

Psychology Board Minutes November 1-2, 2001

The Texas State Board of Examiners of Psychologists met in Austin, Texas on November 1-2, 2001. The following Board members were in attendance: M. David Rudd, Ph.D., Chair; Brian Stagner, Ph.D., Vice-Chair; Barry E. Dewlen, Ph.D.; Ruben Rendon, Jr., M.S.; Nelda Smith, M.A.; Stephanie Sokolosky, M.P.S.; and Emily G. Sutter, Ph.D. Also in attendance were Sherry L. Lee, Executive Director, and Brett Norbraten, General Counsel. Ms. Karla Hayes was not in attendance.

THURSDAY, NOVEMBER 1, 2001

1. The meeting was called to order at 9:00 a.m. by Dr. Rudd.
2. The Board moved into Item II, Public Comments.
There was no public comment.
3. The Board moved into Item III, Executive Session, to seek legal advice pursuant to Title 5, Chapter 551, Government Code, §551.071.
The Board went into Executive Session at 9:02 a.m.
The Board returned to open session at 9:55 a.m.
4. The Board moved into Item IV, Minutes.
A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY MR. RENDON TO APPROVE THE MINUTES FROM THE AUGUST 16-17, 2001 BOARD MEETING. THE MOTION CARRIED WITH DR. DEWLEN, MS. SMITH, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.
The Board reviewed its Unfinished Business list from the August 16-17, 2001 Board meeting.
5. The Board moved into Item V, Presentation by the Texas Psychological Association.

At the Board's request representatives from the Texas Psychological Association (TPA) were in attendance to address licensure issues and concerns with the Board.

- A. David White, CAE, Executive Director - Mr. White spoke regarding reciprocity concerns, and hurdles created by requiring an Oral Examination.
- B. Sam J. Buser, Ph.D., President - Dr. Buser spoke regarding the lack of flexibility of psychologists in becoming Licensed Specialists in School Psychology (LSSPs). Dr. Buser expressed concern over masters level psychologists obtaining independent practice. Dr. Buser noted that the TPA Taskforce for Sunset 2005 has been established.

- C. Dee Yates, Ph.D., President-Elect Designate - Dr. Yates will serve as president of TPA in 2003. Dr. Yates discussed the issue of prescription privileges for psychologists.
6. The Board moved into Item VI, Chair's Report.
- A. After discussion the Board decided to request minutes from TPA's Sunset Task Force meetings. Relevant issues from the minutes will be placed on future Board meeting agendas under the Chair's Report.
 - B. The Board reviewed its Fiscal Year 2002 Board Goals/Performance Measures.
 - C. Dr. Rudd informed the Board that Ms. Betty Ray resigned due to medical reasons. The Board discussed how to acknowledge Ms. Ray's service on the Board.
 - D. The Board discussed issues pertaining to the National Register. Dr. Rudd gave directive to the staff to send a response stating that the Board has considered use of the National Register but will not be participating at this time.
 - E. The Board discussed Association of State and Provincial Psychology Boards (ASPPB)/Certificate of Professional Qualification in Psychology (CPQ) issues. The Board decided to leave the issue of CPQ pending until the January 2002 Board meeting.
 - F. The Board reviewed its attendance at various meetings.
 - i. Dr. Stagner updated the Board on the ASPPB meeting in Quebec.
 - ii. Dr. Rudd and Dr. Stagner will serve as delegates to the ASPPB Mid-Winter meeting in Orlando, Florida in February 2002.
 - iii. Dr. Sutter updated the Board on the Texas Association of School Psychologists (TASP) meeting.
 - iv. Dr. Stagner attended the TPA Task Force Meeting on Telehealth.
 - G. The Board reviewed the handout on Committee Assignments and Duties.
7. The Board moved into Item VII, Executive Director's Report.
- A. Ms. Lee updated the Board on office operations and personnel issues.
 - i. Ms. Lee discussed the management letter from the State Auditor's Office concerning their recent audit of the agency. The Board reviewed the agency's response letter to the State Auditor's Office.
 - ii. Ms. Lee updated the Board on recent meetings which staff has attended.
 - iii. Ms. Lee informed the Board of the recent addendum to the agency's Personnel Manual concerning Conditions of Employment - Phone Usage.
 - B. Ms. Lee discussed current issues pertaining to the Health Professions Council (HPC) and Small State Agency Task Force.

