

**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL MEETING  
SUMMARY OF MINUTES  
MARCH 2, 2020**

Chair Gloria Canseco called the meeting of the Texas Behavioral Health Executive Council to order at 9:04 a.m.

Chair Gloria Canseco moved to item 2, Roll Call and Certification of Quorum. Chair Gloria Canseco and Council members John Bielamowicz, Timothy Brown, Steve Christopherson, Dr. Susan Fletcher, George Francis, and Jennifer Smothermon were present. Council members Sarah Abraham and Megan Graham were absent. A quorum was seated.

Chair Gloria Canseco moved to item 3, Public Comments. The Council heard public comment from Alyssa Karsagi.

Chair Gloria Canseco moved to item 4, Review and approval of minutes from prior meetings, which were held on January 14, 2020 and February 4, 2020. Council member George Francis, seconded by Steve Christopherson, made a motion to accept the minutes of both meetings as presented. Motion passed by unanimous vote.

Chair Gloria Canseco moved to item 5, Management action status updates from the Texas State Board of Examiners of Professional Counselors, the Texas State Board of Examiners of Marriage and Family Therapists, and the Texas State Board of Social Worker Examiners in response to the Sunset Commission report. There were no actions to report, and this agenda item will be removed from future agendas as all requirements have been met.

Chair Gloria Canseco moved to item 6, Discussion regarding allowing Executive Director to serve as the part-time Executive Director for the Texas State Board of Examiners of Psychologists through August 31, 2020; Entry of agency finding regarding dual office holding by Director. Council member Tim Brown, seconded by Steve Christopherson, made a motion to allow Texas Behavioral Health Executive Council Executive Director Darrel Spinks to serve as part-time Executive Director of the Texas State Board of Examiners of Psychologists until August 31, 2020, if asked. A roll call vote was taken. Council members John Bielamowicz, Timothy Brown, Steve Christopherson, Dr. Susan Fletcher, and Jennifer Smothermon were in favor, and Chair Gloria Canseco and Council member George Francis were opposed. The motion passed.

Chair Gloria Canseco moved to item 7, Report from Executive Director on:

- a. The transition plan tasks completed or in-progress by Incubation Taskforce members and agency staff.
- b. Report on Instructions for Preparing and Submitting Agency Strategic Plan for FY2021-2025; Discussion concerning whether to form an ad hoc committee to assist with strategic planning.
- c. Request for authority for Chair and Executive Director to sign and submit the Strategic Plan on or before deadline of June 1, 2020.
- d. Progress of survey of stakeholders for 2021-2025 Strategic Plan.
- e. Review of draft agency record retention schedule.
- f. Review or discuss sample agency website.

Executive Director Darrel Spinks provided a report on the transition plan, postings of certain key positions, and upcoming postings. Mr. Spinks has been in discussions with the Facilities Commission regarding office space, and the Department of Information Resources regarding file server storage and security. Mr. Spinks reported that the database user acceptance testing will begin late May or early June of this year; provided an update on obtaining an ORI number for fingerprint background checks; provided and explained a draft of the proposed website; and provided an update on the licensing data base. Council member George Francis requested an updated transition plan with tasks, dates, and responsible persons at the next meeting. Mr. Spinks shared the Strategic Planning timeline and response schedule, and provided an update on the stakeholder responses received. Council members George Francis, Jennifer Smothermon, Dr. Susan Fletcher, and Steve Christopherson formed a Strategic Planning Committee. The Council will review and approve the Strategic Plan at the next meeting on June 16, 2020. Staff will send a letter by June 1, 2020, letting the Legislative Budget Board know that the Council will vote on the Strategic Plan at the June 16, 2020, Council meeting. The Council reviewed the Records Retention Schedule, which was the schedule used by the Texas State Board of Examiners of Psychologists. Council member George Francis recommended reducing the retentions to the minimum requirements. Mr. Spinks indicated that a further review would be conducted to determine the appropriate standards for retention of enforcement orders.

Chair Gloria Canseco moved to items 8 and 9, Report from agency staff on estimated additional costs for council and board meetings held outside of Austin, Texas. Discussion concerning whether to hold council and board meetings outside of Austin, Texas and the ancillary budget implications of such meetings. Discussion concerning whether to allow travel by Council and board members, or agency staff, for agency related business separate and apart from meetings. Mr. Spinks discussed the costs of conducting meetings outside the Austin area. Council members discussed and agreed to hold non-quorum town hall meetings throughout the state.

Chair Gloria Canseco moved to item 10, Discussion concerning agency performance measures and definitions. Council member Steve Christopherson, seconded by George Francis, made a motion to approve the agency performance measures and definitions. Motion passed by unanimous vote.

Chair Gloria Canseco moved to item 11, Review and proposal of draft rules related to general provisions, applications and licensing, renewals, complaints and enforcement, and fees. The Council heard public comments from Will Francis, Jeanene Smith, Jan Friese, Jessica Magee, and Cassandra Hulsey. The Council discussed the requirements for setting fees and options to lower fees.

