – regarding ethics in continuing education.

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

ii. Diane M. Boudreaux-Kraft, M.S. – regarding internship and post-doctoral hours.

A MOTION WAS MADE BY MR. NOGUEIRA AND SECONDED BY DR. RUDD TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS WITH DR. CLANSY ABSTAINING.

Q. Ms. Lee discussed proposed policy changes:

i. Policy for Refund or Waiver of Late Renewal Fees.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY DR. CLANSY TO APPROVE THE POLICY. THE MOTION WAS UNANIMOUS WITH MR. NOGUEIRA ABSTAINING.

R. The Board reviewed letters with regards to the following individuals:

iii. Harold B. Crasilneck, Ph.D. – regarding refund of late fees.

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

iv. Cynthia de las Fuentes, Ph.D. – regarding refund of late fee.

A MOTION WAS MADE BY MR. NOGUEIRA AND SECONDED BY DR. RUDD TO APPROVE THE DRAFTED REPOSE. THE MOTION WAS UNANIMOUS.

v. Edward P. Friedman, Ph.D. – regarding title of forensic psychologist.

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

vi. Kelley Haynes, Psy.D. – regarding complaint Prometric Testing site.

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

vii. Anna Lisa Holcomb, M.S. – regarding late renewal fees.

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

viii. Frances Kay Johnson – regarding internships.

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

ix. Laura Kaufman, M.Ed. – regarding retirement with pending continuing education complaint.

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

x. JoAnn Mitchell, Ph.D. – regarding supervision.

NO MOTION NEEDED ON THIS ISSUE.

xi. Bert Rakowitz, Ph.D. – regarding internship.

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

xii. Gael Sherman, M.Ed. – regarding staff complaint.

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

S. Ms. Lee discussed policy change:

i. Profiles for Licensed Psychologists.

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

6. The Board moved to item VII, Sunset Task Force.

A. Ms. Lee presented the draft biographies for board members, and noted that changes need to be turned in before August 18th.

B. Ms. Lee presented the drafted Self Evaluation Report to the Sunset Commission.

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

A. Ms. Lee reviewed legislation that was presented the fiscal year:

i. subpoena power effective September 1, 2003;

ii. HB 660 Fingerprinting on applicant;

iii. HB 279 TDLR licensees changing address;

iv. HB 1166 same as HB 279;

v. HB 2985 Office of Patient Protection;

vi. HB 3442 Outsourcing Human Resources;

vii. HB 2485 performing Annual Risk Assessment;

viii. HB 2292 combining Health and Human Services;

8. The Board moved into item IX, Psychological Associate Advisory Committee Report.

A. Ms. Sokolosky stated that the PAAC committee might not be continued after Sunset.

9. The Board moved into item X, Rule Committee.

A. The Board reviewed the Proposed Rules:

i. The Board reviewed proposed amendments to Board rule §463.13, Requirements for Experienced Out-of-State Applicants.

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

ii. The Board reviewed proposed repeal to Board rule §471.2, Renewal Forms.

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

iii. The Board reviewed proposed new rule to Board rule §471.2, Renewal Forms.

A MOTION WAS MADE BY DR. RUDD AND MS. SOKOLOSKY TO APPROVE THE NEW RULE. THE MOTION WAS UNANIMOUS.

iv. The Board reviewed proposed amendments to Board rule §473.1, Application Fees (Not Refundable).

A MOTION WAS MADE BY DR. HERNANDEZ AND SECONDED DR. RUDD TO APPROVE THE PROPOSED AMENDMENTS. THE MOTION WAS UNANIMOUS.

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

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

vi. The Board reviewed proposed amendments to Board rule §463.25, Foreign Graduates.