- C. Ms. Lee reviewed the memorandum requiring each agency to appoint an internal auditor. Ms. Lee stated that proposals had been sent out to contract with an auditor. The Board must first approve the auditor selected by the agency.
- D. Ms. Lee updated the Board on the Customer Service Survey procedures.
- E. Ms. Lee discussed the agency's internal procedures for handling suspicious mail.

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

- i. Judy Embry, Ph.D. - regarding the maintenance of records in a shared service.

A MOTION WAS MADE BY DR. STAGNER AND SECONDED BY DR. DEWLEN TO APPROVE THE DRAFTED RESPONSE. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.

- ii. S. Bridget Maloney - regarding "holding" therapy.

A MOTION WAS MADE BY DR. DEWLEN AND SECONDED BY DR. SUTTER TO APPROVE THE DRAFTED RESPONSE. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.

- iii. Ana Maria Moreno - regarding the Jurisprudence Examination.

A MOTION WAS MADE BY DR. DEWLEN AND SECONDED BY MR. RENDON TO APPROVE THE DRAFTED RESPONSE WITH MODIFICATIONS. THE MOTION CARRIED WITH MS. SMITH, MS. SOKOLOSKY, DR. STAGNER, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.

- iv. Lisa Morris, M.S., Laura Starzer, M.A., Christine Gonzalez, M.S., and Julanne Groezinger, M.S. - regarding informed consent in the public school setting.

A MOTION WAS MADE BY DR. DEWLEN AND SECONDED BY MS. SMITH TO APPROVE THE DRAFTED RESPONSE. THE MOTION CARRIED WITH MR. RENDON, MS. SOKOLOSKY, DR. STAGNER, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.

- v. Kimberly McCarthy Teschendorf - regarding CEUs required for renewal of licensure.

A MOTION WAS MADE BY DR. DEWLEN AND SECONDED BY MR. RENDON TO APPROVE THE DRAFTED RESPONSE WITH MODIFICATIONS. THE MOTION CARRIED WITH

MS. SMITH, MS. SOKOLOSKY, DR. STAGNER, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.

- G. Ms. Lee presented the proposed policies for the Board's review.
- i. The Board reviewed the Policy on Division of Responsibilities between Board and Staff.
A MOTION WAS MADE BY MS. SMITH AND SECONDED BY MR. RENDON TO APPROVE THE POLICY. THE MOTION CARRIED WITH DR. DEWLEN, MS. SOKOLOSKY, DR. STAGNER, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.
 - ii. The Board reviewed the Policy on Criminal Record Checks.
A MOTION WAS MADE BY DR. DEWLEN AND SECONDED MS. SOKOLOSKY TO APPROVE THE POLICY. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, DR. STAGNER, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.
8. The Board moved into Item VIII, Publications/Public Information Committee.
- A. Ms. Smith reviewed the web site statistics with the Board, noting that September's statistics were unusually high due to the NIMDA virus.
 - B. The Board was presented a copy of the revised handbook entitled Public Information on Investigation of Complaints.
9. The Board moved into Item X, Rules Committee.
- A. Dr. Sutter reviewed proposed new Board rule §461.17, Profile Information.
A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY MS. SMITH TO PROPOSE NEW BOARD RULE §461.17. THE MOTION CARRIED WITH DR. DEWLEN, MR. RENDON, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.
 - B. Dr. Sutter reviewed proposed amendments to Board rule §463.2, Application Process.
A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY DR. DEWLEN TO PROPOSE THE AMENDMENTS TO BOARD RULE §463.2. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.
 - C. Dr. Sutter reviewed proposed amendments to Board rule §463.14, Written Examinations.
A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY MS. SMITH TO PROPOSE THE AMENDMENTS TO BOARD RULE §463.14. THE MOTION CARRIED WITH DR. DEWLEN, MR.

