

Psychology Board Minutes
May 13, 2004

The Texas State Board of Examiners of Psychologists met in Austin, Texas on May 13, 2004. The following Board members were in attendance: Arthur E. Hernandez, Ph.D., Chair; Gary R. Elkins, Ph.D.; Catherine B. Estrada; Michael D. Nogueira; Ruben Rendon, Jr., M.S.; Carl E. Settles, 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: Pauline A. Clansy, Ed.D., Vice-Chair.

THURSDAY, May 13, 2004

1. The meeting was called to order at 9:36 a.m. by Dr.

Hernandez.

2. The Board moved to Item III, Executive Session at 9:37 a.m.

The Board returned to open session at 10:07 a.m.

3. The Board moved to item IV, Minutes.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. ELKINS TO APPROVE THE MINUTES FROM THE FEBRUARY 4, 2004 BOARD MEETING WITH CHANGES. THE MOTION WAS UNANIMOUS.

4. The Board moved to ratify item discussed during Executive Session.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MS. SOKOLOSKY TO RATIFY AN AGREED ORDER FROM EXECUTIVE SESSION. THE MOTION WAS UNANIMOUS WITH MR. NOGUEIRA ABSTAINING.

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

A. Ms. Lee discussed the Board Goals for FY 2004.

B. Ms. Lee stated that the Governor's Office would appoint a new public member.

- C. Ms. Lee requested that Board members complete the Executive Director's evaluations and turn into Dr. Hernandez or Brian Creath.
 - D. Ms. Lee discussed the memorial notice for Jess Ann Thomason that will be in the next online newsletter.
 - E. Ms. Lee presented an overview of the types of supervision for licensees.
 - F. Ms. Sokolosky discussed supervision problems for trainees in rural areas. Ms. Sokolosky will check with the TASP database on geographic location of LPAs.
6. The Board moved to item VI, ASPPB Issues and Meetings.
- A. Ms. Lee discussed the Board supporting CPQ.
 - B. Ms. Lee stated that the Board had appointed Dr. Clansy to be the liaison with ASPPB.
7. The Board moved to item VII, Executive Director's Report.
- A. Ms. Lee stated that Mr. Charles Horton was appointed the administrator for the Office of Patient Protection.
 - B. Ms. Lee discussed consolidation of services.
 - C. Ms. Lee reviewed the Risk Management Audit.
 - D. Ms. Lee reviewed the Texas Human Rights Audit which states that the agency has now met standards. The cost of this audit was \$3,000.
 - E. Ms. Lee reviewed with the Board the Interagency Cooperation Contract between our agency and the Funeral Service Commission, which would contract Jennifer Noack to perform accounting services. Brenda Skiff and Kay Bradford will assist in additional duties.

A MOTION WAS MADE BY MR. NOGUEIRA AND SECONDED BY DR. SETTLES TO APPROVE THE INTERAGENCY COOPERATION CONTRACT. THE MOTION WAS UNANIMOUS.

- F. Ms. Lee reviewed the FY 2003 Customer Service Surveys.
- G. Ms. Lee discussed response to Dr. Donna Milburn regarding Respondent Survey form.

H. Ms. Lee reviewed the Agency Strategic Plan.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY DR. SETTLES TO APPROVE THE AGENCY STRATEGIC PLAN FOR FISCAL YEARS 2005 – 2009.

8. The Board moved to item VIII, Sunset Task Force.

A. Ms. Lee reviewed the proposed article for online newsletter.

B. Melissa Arne from the Sunset Commission stated that the final hearing will be held in November 2004.

C. Ms. Lee presented to the Board a summary of the March 23, 2004 Sunset Advisory Commission. Dr. Hernandez thanked everyone that had attended that hearing.

D. Ms. Lee reviewed a letter sent by the agency to Representative Burt Solomons, Chair of the Sunset Advisory Commission regarding Northrup Grumman's increased charges to the agency and the effect of this on the Commission's recommendations.

E. Ms. Lee stated that before the Sunset Advisory meeting she, Jennifer Noack and Brett Norbraten met with Senator Jackson's aide to review some of the Sunset findings.

The Board recessed for a break at 11:04 a.m.

The Board reconvened from break at 11:18 a.m.