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

B. The Board reviewed Rules for Adoption.

i. The Board reviewed the amendments to Board rule §463.11, Licensed Psychologists.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MR. NOGUEIRA TO ADOPT AMENDMENTS TO BOARD RULE §463.11. THE MOTION WAS UNANIMOUS.

ii. The Board reviewed the new Board rule §463.20, Refunds of Application and Examination Fees.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. SOKOLOSKY TO ADOPT NEW BOARD RULE §463.20 WITH CHANGES. THE MOTION WAS UNANIMOUS.

iii. The Board reviewed the amendments to Board rule §469.1, Timeliness of Complaints.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. RUDD TO ADOPT AMENDMENTS TO BOARD RULE §469.1. THE MOTION WAS UNANIMOUS.

iv. The Board reviewed the amendments to Board rule §469.3, Standardized Complaint Form.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. RUDD TO ADOPT AMENDMENTS TO BOARD RULE §469.3. THE MOTION WAS UNANIMOUS.

v. The Board reviewed the amendments to Board rule §469.4, Complaint Investigation.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. ESTRADA TO ADOPT AMENDMENTS TO BOARD RULE §469.4. THE MOTION WAS UNANIMOUS.

vi. The Board reviewed the amendments to Board rule §469.5, Complaint Disposition.



A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. ESTRADA TO ADOPT AMENDMENTS TO BOARD RULE §469.5. THE MOTION WAS UNANIMOUS.

vii. The Board reviewed the amendments to Board rule §469.6, Temporary Suspension of a Licensure.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. SOKOLOSKY TO ADOPT AMENDMENTS TO BOARD RULE §469.6. THE MOTION WAS UNANIMOUS.

viii. The Board reviewed the amendments to Board rule §469.7, Persons with Criminal Backgrounds.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. ESTRADA TO ADOPT AMENDMENTS TO BOARD RULE §469.7. THE MOTION WAS UNANIMOUS.

ix. The Board reviewed the amendments to Board rule §469.8, Rehabilitation Guidelines.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. RUDD TO ADOPT AMENDMENTS TO BOARD RULE §469.8. THE MOTION WAS UNANIMOUS.

viii. The Board reviewed the amendments to Board rule §469.13, Non-compliance with Continuing Education Requirements.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. SOKOLOSKY TO ADOPT AMENDMENTS TO BOARD RULE §469.13. THE MOTION WAS UNANIMOUS.

ix. The Board review the amendment to Board rule §469.14, Monitoring of Licensees.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. SOKOLOSKY TO ADOPT AMENDMENTS TO BOARD RULE §469.14. THE MOTION WAS UNANIMOUS.

x. The Board reviewed the amendments to Board rule §469.15, Disciplinary Action for Persons with Dual Licensure.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY DR. CLANSY TO ADOPT AMENDMENTS TO BOARD RULE §469.15. THE MOTION WAS UNANIMOUS.

C. The Board reviewed the adoption of Rule Review:

i. Chapter 463, Applications and Examinations, Board rules §463.16-§463.29 and Chapter 469, Complaint Enforcement.

A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE ADOPTION OF RULE REVIEW. THE MOTION WAS UNANIMOUS.

10. The Board moved to item XII, Legal Matters.

A. Mr. Norbraten presented the Board with response letter to Dr. Richard Rogers regarding the differences in the 2002 APA Ethics Code and Board Rule §465.22.

B. The Board reviewed a letter with regards to license status:

i. Russell L. Adams, Ph.D. – inactive status.

AFTER DISCUSSION REGARDING THIS MATTER, A MOTION WAS MADE BY DR. RUDD AND SECONDED BY MR. NOGUEIRA TO APPROVE THE DRAFTED RESPONSE WITH CHANGES. THE MOTION WAS UNANIMOUS.

11. The Board moved to item XI, Budget Committee.

A. Ms. Lee reviewed the 3rd Quarter Performance Measures.

B. Ms. Lee reviewed the 3rd Quarter Operating Budget.

C. Ms. Lee discussed the Appropriations Bill for FY 2004 and 2005.

D. Ms. Lee reviewed the agency's follow-up to the 2003 Internal Audit.

12. The Board moved to item XIII, Technology Committee.

A. Ms. Lee reviewed the online renewal statistics.

B. Ms. Lee updated the Board regarding online profiles:

i. profile application will be moved into production for licensees and agency users on August 17;

ii. public access will be added on January 1, 2004;

iii. DIR recommending all psychologists enter their profile information now, but the agency will not require it until their renewal month; and

iv. Renewal forms will include a question asking if the licensed psychologist has updated the profile information online. This question will be included in October 2003 renewals.