RENDON, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.

- D. Dr. Sutter reviewed proposed amendments to Board rule §465.18, Forensic Services.
A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY MS. SOKOLOSKY TO PROPOSE THE AMENDMENTS TO BOARD RULE §465.18 WITH MODIFICATIONS. THE MOTION CARRIED WITH DR. DEWLEN, MR. RENDON, MS. SMITH, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.
- E. Dr. Sutter reviewed proposed amendments to Board rule §465.22, Psychological Records, Test Data and Test Protocols.
A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY DR. DEWLEN TO PROPOSE THE AMENDMENTS TO BOARD RULE §465.22. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.
- F. Dr. Sutter reviewed proposed amendments to Board rule §465.33, Improper Sexual Conduct.
A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY DR. DEWLEN TO PROPOSE THE AMENDMENTS TO BOARD RULE §465.33. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.
- G. Dr. Sutter reviewed the proposed Rule Review Plan with the Board.
A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY DR. DEWLEN TO PROPOSE THE RULE REVIEW PLAN. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.
- H. Dr. Sutter reviewed the amendments to Board rule §461.11, Continuing Education.
A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY DR. DEWLEN TO ADOPT THE AMENDMENTS TO BOARD RULE §461.11 AND ACCEPT THE ORDER ADOPTING THE RULE. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.
- I. Dr. Sutter reviewed the amendments to Board rule §463.5, Application File Requirements.
A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY DR. DEWLEN TO ADOPT THE AMENDMENTS TO BOARD RULE

§463.5 AND ACCEPT THE ORDER ADOPTING THE RULE. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.

- J. Dr. Sutter reviewed the amendments to Board rule §463.11, Licensed Psychologist.

A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY MS. SMITH TO ADOPT THE AMENDMENTS TO BOARD RULE §463.11 AND ACCEPT THE ORDER ADOPTING THE RULE. THE MOTION CARRIED WITH DR. DEWLEN, MR. RENDON, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.

- K. Dr. Sutter reviewed the amendments to Board rule §463.18, Failing Written/Oral Examinations.

A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY MR. RENDON TO ADOPT THE AMENDMENTS TO BOARD RULE §463.18 AND ACCEPT THE ORDER ADOPTING THE RULE. THE MOTION CARRIED WITH DR. DEWLEN, MS. SMITH, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.

- L. Dr. Sutter reviewed the amendments to Board rule §463.19, Time Limit on Examination Failures and Passing Scores.

A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY DR. DEWLEN TO ADOPT THE AMENDMENTS TO BOARD RULE §463.19 AND ACCEPT THE ORDER ADOPTING THE RULE. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.

- M. Dr. Sutter reviewed the amendments to Board rule §465.4, Employment of Individuals Not Licensed by This Board.

A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY DR. DEWLEN TO ADOPT THE AMENDMENTS TO BOARD RULE §465.4 AND ACCEPT THE ORDER ADOPTING THE RULE. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. STAGNER VOTING IN FAVOR OF THE MOTION.

10. The Board moved into Item XVIII, Applications Committee.

- A. Dr. Dewlen reviewed the Applications for Board Review and/or Approval, noting that all of the applicants have met the requirements of the Board. A list of the applicants is attached hereto and made a part of these minutes.

A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY MS. SMITH TO APPROVE THE APPLICANTS FOR LICENSURE. THE MOTION CARRIED WITH DR. DEWLEN, MS. SMITH, AND MS. SOKOLOSKY VOTING IN FAVOR OF THE MOTION. DR. STAGNER WAS NOT PRESENT FOR THE VOTE.