Executive Director Darrel Spinks outlined the General Provisions Rules and proposed changes. Council Member Dr. Susan Fletcher, seconded by John Bielowicz, made a motion to accept the General Provision Rules with the agreed upon changes at §§881.11(d), 881.20(e)(1), 881.30(d), adding definitions to §881.2, and general cleanup throughout. Motion passed by unanimous vote.

Executive Director Spinks outlined the Applications and Licensing Rules. Council members discussed the licensing processing time of 90 days or less to explore options of 60 to 30 days. Council member Tim Brown, seconded by John Bielowicz, made a motion to keep the licensing process time at 90 days. Motion passed with Council members John Bielowicz, Timothy Brown, Steve Christopherson, Dr. Susan Fletcher, and Jennifer Smothermon voting in favor. Chair Gloria Canseco was opposed, and Council member George Francis abstained. Council member

Jennifer Smothermon, seconded by George Francis, made a motion to propose the Applications and Licensing Rules with changes discussed. Motion passed by unanimous vote.

Executive Director Spinks had no recommended changes to the Renewal Rules. Council member Dr. Susan Fletcher, seconded by Steve Christopherson, made a motion to recommend the rules as presented. Motion passed by unanimous vote.

Executive Director Spinks outlined changes to the Complaints and Enforcement Rules. Council member Jennifer Smothermon, seconded by George Francis, made a motion to set the time limits to file a complaint of sexual misconduct under §884.1(b) to seven years from date of service or five years past the age of majority, whichever is greater. Motion passed by unanimous vote. Mr. Spinks outlined rules at §§884.10(k), 884.11(b) and (f) regarding the disposal of informal conferences at the staff level. Council member Jennifer Smothermon, seconded by George Francis, made a motion to adopt language proposed at §884.10(k) (option 2) allowing staff to conduct and dispose of informal cases for faster processing. Motion passed by unanimous vote. Council member George Francis, seconded by Jennifer Smothermon, made a motion to recommend the change to §884.11(a). Motion passed by unanimous vote. Council member Steve Christopherson, seconded by Timothy Brown, made a motion to accept the changes §884.11(b) and (e)(1) as presented. Motion passed by unanimous vote. Council member Dr. Susan Fletcher, seconded by Jennifer Smothermon, made a motion to amend language under §884.11(h) regarding recording in an informal settlement conference. Motion passed by unanimous vote. The Council discussed a public comment regarding limiting the scope of investigations and providing notice of all complaints against a respondent. Council member John Bielamowicz, seconded by Steve Christopherson, made a motion to amend §884.10(h) to read: Licensees will receive written notice of any complaint(s) including specific information regarding any violation encountered. Motion passed by unanimous vote. The Council amended §884.20(a)(1) to add a reference to “the applicable schedule of sanctions” in order to recognize the individual boards’ schedule of sanctions. The Council made technical corrections to §884.41. Council member George Francis, seconded by Dr. Susan Fletcher, made a motion to amend §884.40(b)(1) to state that each temporary suspension panel must have at least one member from the same profession as the respondent and a majority of members from the same board as the respondent. Motion passed by unanimous vote. Council member Jennifer Smothermon, seconded by George Francis, made a motion to approve the Complaint and Enforcement rules with the recommended changes. Motion passed by unanimous vote. Council member Jennifer Smothermon, seconded by George Francis, made a motion to adjust the language in §884.50(b)(1) to align with the suspension panel make-up under §884.40(b)(1). Motion passed by unanimous vote.

Executive Director Spinks outlined the Fees Rules. The Council discussed the fee amounts and the formulation of the proposed fees. Council member George Francis, seconded by Dr. Susan Fletcher, made a motion to publish the Fee Rules as recommended. Motion passed by unanimous vote. The Strategic Planning Committee will review the basis for the fees.

Chair Gloria Canseco moved to item 12, Report from Member Boards regarding current or future issues that may impact the profession or the agency’s regulatory functions.

- Texas State Board of Examiners of Professional Counselors met on February 7, 2020, and is working on clean-up to rules.
- Texas State Board of Examiners of Marriage and Family Therapists met in January 2020 and will meeting again in April 2020 to review rules.

- Texas State Board of Examiners of Psychologists met in February 2020, for rules review.
- Texas State Board of Social Worker Examiners has an upcoming meeting March 6-7, 2020, to discuss Board member attendance and rule clean-up.

Chair Gloria Canseco moved to item 13, Recommendations for agenda items for the next Council meeting. The Council requested the following items be added to the agenda for the June 16, 2020 meeting: performance measures on applications and average processing time; fee background information; and status of investigations.

Chair Gloria Canseco moved to item 14, Adjournment. Chair Canseco adjourned the meeting at 3:31 p.m.

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Gloria Canseco, Presiding Officer  
Texas Behavioral Health Executive Council