

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



MEMBERS OF THE BOARD

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Diane Moore
Board Administrator

Texas State Board of Examiners of Psychologists Meeting Agenda

September 21, 2023, 10:00 a.m.

The September 21, 2023 meeting of the Texas State Board of Examiners of Psychologist will be held by videoconference call, as authorized under Texas Government Code section 551.127. One or more Board members may appear at the scheduled meeting via videoconference call, but the presiding member will be physically present at George H.W. Bush State Office Bldg. 1801 Congress Avenue, Ste. 7.301, Austin, Texas 78701. This location will be open to the public, but seating is limited to first come, first served. Due to health and safety concerns, as well as the size of the available meeting room, public seating will be limited to three (3) individuals.

Members of the public are encouraged to access and participate virtually in this meeting by entering the URL address <https://us02web.zoom.us/j/89694491758> into their web browser. Telephone access numbers and additional videoconference call access information can be found in the attached addendum. An electronic copy of the agenda and meeting materials will be made available at www.bhec.texas.gov prior to the meeting. A recording of the meeting will be made available on the Council's YouTube channel after the meeting is adjourned. To obtain a copy of the recording, please contact the Council's public information officer at Open.Records@bhec.texas.gov.

For members of the public wishing to give public comment, once the public comment item is reached on the agenda after the meeting convenes, the presiding member will allow those who are attending in person to give public comment first and then ask those joining by computer to use the "raise hand" feature to indicate who would like to make a public comment. Those individuals who raise their hand will then be unmuted to give public comment. Once all individuals with raised hands have been given an opportunity to make public comment, the individuals appearing by telephone will be unmuted and asked whether they would like to make a public comment. Please note that public comment is not intended for a discussion or a question-and-answer session with the Board. Additionally, when making a public comment, please identify yourself and whether you are speaking individually or on behalf of an organization. All public comments will be limited to 3 minutes, unless otherwise directed by the presiding officer. In lieu of providing public comment during the meeting, you may submit written public comments by <https://forms.office.com/r/CWsZTRUtgC>. Only those written public comments received by 5pm on the last business day prior to the meeting will be submitted to the council members for their consideration. No written comments received will be read aloud during the meeting.

Please note that the Board may request input during the meeting from any interested parties or members of the public in attendance during its discussion of an agenda item.

If you are planning to attend this meeting and need auxiliary aids, services or materials in an alternate format, please contact the Board at least 5 working days before the meeting date. Phone: (512) 305-7700, <https://fs2.formsite.com/S2vjIK/ptrmyhbxo/index.html> and select “Administration and Executive Leadership” from the drop-down menu to send an email, TTY/RELAY TEXAS: 711 or 1-800-RELAY TX.

The Board may go into Executive Session to deliberate any item listed on this agenda if authorized under Texas Open Meetings Act, Government Code, Ch. 551.

The Board may discuss and take action concerning any matter on the agenda and in a different order from what it appears herein.

Meeting Agenda for September 21, 2023, 10:00 a.m.

1. Call to Order – Roll Call
2. Public Comments - Public comment is limited to three (3) minutes per individual, unless otherwise directed by the Board Chair. Please note that the Board may not discuss or take action on any matter raised during public comment, except to decide whether to place the matter on the agenda of a future meeting. Limited public comment related to rulemaking may be allowed by the Chair, in his or her sole discretion, prior to the Board taking up any rulemaking topics on the agenda.
3. Chair’s Report
4. Board Administrator Report
 - A. PSYPACT Update
 - B. ASPPB Update
5. Enforcement Division
 - A. Enforcement Staff:
 - i. Review of Dismissals by Executive Director and Staff
 - ii. Status Reports
 - iii. Discussion on ISC Panels*
 - iv. Dismissals for Board ratification*
 - B. Agency Counsel:
 - i. Review of Agreed Orders Approved by Executive Director
 - ii. Agreed Orders for Board Ratification*
 - iii. Review of Contested Cases from the State Office of Administrative Hearings (SOAH)*
6. Committee Reports
 - A. Applications Committee
 - i. Appeal of Application Denial* (Per 22 TAC 882.3(b))
 - ii. Application(s) for Licensure*
 - B. Compliance Committee
 - i. Review of Compliance with Agreed Orders

- C. Jurisprudence Examination Committee
- D. Rules Committee
- 7. Rulemaking
 - A. New Rules or Proposed Rule Changes Being Considered for Recommendation to the Executive Council*
 - i. Petition for Rulemaking 463.11, Formal Internship Requirements
 - B. Rules Published in the Texas Register and Awaiting Adoption Recommendations*
 - i. None
- 8. Discussion and consideration of request to modify licensing contract
- 9. Recommendations for agenda items for the next Board meeting
- 10. Adjournment

Addendum: Additional Videoconference and Telephone Conference Call Information

Regular meeting of the Texas State Board of Examiners of Psychologists.