- B. The Board reviewed the Policy for Review of License Applications. A MOTION WAS MADE BY MS. SMITH AND SECONDED BY DR. DEWLEN TO APPROVE THE POLICY. THE MOTION CARRIED WITH WITH MR. RENDON, MS. SOKOLOSKY, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION. DR. STAGNER WAS NOT PRESENT FOR THE VOTE.
 - C. The Board reviewed the Procedures for Application Approval by Applications Committee.
11. The Board moved into Item XI, Budget Committee.
- A. Ms. Jennifer Noack, Fiscal Benefits Manager, presented the agency's Fiscal Year 2002 Operating Budget.
 - B. Ms. Lee reviewed the quarterly performance report with the Board.
12. The Board moved into Item XIV, Oral Examination Committee.
- A. Dr. Stagner reviewed the proposed modification of Clinical Vignettes 16, 17, 18, and 20, and Counseling Vignette 15. A MOTION WAS MADE BY DR. STAGNER AND SECONDED BY DR. SUTTER TO APPROVE THE PROPOSED MODIFICATIONS. THE MOTION CARRIED WITH DR. DEWLEN, MR. RENDON, MS. SMITH, AND MS. SOKOLOSKY VOTING IN FAVOR OF THE MOTION.
 - B. The Board discussed issues concerning the usefulness of the Oral Examination. After discussion the Board gave directive to Dr. Stagner to develop options concerning increasing the frequency of the Oral Examination.
13. The Board moved into Item XV, Written Examination Committee.
- A. Ms. Lee updated the Board on the computerization of the EPPP.
 - B. Ms. Lee reviewed the status of the Jurisprudence Examination with the Board.
14. The Board moved into Item XIX, Legislative Committee.
- A. Ms. Lee discussed issues from the Attorney General's training held in September 2001.
15. The meeting was recessed at 4:57 p.m. by Dr. Rudd.

FRIDAY, NOVEMBER 2, 2001

16. The Board reviewed the summary of the Executive Director's evaluation.
17. The Board moved into Item IX, Psychological Associate Advisory Committee (PAAC) Report.
 - A. Pamela T. Parsons, M.A., and Wendy L. Buchanan Jones, M.Ed., representatives of the PAAC, presented the Board with research concerning Psychological Associate privileges and licensing requirements in the state of Texas. Ms. Buchanan Jones noted that the PAAC will be bringing a proposal to the January 24-25, 2002 Board meeting.
 - B. Ms. Sokolosky reviewed the summary of the PAAC evaluation.
18. The Board untabled Item XIV, Oral Examination Committee.
 - A. Dr. Stagner proposed the revisions to the Oral Examination Brochure. A MOTION WAS MADE BY DR. STAGNER AND SECONDED BY MS. SMITH TO APPROVE THE REVISIONS TO THE BROCHURE. THE MOTION CARRIED WITH DR. DEWLEN, MR. RENDON, MS. SOKOLOSKY, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.
19. The Board moved into Item XIII, Technology Committee.
 - A. Ms. Lee reviewed the status of Senate Bill 187 and Senate Bill 645.
 - B. Ms. Lee updated the Board on recent meetings of the Steering Committee and Profile Subcommittee.
 - C. Dr. Rudd informed the Board that TPA has formed a Teletherapy workgroup. Dr. Rudd expressed interest in serving as a liaison to the workgroup. A MOTION WAS MADE BY DR. STAGNER AND SECONDED BY DR. DEWLEN TO APPOINT DR. RUDD AS A LIAISON TO THE TELETHERAPY WORKGROUP. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.
 - D. D. Dr. Rudd presented a sample survey for licensees concerning e-mail updates.
20. The Board moved into Item XVI, Enforcement Committee.
 - A. Ms. Vicky White, Enforcement Manager, presented the Projected Time Schedule Changes for the Board's approval. A MOTION WAS MADE BY MS. SMITH AND SECONDED BY DR. STAGNER TO APPROVE THE PROJECTED TIME SCHEDULE CHANGES. THE MOTION CARRIED WITH MR. RENDON, MS. SOKOLOSKY, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION. DR. DEWLEN WAS NOT PRESENT FOR THE VOTE.