9. The Board moved to item VII, Executive Director's Report.

A. The Board reviewed letters to the following individuals:

i. W.R. Allberg, Ph.D. – regarding psychological services in schools.

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

ii. Linda Felini-Smith, Ph.D. – regarding online renewal receipt.

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY DR. ELKINS TO APPROVE THE DRAFTED RESPONSE. THE MOTION WAS UNANIMOUS, WITH MR. NOGUEIRA VOTING NO.

iii. Ron Hughes, Ph.D. – regarding releasing raw psychological test data.

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

iv. Steven Huprich, Ph.D. – regarding supervision.

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

v. Laura Kaufman, M.Ed. – regarding license status.

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

vi. Jackie Lee, M.A. – regarding clarification on becoming a Licensed Specialist in School Psychology.

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

vii. Mark MacMillin, Psy.D. – regarding temporary privileges.

A MOTION WAS MADE BY DR. ELKINS AND SECONDED BY DR. SETTLES TO APPROVE THE DRAFTED REPOSE. THE MOTION WAS UNANIMOUS WITH MS. ESTRADA AND MR. NOGUEIRA VOTING NO.

viii. Kathi O. Silver, Ph.D. – regarding

passing of the Jurisprudence Exam.

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

- ix. Kathy Sperry, Ph.D. – regarding waive late renewal fees.

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

- x. Victor Kagan, Ph.D. – regarding offering psychological services from home.

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

- xi. Brenda Stady – regarding releasing test results to minors.

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

- xii. Karen C. Truesdell, Ph.D. – regarding the resources for Jurisprudence Exam.

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

- xiii. Harold B. Crasilneck, Ph.D. – regarding continuing education requirements.

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

ix. Michelle Lynskey, Ph.D. – regarding ethics for
I/O psychologists.

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

The Board recessed for lunch at 12:37 p.m.

The Board reconvened from lunch at 2:07 p.m.

C. Ms. Lee discussed policy changes:

i. Temporary suspension Proceedings.

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

ii. Classification of Board Sanctions.

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

iii. Open Records.

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

10. The Board moved to item X, Psychological Associate Advisory Committee Report.

A. Ms. Sokolosky presented to the Board a letter from the PAAC. Dr. Hernandez recommended writing a letter of appreciation to the PAAC and correct misinterpretation.

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. SOKOLOSKY TO APPROVE A LETTER TO BE SENT TO THE PAAC. THE MOTION WAS UNANIMOUS.

11. The Board moved to Item XI, Rules Committee.

A. The Board reviewed the Proposed Rules:

- i. The Board reviewed proposed amendments to Board rule 463.14, Written Examinations.

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

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

A MOTION WAS MADE BY MR. NOGUEIRA 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 473.3, Annual Renewal Fees (Not Refundable).

A MOTION WAS MADE BY MR. RENDON AND SECONDED BY SOKOLOSKY TO APPROVE THE ADOPTED AMENDMENTS TO BOARD RULE 473.3 WITH CHANGES. THE MOTION WAS UNANIMOUS.

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

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY MR. RENDON TO APPROVE THE ADOPTED AMENDMENTS TO BOARD RULE 473.5. THE MOTION WAS UNANIMOUS.

12. The Board moved to item XII, Budget Committee.
 - A. Ms. Lee reviewed 2nd Quarter Performance Measures.
 - B. Ms. Lee discussed agency budget structure.
 - C. Ms. Lee reviewed items that were discussed with Robert Ruiz, LBB Budget Analyst.
 - D. Ms. Lee reviewed the summarized Legislative Appropriation Requests for fiscal years 2006-2007.

A MOTION WAS MADE BY DR. SETTLES AND SECONDED BY MR. NOGUEIRA TO APPROVE THE ADMINISTRATOR'S STATEMENT. THE MOTION WAS UNANIMOUS.

- E. Ms. Noack discussed the Appropriated Budget.
13. The Board moved to item XIV, Technology Committee.
 - A. Ms. Lee presented to the Board the online renewal statistics.
 - B. Ms. Lee discussed paper profiles versus profiles entered by staff.
 - C. Ms. Lee stated the consolidation efforts for fiscal year 2004.
 - D. Ms. Lee discussed status of conversion of paper renewals to postcard reminders.
 - E. Ms. Lee discussed the letter to DIR regarding increased costs for maintenance on the computer system.

