

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



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Andoni Zagouris, M.A.
McAllen

Texas State Board of Examiners of Psychologists

MINUTES

August 13, 2020

The Texas State Board of Examiners of Psychologists met via Zoom video conference on August 13, 2020. The following Board members were in attendance: Tim Branaman, Ph.D., Chair; Herman Adler, M.A.; John Bielamowicz; Ryan Bridges; Susan Fletcher, Ph.D.; Lou Ann Todd Mock, Ph.D., Vice-Chair; Ronald Palomares, Ph.D. and Andoni Zagouris, M.A. Also, in attendance was Darrel Spinks, Executive Director. Angela Downes, J.D. was absent from the meeting.

Thursday, August 13, 2020

1. The meeting was called to order at 10:02 a.m. by Dr. Branaman.
2. The Board moved into Item II, Public Comments:
 - A. Comments were received regarding child custody evaluations from Alyssa Karsagi and Tara Coronado.
3. The Board moved into Item III, Meeting Minutes and Certified Agenda.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BRIDGES TO APPROVE THE MINUTES OF THE MAY 14, 2020, BOARD MEETING WITH CHANGES. THE VOTE CARRIED WITH MS. DOWNES ABSENT FROM THE VOTE.

4. The Board moved into Item IV, Chair's Report – Dr. Branaman.
 - A. Dr. Branaman introduced the new BHEC Psychology Program Specialist, Ms. Diane Moore.
 - B. ASPPB Update:

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- i. Dr. Branaman stated that the Board Chair July meeting turned out quite well. ASPPB is working on educational requirements of all jurisdictions so that they can publish them online for the training coordinators at the various universities. Dr. Branaman stated that there will be another Board Chair meeting sometime around October 2020.
 - ii. ASPPB annual meeting of delegates to be held in New York City was canceled, however they will have a virtual annual meeting. Mr. Adler will represent the Board. Dr. Branaman, Dr. Palomares and Mr. Zagouris will be attending. The cost will be \$50.00 per person.
 - iii. Early issue of adoption of EPPP2 had some challenges between jurisdictions.
 - C. Update regarding Texas Behavioral Health Executive Council Operations:
 - i. Dr. Branaman stating that the website was up and working.
 - ii. Mr. Spinks discussed the links populated. Everything will be redirected from TSBEP website to BHEC website on 9/1/2020.
 - iii. Mr. Spinks stated that the FAQs will not be done by 9/1/2020, jurisprudence examination, applications and newsletter link are ready to go.
 - iv. Mr. Spinks stated that the agency has not received the LAR instructions.
 - v. Mr. Spinks stated that staff are having issues regarding the new BHEC offices.
 - D. Update regarding PsyPact:
 - i. Mr. Hyde updated the Board:
 - a. E. Passport applications started on July 1, 2020;
 - b. Federal grant was received, so if anyone applies from now until the end of the year, their fees will be waived;
 - c. November meeting was to be held in Georgia, however due to Covid-19 the meeting will be held virtually; and
 - d. Newsletter will possibly be coming soon.
5. The Board moved into Item V, the Executive Director's Report – Mr. Spinks
- A. Mr. Spinks discussed the revision of the calligraphy license. Instead of sending the license to house print, we can print the license as soon as a licensee is licensed except for psychologist. This will also reduce cost to the agency.

- B. Budget Update:
 - i. Mr. Spinks reviewed the 3rd Qtr. Performance Measures for FY 2020.
 - ii. Mr. Spinks reviewed the Year-to-Date Financial report.
- C. Mr. Spinks updated the Board regarding Governor Abbott's disaster declaration.
- D. Mr. Spinks stated that Scot Kibbe is the new OOG Policy Analyst for the agency.

6. The Board moved into Item VI, Rules – Dr. Branaman, and Dr. Palomares.

- A. The Board discussed Board rules 463.30, Examinations Required for Licensure and 463.31, Minimum Passing Scores for Examinations. Mr. Spinks stated that the Board needs to decide if these rule changes would trigger an anti-competitive or good governance review at the Council; are they the type of rule that is going to need to go to the Governor's Regulatory Compliance Division; and how the rule be viewed by the OOG Budget and Policy Division.
- B. The Board will send out a mass email regarding this matter, draft and post letter discussing regarding the rule change, post the rule changes and have a 45 day comment period. The Board decided to hold a virtual Townhall meeting sometime in October. Mr. Spinks, Ms. Moore, the Board Chair, Dr. Palomares, Dr. Fletcher and Mr. Bielamowicz will attend the Townhall meeting.

A MOTION WAS MADE BY MR. ZAGOURIS AND SECONDED BY DR. PALOMARES TO HAVE A VIRTUAL TOWNHALL MEETING TO DISCUSS POSSIBLE RULE CHANGES. THE VOTE WAS APPROVED UNANIMOUSLY.

B. The Board reviewed the Adopted Rules:

- i. Repeal Chapter 463 and Adopt Applications and Licensing, 463.1, 463.2, 463.3.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BIELAMOWICZ TO APPROVE THE ADOPTED REPEALED RULES AND ADOPTED NEW RULES. THE VOTE WAS APPROVED UNANIMOUSLY.

- ii. Applications and Licensing, 463.8 – 463.14.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BRIDGES TO APPROVED THE ADOPTED NEW RULES. THE VOTE WAS APPROVED UNANIMOUSLY.

- iii. 463.20, Special Provisions Applying to Military Service Members, Veterans, and Spouses.