- B. Ms. White presented the status report for the Board's review. After discussion of the status report, the Board asked that information on CE complaints and substantive complaints be included on the status report.
- C. Ms. White provided the Board a list of complaints and Continuing Education violations handled at the Staff Dismissal Meeting held on October 31, 2001. A copy of the case summaries from the Staff Dismissal Meeting and a listing of all cases involved is attached hereto and made a part of these minutes.

A MOTION WAS MADE BY DR. STAGNER AND SECONDED BY MR. RENDON TO RATIFY THE RATIFY THE RECOMMENDATIONS OF THE STAFF ON THE FIRST TEN COMPLAINTS. THE MOTION CARRIED WITH DR. DEWLEN, MS. SMITH, MS. SOKOLOSKY, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.

A MOTION WAS MADE BY DR. DEWLEN AND SECONDED BY MS. SMITH TO RATIFY THE RECOMMENDATIONS OF THE STAFF ON CASE NUMBER 00-264-2743. THE MOTION CARRIED WITH MS. SOKOLOSKY VOTING IN FAVOR OF THE MOTION. MR. RENDON, DR. SUTTER, AND DR. STAGNER ABSTAINED FROM VOTING.

A MOTION WAS MADE BY DR. DEWLEN AND SECONDED BY DR. STAGNER TO RATIFY THE RECOMMENDATIONS OF THE STAFF ON THE CONTINUING EDUCATION CASES. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.

A MOTION WAS MADE BY MS. SOKOLOSKY AND SECONDED BY DR. DEWLEN TO RATIFY THE RECOMMENDATIONS OF THE STAFF ON THE VOID STATUS CASES. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, DR. STAGNER, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.

- D. The Board reviewed the Agreed Orders and Proposals for Decision.

- i. The Board reviewed Agreed Order No. 00-430-10328 in the matter of David J. Bassham, M.S.

A MOTION WAS MADE BY DR. STAGNER AND SECONDED BY DR. DEWLEN TO APPROVE THE AGREED ORDER FOR DAVID J. BASSHAM, M.S., AND TO AUTHORIZE THE CHAIR TO SIGN IT. THE MOTION CARRIED WITH MR. RENDON, MS. SMITH, MS. SOKOLOSKY, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.

- ii. The Board reviewed Agreed Order No. 01-459-7501, in the matter of Michael Crook, M.A.

A MOTION WAS MADE BY DR. SUTTER AND SECONDED BY DR. STAGNER TO APPROVE THE AGREED ORDER FOR MICHAEL CROOK, M.A., AND TO AUTHORIZE THE CHAIR TO SIGN IT. THE MOTION CARRIED WITH DR. DEWLEN, MR. RENDON, MS. SMITH, AND MS. SOKOLOSKY VOTING IN FAVOR OF THE MOTION.

- E. Ms. Lee proposed procedures regarding Information on Continuing Education Complaints.
A MOTION WAS MADE BY MR. RENDON AND SECONDED BY MS. SOKOLOSKY TO NO LONGER CONSIDER ADMINISTRATIVE PENALTIES FOR CONTINUING EDUCATION DISCIPLINARY ACTIONS. THE MOTION CARRIED WITH DR. DEWLEN, MS. SMITH, DR. STAGNER, AND DR. SUTTER VOTING IN FAVOR OF THE MOTION.
 - F. Mr. Norbraten reviewed the Proposed Changes on Issues Regarding Professional Reviewers.
 - G. Mr. Norbraten reviewed the Types of Compliant Processing.
21. The Board moved into Item XVII, Compliance Committee.
- A. Mr. Norbraten presented the Review of Compliance with Agreed Orders.
 - B. The Board considered the California Enforcement Information Overview.
22. The Board moved into Item XX, Planning for Future Board Meetings.
- A. The Board confirmed that Dr. Rudd, Ms. Hayes, and Mr. Rendon would serve on the IFC panel in January 2002. Dr. Rudd, Ms. Sokolosky, and Dr. Stagner will tentatively serve on the March 2002 IFC panel.
23. The meeting was adjourned at 11:38 a.m. by Dr. Rudd.