When: Sep 21, 2023 10:00 AM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Psychologists September 21, 2023 Board Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89694491758>

Or One tap mobile :

+13462487799,,89694491758# US (Houston)

+16694449171,,89694491758# US

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 346 248 7799 US (Houston)

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

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Webinar ID: 896 9449 1758

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Reducing Regulatory Barriers. Increasing Access to Mental Health Care.

Sent VIA EMAIL

August 10, 2023

Texas Behavioral Health Executive Council
1801 Congress Ave., Suite 7300
Austin, TX 78701

Re: Second Quarter PSYPACT Compliance Report

Good afternoon,

Below, please find the second quarter 2023 compliance report issued by the PSYPACT Commission. These reports are generated each quarter to reflect compliance within the quarter reported.

The key compliance factors correlate directly to the compliance areas identified in the PSYPACT Legislation, Bylaws, Rules, and Policies. Based on the review of the key compliance factors, your compliance report is summarized below:

Areas in compliance: All areas are in compliance for the 2nd quarter of 2023.

Areas not in compliance: None known

The following are offered as reminders:

- Report any significant investigatory information to the Commission within 10 days
- Report any alternative program participation within 10 days
- Conduct background checks at the point of licensure within 10 years of enacting PSYPACT legislation – Legislation enacted 6/10/2019
- Posting of PSYPACT Rules when out for public comment during the established timeframe

At this time, no action is required by your jurisdiction. Please let me know if you have any questions.

Thank you,

Janet Orwig, MBA, CAE
PSYPACT Executive Director

Psychology Interjurisdictional Compact (PSYPACT)

210 Market Road Suite D • Tyrone, Georgia • 30290 • (678) 216-1175 •

www.psypact.org

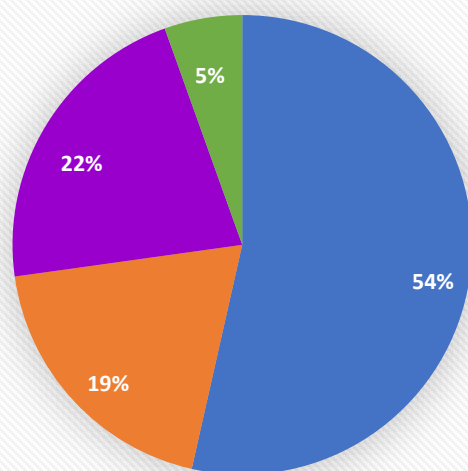
4th Quarter Dismissals for TSBEP Board

Complaints Dismissed by Staff	Classification	Reason for Dismissal
1. 2023-00215	Not Related to Licensed Activity	Insufficient Evidence
2. 2023-00362	Confidentiality	Lack of Jurisdiction
3. 2023-00086	Sexual Misconduct	Lack of Jurisdiction
4. 2021-00004	Sexual Misconduct	Lack of Jurisdiction
5. 2023-00382	General Forensic	Conditional Precedent Not Met
6. 2023-00122	General Forensic	Conditional Precedent Not Met
7. 2023-00444	Unlicensed Person	Previously Addressed
8. 2023-00138	Unlicensed Person	Corrective Action Taken
9. 2023-00139	Unauthorized Activity	Insufficient Evidence
10. 2022-00370	General Forensic	Conditional Precedent Not Met
11. 2021-00269	Standard of Care	Insufficient Evidence
12. 2022-00496	Failure to Report	Remedial Plan
13. 2020-00060	Billing Dispute	Insufficient Evidence
14. 2022-00329	Confidentiality	Insufficient Evidence
15. 2023-00141	Unauthorized Activity	Insufficient Evidence

