

**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL MEETING**  
**SUMMARY OF MINUTES**  
**June 16, 2020**

Council member Jennifer Smothermon acting as Presiding Officer called the meeting of the Texas Behavioral Health Executive Council to order at 9:05 a.m.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 2, Roll Call and Certification of Quorum. Council members Sarah Abraham, John Bielamowicz, Timothy Brown, Steve Christopherson, Dr. Susan Fletcher, George Francis, Ben Morris and Jennifer Smothermon were present. Chair Gloria Canseco was absent. A quorum was seated. Council member Sarah Abraham, seconded by George Francis, made a motion to excuse the absence of Gloria Canseco. Motion passed by unanimous vote.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 3, Public Comments. The Council heard public comment from Dr. Edward Silverman, Harmony Stewart, Andrew Brams, Jan Friese, Dr. Carol Grothues, Christy Bradshaw, Alyssa Karsagi, Jim Craig, Wanda Patrick, Dr. Aaron Robb, Susan Rankin Wittington, Stephanie Gipson, Elizabeth Vecseri, Miriam Grinshtein, Victoria Harvey, Krista Weinstein, Adrienne Tinder, Allison Mohr Bolware, Tammi Axelson, Michael Simpson, Peggy Wright, Kasem Mia Hetsroni, Diana Friedman, Lynn Kamin, Michelle Vecseri, Bonny Cotlar, Tara Coronado, Ben Albritton, and Hannah Faulkenberg. Council member Jennifer Smothermon acting as Presiding Officer read a statement from Chair Gloria Canseco.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 4, Review and approval of minutes from prior meetings, held on March 2, 2020. Council member George Francis, seconded by Timothy Brown, made a motion to accept the minutes with one correction to the list of Strategic Planning Committee members, changing from Chair Gloria Canseco to Jennifer Smothermon. Motion passed by unanimous vote.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 5, Review and approval of Strategic Plan for 2021-2025. Executive Director Darrel Spinks presented the Strategic Plan. Council member George Francis, seconded by Dr. Susan Fletcher, made a motion to approve the Strategic Plan as presented. Motion passed by unanimous vote.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 6, Review sample status reports on complaints and discuss standardization of those reports. Executive Director Darrel Spinks provided a sample of reports for the Council's review. Council members discussed a baseline of reports and styles that will be provided to the Council. Council member Jennifer Smothermon recommended reviewing the reports that the member boards are currently receiving such as processing time and standard procedure. Executive Director Darrel Spinks will leave this item on the next agenda and provide another sample report at the next meeting.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 7, Report from Executive Director on: Update on agency operations and the transition plan tasks completed or in-progress by Incubation Taskforce members and agency staff; Status reports on application processing times; and Letter from Governor Abbott, et al, dated May 20, 2020, requesting agency plan for 5% budget cuts for the current biennium, together with the agency's response.

Executive Director Darrel Spinks provided a report on the status of upper level hiring and plans to fill vacant positions starting in July. Mr. Spinks reported on the possible changes in the IT support needs and possibility to form an agreement with HHSC to provide some IT services. Mr. Spinks reported that the data base transition plan is running smoothly and the Facilities Commission has provided space in the Hobby Building in Tower 2 for the Enforcement Division and Tower 3 on the 9<sup>th</sup> floor for the rest of the office. Staff has purchased the computers and office equipment and will begin purchasing furniture. The Public Accountancy Board and the Architecture Board left its office furniture which staff is taking advantage of. Mr. Spinks shared his screen and provided a tour of the new Council website which should go live within 30 days. Council member George Francis complimented the efforts of Mr. Spinks on the development of the website, recommended adding a link to the status reports that the Council will review, and recommended keeping the format of the website for ease of use on mobile devices. Mr. Spinks reported that all other transition plan tasks are on schedule. Mr. Francis asked Mr. Spinks about addressing a future possible budget cut and staffing in advance of a budget cut.

Council member George Francis, seconded by Dr. Susan Fletcher, made a motion to recess the meeting until 12:30 p.m. Council member Jennifer Smothermon acting as Presiding Officer recessed the meeting.

Council member Jennifer Smothermon acting as Presiding Officer called the meeting back to order at 12:35 p.m. Roll call revealed that all members returned to the meeting except Sarah Abraham who joined at 12:39 p.m.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 8a., Rulemaking: Review of public comments received and changes suggested to the Council's proposed rules by the Office of the Governor, Budget and Policy Division; Adoption of Council proposed rules under 22 TAC Chapters 881 – 885, related to general provisions, applications and licensing, renewals, complaints and enforcement, and fees. Executive Director Darrel Spinks detailed the rule revisions made in response to the Governor's changes and the comments received. Council members discussed the changes and Council member Steve Christopherson made a recommendation to change Sections 881.21(d) and 882.9(a). Council recommended keeping a list of rules to revisit at a later meeting, and no changes were made to these two sections. Council member George Francis, seconded by Dr. Susan Fletcher, made a motion to adopt the rules with the recommended changes. Motion passed by unanimous vote.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 8b., Rulemaking: Proposed change to fee chart found in Council proposed rule 22 TAC §885.1. Council member Timothy Brown recommended a change to the fee chart due to the elimination of the LMSW-AP/LCSW license. Executive Director Darrel Spinks detailed the revisions made to the fee chart in response to the comments received. Council member George Francis, seconded by Sarah Abraham, made a motion to adopt the changes to the fee chart including the changes recommended by Executive Director Spinks and Council member Brown and including the \$500 reinstatement fee. Motion passed by unanimous vote.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 8c., Rulemaking: Review and proposal of rule changes to 22 TAC, Part 30, Chapter 681, Texas State Board of Examiners of Professional Counselors rules. Executive Director Darrel Spinks detailed the rules