A MOTION WAS MADE BY DR. FLETCHER AND SECONDED BY DR. MOCK TO APPROVE THE ADOPTED NEW RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

- iv. 463.25, Health Service Psychologist Specialty Certification.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BRIDGES TO APPROVE THE ADOPTED NEW RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

- v. Examinations, 463.30 – 463.31.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO APPROVE THE ADOPTED NEW RULES. THE VOTE WAS APPROVED UNANIMOUSLY.

- vi. 463.35, Professional Development.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BRIDGES TO APPROVE THE ADOPTED NEW RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

- vii. 463.40, Ineligibility Due to Criminal History.

A MOTION WAS MADE BY DR. FLETCHER AND SECONDED BY MR. BRIDGES TO APPROVE THE ADOPTED NEW RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

- viii. Repeal Chapter 465 and Adopt Rules of Practice 465.1 – 465.38.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY MR. BRIDGES TO APPROVE THE REPEALED RULES AND ADOPTED NEW RULES. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY MR. PALOMARES AND SECONDED BY MR. BIELAMOWICZ TO BRING BOARD RULE 465.2, SUPERVISION TO THE NOVEMBER 2020 BOARD MEETING WITH CHANGES THAT TPA REQUESTED. THE VOTE WAS APPROVED UNANIMOUSLY.

- ix. Repeal Chapter 470 and Adopt 470.1, Schedule of Sanctions.

A MOTION WAS MADE BY MR. BRIDGES AND SECONDED BY MR. ADLER TO APPROVED THE REPEALED RULES AND ADOPTED NEW RULE. THE VOTE WAS APPROVED UNANIMOUSLY.

- x. Repeal Chapter 461, 469, 471 and 473.

A MOTION WAS MADE BY DR. FLETCHER AND SECONDED BY DR. MOCK TO APPROVE THE REPEALED RULES. THE VOTE WAS APPROVED UNANIMOUSLY.

The Board recessed for a break at 11:48 a.m.

The Board reconvened from a break at 11:59 a.m.

7. The Board moved into Item VII, Enforcement Matters and Report from General Counsel.

A. Mr. Fernandez reviewed the cases dismissed by the Executive Director:

B. Mr. Fernandez presented the dismissal recommendation for Board ratification:

i. 2020-00084-2765

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. FLETCHER TO APPROVE THE DISMISSAL. THE VOTE CARRIED WITH DR. PALOMARES, MR. ADLER AND MR. BRIDGES RECUSED FROM VOTING.

C. Mr. Fernandez reviewed the Status Report.

D. Mr. Fernandez discussed the Projected Time Schedule – 97 cases.

E. November 2020 ISC attendees will be Dr. Palomares, Mr. Zagouris, and Mr. Bielamowicz.

F. February 2021 ISC attendees will be Dr. Palomares, Mr. Adler, and Mr. Bridges.

G. May 2021 ISC attendees will be Dr. Fletcher, Mr. Bielamowicz, and Mr. Zagouris.

H. August 2021 attendees will be Dr. Fletcher, Mr. Adler and Mr. Bridges.

I. Mr. John Bridges presented the Agreed Orders for the Board's approval:

i. The Board reviewed Agreed Order No. 2020-00059-13923, in the matter of Lorena Olivas, Ph.D.

A MOTION WAS MADE BY MR. BIELAMOWICZ AND SECONDED BY MR. ADLER TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. FLETCHER, MR. ZAGOURIS AND MR. BRIDGES RECUSED FROM VOTING.

ii. The Board reviewed Agreed Order No. 2020-00057-13205, in the matter of Edward Scott Hamilton, Ph.D.

A MOTION WAS MADE BY DR. MOCK AND SECONDED BY DR. PALOMARES TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. FLETCHER, MR. ZAGOURIS AND MR. BRIDGES RECUSED FROM VOTING.

- iii. The Board reviewed Agreed Order No. 2020-71-9323 and 2020-00092-9323, in the matter of Michael James Leach, Ph.D.

A MOTION WAS MADE BY DR. PALOMARES AND SECONDED BY MR. BIELAMOWICZ TO APPROVE THE AGREED ORDER. THE VOTE CARRIED WITH DR. FLETCHER, MR. ZAGOURIS AND MR. BRIDGES RECUSED FROM VOTING.

- 8. The Board moved into Item VIII, Compliance – Dr. Mock and Mr. Adler – nothing to report.
- 9. The Board moved into Item IX, Jurisprudence Examination Committee – no items to discuss.
- 10. The Board moved into Item X, Applications Committee – Dr. Palomares and Mr. Zagouris.
 - A. Dr. Kemp and Mr. Bob Stear spoke regarding her application for reinstatement.

A MOTION WAS MADE BY MR. BIELAMOWICZ AND SECONDED BY DR. PALOMARES TO DENY THE REQUEST FOR RELICENSURE AND DR. KEMP COULD NOT APPLY FOR TWO YEARS. THE VOTE WAS APPROVED UNANIMOUSLY.

- 11. The Board moved into Item XII, Future Issues and Other Requested Agenda Items.
 - A. Dr. Fletcher discussed the proposed newsletter article regarding Test Data versus Test Materials.

A MOTION WAS MADE BY MR. ADLER AND SECONDED BY MR. BIELAMOWICZ TO APPROVE THE NEWSLETTER WITH CHANGES.

- 12. The meeting was adjourned at 1:39 p.m. by Dr. Branaman.