4th Quarter STATUS REPORT	4Q FY23 June 1, 2023 to Aug 31, 2023	3Q FY23 Mar 1, 2023 to May 31, 2023	2Q FY23 Dec 1, 2022 to Feb 28, 2023	1Q FY23 Sep 1, 2022 to Nov 30, 2022
New Complaints Received	151	156	102	157
Pending Complaints	407	385	347	413
Pending Complaints per Member Board	TSBEP-177 TSBSWE-103 TSBEMFT-21 TSBEP-106	TSBEP-153 TSBSWE-124 TSBEMFT-18 TSBEP-90	TSBEP-123 TSBSWE-144 TSBEMFT-18 TSBEP-62	TSBEP-145 TSBSWE-171 TSBEMFT-25 TSBEP-72
Pending Priority 1 Complaints (Imminent Physical Harm & Sexual Misconduct)	46 TSBEP-28 TSBSWE-7 TSBEMFT-1 TSBEP-10	47 TSBEP-25 TSBSWE-13 TSBEMFT-0 TSBEP-9	35 TSBEP-18 TSBSWE-11 TSBEMFT-3 TSBEP-3	38 TSBEP-16 TSBSWE-15 TSBEMFT-3 TSBEP-4
Agreed Orders Signed	25	31	29	25
Complaints Dismissed by Staff	105	87	140	185
Complaints Dismissed by member Boards	0	0	0	0
Total Complaints Resolved	130	118	169	210
Complaints Reviewed at an ISC	14	31	9	32
Pending Cases by Fiscal Year				
FY2017	0	0	0	3
FY2019	0	1	2	2
FY2020	8	11	18	26
FY2021	17	32	37	63
FY2022	63	93	135	183
FY2023	319	248	155	136
Total	407	385	347	413

Texas Behavioral Health Executive Council
Enforcement Actions
FINAL TOTALS-FY 2023
09/01/2022 – 08/31/2023