C. Ms. Lee informed the Board that the Roster is now available online and that the agency has received four complaints regarding home address being more accessible to the public. Ms. Lee stated that this information was available before the Roster was online.

D. Ms. Lee informed the Board regarding the numerous website changes and updates.

13. The Board moved to item XIV, Oral Examination Committee.

A. Dr. Hernandez presented items for consideration regarding oral exams:

i. revising information that the agency provides to candidates;

ii. review vignettes on a bi-annual basis;

iii. when a second split decisions has been made on a oral exam candidate, the examiners should consult with a Board Member before finalizing their decision; and

iv. recommend when a second exam results in a split that exams and audio recordings be reviewed by the examination committee that will determine the outcome of pass or fail.

B. Dr. Hernandez stated that new examiners must observe the oral examination process as part of their orientation prior to actually administering an oral exam.

C. Dr. Hernandez discussed that experienced examiner names will be added to the pools of examiners to be reoriented at least ever other oral examination.

D. Dr. Hernandez stated that what they tried to emphasize to the examiners was that the Board is looking for entry-level proficiency.

14. The Board moved into item XV, Written Examination Committee.

A. Mr. Rendon stated the Written Exam Committee met on June 2, 2003 reviewed the Jurisprudence Exam and made some changes.

B. Mr. Rendon stated the Committee questioned the reasoning behind the high cut off score. Dr. Rudd informed the Board that the reasoning for the high score was because the exam was open book.

15. The Board moved into item XVI, Enforcement Committee.

A. Ms. Cynthia Barber, Enforcement Manager reviewed the Status Report.

B. Ms. Barber discussed the projected time line schedule change.

C. Ms. Barber presented dismissal for Board ratification:

i. Case No. 03-056-11243;

ii. Case No. 03-010-6080;

iii. Case No. 03-016-2264;

iv. Case No. 02-741-2264;

v. Case No. 03-018-11009;

vi. Case No. 03-038-4330;

vii. Case No. 02-663-1822;

viii. Case No. 03-058-3192;

ix. Case No. 02-625-4553;

x. Case No. 02-749-6750;

xi. Case No. 03-009-9757; and

xii. Case No. 03-003-12164

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

D. Mr. Norbraten presented the Agreed Orders and Proposal for Decision for the Board's approval:

i. The Board reviewed Agreed order No. 03-047-10024 in the matter of Edward D. Baker, Ph.D.

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

ii. The Board reviewed Agreed order No. 02-628-5838 in the matter of Kathryn J. Foster, Ph.D.

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

iii. The Board reviewed Agreed order No. 02-626-6790 in the matter of Pamela B. Grossman, Ph.D.

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

iv. The Board reviewed Agreed order No. 01-524-3539 in the matter of Sharry L. Tipps, Ph.D.

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

v. The Board reviewed Agreed order No. 02-710-4734 in the matter of Richard Lee Wall, Ph.D.

A MOTION WAS MADE BY DR. CLANSY AND SECONDED BY DR. RUDD TO APPROVE THE AGREED ORDER. THE MOTION CARRIED UNANIMOUSLY WITH MR. NOGUEIRA AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

E. The Board discussed that the next Informal Conference would be held Wednesday, November 5, 2003 with Dr. Clansy, Ms. Estrada and Ms. Sokolosky attending the meetings with Mr. Rendon as an alternate.

16. The Board moved into item XXI, Compliance Committee.

A. Mr. Norbraten discussed the Compliance list.

17. The Board moved into item XX, Future Issues.

A. Discuss out-of-state candidates.

18. The Board moved into item XXI, Election of Board Officers.

MS. SOKOLOSKY NOMINATED DR. HERNANDEZ FOR CHAIR. THE NOMINATION WAS SECONDED BY DR. RUDD. DR. HERNANDEZ WAS ELECTED CHAIR BY ACCLAMATION.

MS. ESTRADA NOMINATED DR. CLANSY FOR VICE-CHAIR. DR. CLANSY WAS ELECTED VICE-CHAIR BY ACCLAMATION.

19. The meeting was adjourned at 4:23 p.m. by Dr. Stagner.