and noted that the Texas State Board of Examiners of Professional Counselors recommended a proposed change under §681.92 regarding the experience of out-of-state license holders applying for a Texas license. Mr. Spinks recommended sending this proposed change back to the Board for additional study. Council member Steve Christopherson, seconded by George Francis, made a motion to accept the rule changes as proposed, without the change regarding the experience of out-of-state license holders under §681.92, which was referred back to Texas State Board of Examiners of Professional Counselors. Motion passed by unanimous vote.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 8d., Rulemaking: Review and proposal of rule changes to 22 TAC, Part 21, Texas State Board of Examiners of Psychologists rules. Executive Director Darrel Spinks had no recommended changes or comments to discuss. Council member John Bielamowicz, seconded by Timothy Brown, made a motion to accept the rule changes as proposed. Motion passed by unanimous vote.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 8e., Rulemaking: Review and proposal of rule changes to 22 TAC, Part 34, Chapter 781, Texas State Board of Social Worker Examiners rules. Executive Director Darrel Spinks had no recommended changes or comments to discuss. Council member Steve Christopherson, seconded by George Francis, made a motion to accept the rule changes as proposed. Motion passed by unanimous vote.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 8f., Rulemaking: Review and proposal of rule changes to 22 TAC, Part 35, Chapter 801, Texas State Board of Examiners of Marriage and Family Therapists rules. Executive Director Darrel Spinks outlined the rules and noted Section 801.58(c) is duplicated in the Council rules and should be removed. Section 801.58(d) is under anti-competition review by the Governor's Office. Council members discussed Section 801.206 regarding "directly related" crimes that prohibit licensure. Council member George Francis, seconded by Sarah Abraham, made a motion to accept the rule changes as proposed, without Section 801.206, which was referred back to the Texas State Board of Examiners of Marriage and Family Therapists. Motion passed by a vote of 7 - 1, with Council member Ben Morris opposed.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 9, Review methodology for calculating fees; discussion regarding establishment of ad hoc committee to study possible changes to Council fees. Executive Director Darrel Spinks summarized the fee structure. Council member George Francis recommended forming the ad hoc committee to create an equitable fee structure. The ad hoc committee members are John Bielamowicz, Timothy Brown, George Francis, and Jennifer Smothermon.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 10, Discussion concerning the potential impact the COVID-19 pandemic and potential budget cuts may have on future council and board meetings. Council member George Francis questioned the effects of the pandemic on workflow and possible backlogs. Council discussed a backlog at the Social Work Board. Council member George Francis recommended staff develop an online process for renewals going forward; develop a timeline for addressing the backlog; develop a plan in case there is a second closure; and report back to the Council in three weeks. The Council recommended a communication plan to notify the stake holders of the plans to address the backlog.

Council member Jennifer Smothermon acting as Presiding Officer recessed the Council meeting for a brief break and called the meeting back to order at 3:00 p.m. A quorum was present.

The Council continued the discussion of item 10. Mr. Spinks polled the Council on in-person meetings versus virtual meetings. Council will hold its August meeting via Zoom conference call. Council members discussed the impact of a 5% budget reduction on the agency and the need to develop a plan for meeting the budget reductions. The Council members discussed portability of the office; planning for the second wave of the pandemic; and Department of State Health Services and Health and Human Services Commission systems interface related to the transfer of the programs to Texas Behavioral Health Executive Council.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 11, 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 Psychologists is responding to the mental health crisis related to the pandemic and other world events and requests the next steps for the rules.
- Texas State Board of Examiners of Licensed Professional Counselors is excited to be working together and moving forward on the rules and appreciates the Council's support.
- Texas State Board of Social Worker Examiners is addressing concerns with the backlog in licensing as discussed earlier and is thankful for assistance from staff.
- Texas State Board of Examiners of Marriage and Family Therapists is thankful for the Council's support and the rule review assistance from staff. In response to the request during the Member Board Reports, Executive Director Darrel Spinks explained the rulemaking process going forward for the individual boards' rules.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 12, Recommendations for agenda items for the next Council meeting. The Council requested the following items be added to the agenda for the August 2020 meeting: review sample status reports on complaints and discuss standardization of those reports; discuss the effects of the pandemic on the Council; report from the Ad Hoc Fee Committee; and possible adoption of the Marriage and Family Therapist proposed rules. Council members agreed to continue to meet via ZOOM conference call. There will be a meeting before the August 2020 meeting to discuss the plan under item 10.

Council member Jennifer Smothermon acting as Presiding Officer moved to item 13, Adjournment. Council member George Francis, seconded by Dr. Susan Fletcher, made a motion to adjourn the meeting. Motion passes. Council member Jennifer Smothermon acting as Presiding Officer adjourned the meeting at 3:46 p.m.