566 Complaints Received



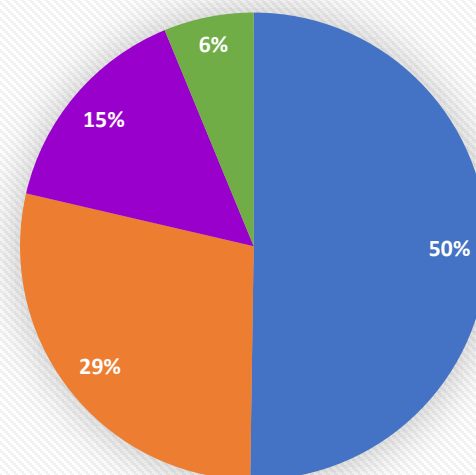
■ TSBEPC ■ TSBSWE ■ TSBEP ■ TSBMFT

Complaints Received by Board

TSPEC 303 TSBSWE 109

TSBEP 123 TSBMFT 31

627 Complaints Closed



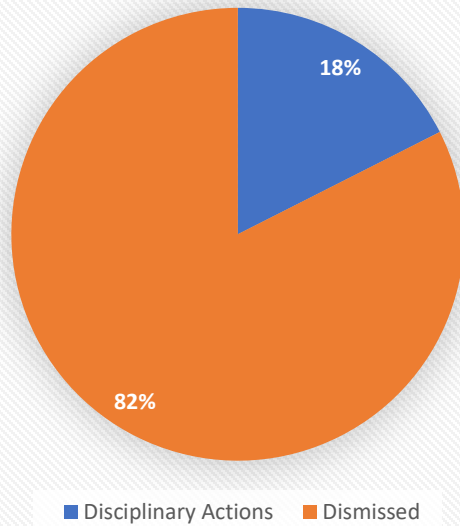
■ TSBEPC ■ TSBSWE ■ TSBEP ■ TSBMFT

Complaints Resolved by Board

TSBEPC 315 TSBSWE 178

TSBEP 95 TSBMFT 39

627 Complaints Resolved



110 Disciplinary Actions Imposed



Complaint Resolution

Disciplinary Actions 110

Dismissed 517

Disciplinary Actions

Administrative Penalty 3

Revoked 3

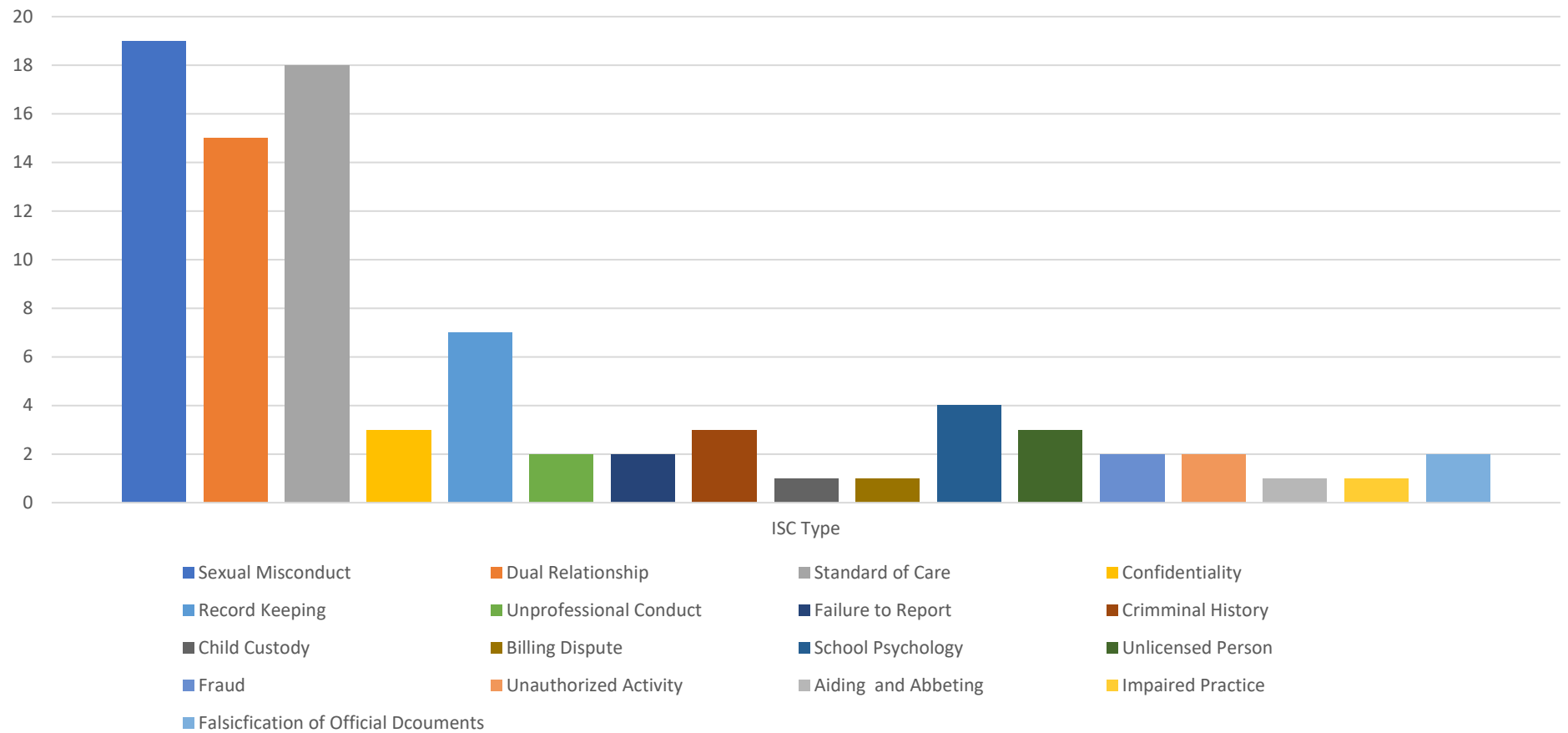
Reprimands 40

Resigned 29

Probated Suspension 24

Eligibility Orders 11

86 Complaints reviewed at an ISC



ISC Complaint Types

Sexual Misconduct 19	Dual Relationship 15	Standard of Care 18	Confidentiality 3	Record Keeping 7
Unprofessional Conduct 2	Failure to Report 2	Criminal History 3	Child Custody 1	Billing Dispute 1
School Psychology 4	Unlicensed Person 3	Fraud 2	Unauthorized Activity 2	
Aiding and Abetting 1	Impaired Practice 1	Falsification of Official Documents 2		

ISC Informal Settlement Conference Panel List

<i>Conference Date:</i>	<i>Conference Panel:</i>	
On Call Sept 1 - Nov 30, 2024	???????????????? ???????????????? ????????????????	(Future)
On Call June 1- August 31, 2024	Jamie Becker, Ph.D. Andoni Zagouris, M.A. Jeanette Deas Calhoun, Ph.D.	(Future)
On-Call March 1 – May 31, 2024	Mark Cartwright, Ph.D. Herman Adler, M.A. Ryan T. Bridges	(Future)
On Call Dec 1 – Feb 29, 2024	Roxana Lambdin, Ph.D. Herman Adler, M.A. Ryan T. Bridges	(Future)
On Call Sept 1 - Nov 30, 2023	Jamie Becker, Ph.D. Andoni Zagouris, M.A. John Bielamowicz	(Current)
On Call June 1- August 31, 2023	Jamie Becker, Ph.D. Andoni Zagouris, M.A. Ryan T. Bridges	
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On-Call June 1 – August 31, 2022	Sangeeta Singg, Ph.D. Andoni Zagouris, M.A.	