The Board recessed for a break at 3:11 p.m.

The Board reconvened from break at 3:21 p.m.

14. The Board moved to item XVII, Enforcement Committee.
 - A. Ms. Cynthia Barber, Enforcement Manager presented dismissals for Board ratification:

- i. Case No. 01-516-10562;
- ii. Case No. 03-006-10562; and
- iii. Case No. 02-562-10562

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

- iv. Case No. 03-035-2164;
- v. Case No. 03-115-3855;
- vi. Case No. 03-075-3857;
- vii. Case No. 03-101-6843;
- viii. Case No. 03-081-10017;

- ix. Case No. 03-082-4911;
- x. Case No. 03-100-2792;
- xi. Case No. 03-090-2875;
- xii. Case No. 03-022-3089;
- xiii. Case No. 03-093-4626; and
- xiv. Case No. 03-098-1927

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

- xv. Case No. 03-028-6912; and
- xvi. Case No. 02-750-4024

A MOTION WAS MADE BY MS. ESTRADA AND SECONDED BY MS. SOKOLOSKY TO APPROVE THE DISMISSALS. THE MOTION WAS

UNANIMOUS WITH DR. SETTLES AND MS. SOKOLOSKY ABSTAINING FROM VOTING.

- B. Ms. Barber reviewed the status report.
- C. Ms. Barber discussed the projected time line schedule changes.
- D. Mr. Norbraten presented the Agreed Orders and Proposal for Decision for the Board's approval:
 - i. The Board reviewed Agreed Order No. 02-762-417 in the matter of Sidney Epperson, Ph.D.

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

- ii. The Board reviewed Agreed Order No. 02-766-5150 in the matter of M. Gayle Griffin, Psy.D.

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

- iii. The Board reviewed Agreed Order No. 03-079-4155 in the matter of A. Swen Helge, Ph.D.

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

- iv. The Board reviewed Agreed Order No. 03-052-2694 in the matter of Victor N. Hirsch, Ph.D.

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

- v. The Board reviewed Agreed Order No. 02-747-4272 in the matter of Richard Paul Krummel, Ph.D.

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

- vi. The Board reviewed Agreed Order No. 03-076-3275 in the matter of Linda L. Rayha, Ph.D.

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

- vii. The Board reviewed Agreed Order No. 02-708-4757 in the matter of Stephen Westmoreland, Ed.D.

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

- E. Ms. Barber discussed the Texas Department of Insurance meeting with enforcement managers from several agencies concerning procedures for fraud. This group will develop a Memo of Understanding to share information if another agency is investigating a licensee. The group will meet quarterly.

15. The Board moved to item XVIII, Compliance Committee.

- A. Mr. Norbraten reviewed the Agreed Order Compliance List.

16. The Board moved to item XIX, Applications Committee.

- A. Ms. Lee presented a form to be used by staff to evaluate applicants or licensees who have an arrest or conviction.

17. The Board moved to item XX, Publications/Public Information Committee.

- A. Ms. Lee reviewed the usage statistics for the website.

- B. Ms. Lee discussed changes to the website.
18. The Board moved to item XV, Oral Examination Committee.
- A. Dr. Elkins recommended the following changes to the Vignette's:
 - i. Vignette #11 be retired;
 - ii. School Vignette's #1, #2, #5 be changed;
 - iii. Counseling Vignette's #9, #12 be changed; and
 - iv. Clinical Vignette #12 be changed.

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

19. The Board moved to Future Item's:
- A. Dr. Hernandez stated that he would not be available for the Oral Exams and recommended that Dr. Clansy, Vice Chair attend (schedule permitting). Dr. Elkins stated that he could attend also.
 - B. Ms. Lee stated that the Written Examination Committee will be meeting in June 2004.
 - C. Dr. Settles recommended that the Board Members who attend an IFC meeting be granted continuing education hours.
 - D. July 2004 IFC attendee's will be Ms. Estrada, Ms. Sokolosky and possibly Dr. Elkins.
20. The meeting was adjourned at 4:16 p.m. by Dr. Hernandez.