Darby Reed, M.S., LPA, Certified Authorized Provider
8910 FM 2246
Buna, TX 77612

Wednesday August 16th, 2023
Texas State Board Examiners of Psychologists
333 Gaudalupe, Suite 2-450
Austin, Texas 78701

Petition for Psychology Board Rule Amendment

Dear committee for Texas State Board Examiners of Psychologists,

I am writing this letter to request an amendment to statute **463.11 (d) Formal Internship Requirements**. I am proposing the addition of a ‘**463.11 (d)(4)**’ to allow the formal internship requirements to be met by an organized program, completed during the course of one’s doctoral degree, as a licensed psychological associate, in an exempt setting, under the supervision of a psychologist. I am requesting that there not be specifications for two psychologists, or two equivalent-level interns should the intern already be licensed by this board.

Statute **463.11 (a)(3)** states that “Following conferral of a doctoral degree, 1,750 hours obtained or completed while employed in the delivery of psychological services in an exempt setting, while licensed or authorized to practice in another jurisdiction, or while practicing as a psychological associate or specialist in school psychology in this state may be substituted for the minimum of 1,750 hours of supervised experience required as a provisionally licensed psychologist if the experience was obtained or completed under the supervision of a licensed psychologist.” The proposed 463.11(d)(4) amendment would essentially allow for the formal internship to be met by such practice, should it occur during one’s doctoral degree and meet the necessary hour requirement.

I am currently a licensed psychological associate and certified authorized provider, completing Determinations of Intellectual Disability in an exempt setting. In February of 2025, I will be able to apply for LPA-IP. In March of 2025, I graduate with my PsyD. I passed the EPPP with a 588 and will have received 3,500 hours of supervision under Psychologist, Melanie Webb. No less than 1,750 of these hours will have occurred during my PsyD internship curriculum [starting March 2024]. However, there are not two psychologists on staff or equivalent-level PsyD/PhD interns. Dr. Webb is supervising another LPA whom I would continue to complete didactics with. I am proposing this amendment, so that I, as well as other LPAs/LPA-IPs, may have the opportunity to apply for LP licensure should a doctoral degree and appropriate training be obtained through supervision.

This provision would be especially helpful for providers living in rural settings, without access to multi-practitioner companies. I acknowledge there may be a counterargument that such exceptions would dilute the standard of practice. However, LPA-IPs may already practice

independently in Texas. The inclusion of this amendment would simply provide an incentive for LPA/LPA-IPs to complete additional education, to better serve their clients. This would increase patient access to providers covered by insurance entities, as most panels do not currently credential LPA-IPs. Additionally, it would incentivize providers to serve their internships in exempt settings, such as community mental health centers.

I appreciate any consideration granted for this petition.

Darby Reed, M.S., LPA

- (5) The supervising psychologist must be trained in the area of supervision provided to the supervisee.
 - (6) Experience obtained from a psychologist who is related within the second degree of affinity or consanguinity to the supervisee may not be utilized to satisfy the requirements of this rule.
 - (7) All supervised experience obtained for the purpose of licensure must be conducted in accordance with all applicable Council rules.
 - (8) Unless authorized by the Council, supervised experience received from a psychologist practicing with a restricted license may not be utilized to satisfy the requirements of this rule.
 - (9) The supervisee shall be designated by a title that clearly indicates a supervisory licensing status such as "intern," "resident," "trainee," or "fellow." An individual who is a Provisionally Licensed Psychologist or a Licensed Psychological Associate may use that title so long as those receiving psychological services are clearly informed that the individual is under the supervision of a licensed psychologist. An individual who is a Licensed Specialist in School Psychology may use that title so long as the supervised experience takes place within a school, and those receiving psychological services are clearly informed that the individual is under the supervision of an individual who is licensed as a psychologist and specialist in school psychology. Use of a different job title is permitted only if authorized under §501.004 of the Psychologists' Licensing Act, or another Council rule.
- (d) **Formal Internship Requirements. The formal internship hours must be satisfied by one of the following types of formal internships:**
- (1) The successful completion of an internship program accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA), or which is a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC); or
 - (2) The successful completion of an organized internship meeting all of the following criteria:
 - (A) It must constitute an organized training program which is designed to provide the intern with a planned, programmed sequence of training experiences. The primary focus and purpose of the program must be to assure breadth and quality of training.

- (B) The internship agency must have a clearly designated staff psychologist who is responsible for the integrity and quality of the training program and who is actively licensed/certified by the licensing board of the jurisdiction in which the internship takes place and who is present at the training facility for a minimum of 20 hours a week.
- (C) The internship agency must have two or more full-time licensed psychologists on the staff as primary supervisors.
- (D) Internship supervision must be provided by a staff member of the internship agency or by an affiliate of that agency who carries clinical responsibility for the cases being supervised.
- (E) The internship must provide training in a range of assessment and intervention activities conducted directly with patients/clients.
- (F) At least 25% of trainee's time must be in direct patient/client contact.
- (G) The internship must include a minimum of two hours per week of regularly scheduled formal, face-to-face individual supervision. There must also be at least four additional hours per week in learning activities such as: case conferences involving a case in which the intern was actively involved; seminars dealing with psychology issues; co-therapy with a staff person including discussion; group supervision; additional individual supervision.
- (H) Training must be post-clerkship, post-practicum and post-externship level.
- (I) The internship agency must have a minimum of two full-time equivalent interns at the internship level of training during applicant's training period.
- (J) The internship agency must inform prospective interns about the goals and content of the internship, as well as the expectations for quantity and quality of trainee's work, including expected competencies; or
- (3) The successful completion of an organized internship program in a school district meeting the following criteria:
 - (A) The internship experience must be provided at or near the end of the formal training period.

- (B) The internship experience must require a minimum of 35 hours per week over a period of one academic year, or a minimum of 20 hours per week over a period of two consecutive academic years.
- (C) The internship experience must be consistent with a written plan and must meet the specific training objectives of the program.
- (D) The internship experience must occur in a setting appropriate to the specific training objectives of the program.
- (E) At least 600 clock hours of the internship experience must occur in a school setting and must provide a balanced exposure to regular and special educational programs.
- (F) The internship experience must occur under conditions of appropriate supervision. Field-based internship supervisors, for the purpose of the internship that takes place in a school setting, must be licensed as a psychologist and, if a separate credential is required to practice school psychology, must have a valid credential to provide psychology in the public schools. The portion of the internship which appropriately may take place in a non-school setting must be supervised by a psychologist.
- (G) Field-based internship supervisors must be responsible for no more than two interns at any given time. University internship supervisors shall be responsible for no more than twelve interns at any given time.
- (H) Field-based internship supervisors must provide at least two hours per week of direct supervision for each intern. University internship supervisors must maintain an ongoing relationship with field-based internship supervisors and shall provide at least one field-based contact per semester with each intern.
- (I) The internship site shall inform interns concerning the period of the internship and the training objectives of the program.
- (J) The internship experience must be systematically evaluated in a manner consistent with the specific training objectives of the program.
- (K)

- (K) The internship experience must be conducted in a manner consistent with the current legal-ethical standards of the profession.
- (L) The internship agency must have a minimum of two full-time equivalent interns at the internship level during the applicant's training period.
- (M) The internship agency must have the availability of at least two full-time equivalent psychologists as primary supervisors, at least one of whom is employed full time at the agency and is a school psychologist

4. Notwithstanding subsection (3) above, a formal internship may be recognized without two full-time equivalent psychologists or full-time equivalent interns, should the applicant be licensed as a psychological associate or specialist in school psychology, completing their internship under the supervision of a licensed psychologist in an exempt setting.

(e) Individuals from an Industrial/Organizational doctoral degree program are exempt from the formal internship requirement but must complete a minimum of 3,500 hours of supervised experience, at least 1,750 of which must have taken place after conferral of the doctoral degree and in accordance with subsection (a) of this section. Individuals who do not undergo a formal internship pursuant to this paragraph should note that Council rules prohibit a psychologist from practicing in an area in which they do not have sufficient training and experience, of which a formal internship is considered to be an integral requirement.