

## **Texas Forensic Science Commission – Licensing Advisory Committee Minutes from February 9, 2017 Meeting in Austin, Texas**

The Licensing Advisory Committee of the Texas Forensic Science Commission met at 10:00 a.m. on Thursday, February 9, 2017, at the Omni Austin Southpark, 4140 Governor's Row, Austin, Texas 78744.

Members of the Committee were present as follows:

Members Present: Greg Hilbig, Chair  
James Miller  
Robert Sailors  
Chris Heartsill  
Timothy Sliter  
Robert Middleberg  
Michael Ward

Members Absent: None

Staff Present: Lynn Garcia, General Counsel  
Leigh M. Savage, Associate General Counsel  
Kathryn Adams, Commission Coordinator

### **Review and adoption of minutes from January 13, 2017 meeting.**

**MOTION AND VOTE:** *Heartsill moved to adopt the January 13, 2017 minutes draft. Ward seconded the motion. The Committee unanimously adopted the motion.*

### **Administrative update (update on any outstanding reimbursements or other administrative items from staff).**

Members and staff briefly discussed where there were any outstanding reimbursement requests from Committee members.

### **Review and discussion of updates to proposed license discipline categories and subcategories chart, components requirements matrix for each forensic discipline and program summary.**

Members discussed comments and feedback to the proposed matrix requirements, including issues with the statistics coursework requirement for applicants applying after 1/1/19. Garcia suggested offering an online course through Sam Houston State University or another university that may be able to offer the course at a discounted price online. The Commission would offer the course through its online web portal and applicants would have a nine-month time period to complete the course. Members discussed that the course must be financially accessible to all examiners. Members agreed offering the course through the Commission's web portal was a great idea to alleviate some of the barriers (cost, time, etc.) the course requirement may impose on examiners. Members also pointed out that the course could be tailored to be more forensic-science focused than other general statistics courses and perhaps more beneficial this way.

**MOTION AND VOTE:** *Ward moved to have staff reach out to Sam Houston State University for assistance in developing an online statistics course for licensees. Miller seconded the motion. The Committee unanimously adopted the motion.*

Garcia will reach out to Professor Patrick Buzzini who teaches a course in statistics for the forensic science program at Sam Houston State University to begin discussion about possible online course development.

Members discussed ways to include laboratory-offered in-house continuing forensic education (“CFE”) programs in the list of approved CFE programs that count towards credit for the license CFE requirements. Members proposed creating an application to apply for CFE credit for laboratories. The Commission or Committee would then approve the application and add the course to approved CFE credit in the system.

Members discussed whether certain certification body exams, if taken and passed by an examiner, should count to fulfill the proposed general forensic exam requirement to get a forensic analyst license in Texas. Members agreed to keep the option open at this time, but the consensus for now is that everyone should be required to take the general forensic exam. Members will ask the Commission decide at a later date whether certain certification body exams may fulfill the general exam requirement.

Members reviewed the separate requirements proposed for NIBIN examiners and agreed the proposed requirements should work. Miller will create a proposed list of knowledge-based competency requirements for NIBIN examiners and bring it to the next meeting for review by the Committee. Members discussed that NIBIN tech should be changed to firearm tech. Ward will work on the definition of firearm tech and bring to the Committee’s next meeting.

Members suggested adding a waiver application for examiners who do not meet the education requirements and apply in Texas from labs outside of Texas and have 10 years of experience working in an accredited laboratory. Applicants should be required to demonstrate their contributions to the field of forensic science in which they work. The applicant’s experience in an accredited laboratory must be within 2 years of their application in Texas to qualify for the waiver. All other requirements besides the education requirement would stand. Staff will work on drafting the language to add this option to the rules.

**Review and discussion of proposed draft rules for Licensing Program to be presented to the Commission at its February 10, 2017 quarterly meeting.**

Garcia explained staff would present the program recommendations to new Commissioners at their quarterly meeting tomorrow. Staff will present a revised PowerPoint presentation that describes the background of the program and the proposed requirements as developed in the draft rules thus far. Commission members will review the proposed draft rules, address comments, make edits and/or revisions to the rules and present the final rules for adoption at its April 2017 quarterly meeting.

**Discussion of proposed general exam requirement, including potential exam developer agreements, topics, structure and administration of the exam and discussion of whether recognized certification body exams may fulfill the general forensic exam requirement.**

Members discussed the timing of the general forensic exam. Examiners will need to complete the exam before the January 1, 2019 deadline, but may finish and pass the exam up to December 31, 2018. If completed before January 1, 2019 and all other requirements are met, a license will be issued. Members also discussed that examiners will have three chances to take and pass the exam. The first time an examiner sits for the exam any modules he/she does not pass will need to be taken a second time. The second time an examiner sits for an exam, only those modules he/she did not pass will appear. Finally, the examiner will have a third try to complete any remaining failed modules.

Members also discussed accommodating test takers with disabilities. Staff will look into the Texas Occupational Code's rules on accommodations for test-taking and otherwise and members will review different options at the Committee's next meeting.

Members will work on further developing criteria for the general exam requirement at the Committee's next meeting.

**Review proposed draft list of qualifying Natural Science degrees to fulfill educational component and waiver/exception process for same.**

Members discussed publishing a list of Natural and Applied Science degree names/titles that automatically qualify to meet this requirement. Hilbig reported that he contacted several Texas universities and many of them define natural science differently. For example, the University of Texas includes certain social sciences, anthropology and math under the Natural Sciences category whereas other universities like Texas A&M may not. Heartsill contacted several out-of-state universities that also define the terms in different ways. Members proposed that degrees for the most part may need to be evaluated on a case-by-case basis. The group could adopt a list of degrees that are clearly natural sciences, but others may be reviewed and/or evaluated for credit on a case-by-case basis.

**Update from Texas Association of Crime Lab Directors ("TACLD"), including discussion of any comments and feedback related to the program summary, proposed program timeline, proposed requirements matrix, and proposed general forensic licensing exam.**

Roger Kahn, President of the TACLD, attended the meeting and offered comment and discussion on several of the topics.

**Discussion of legislative recommendations, revisions and/or clarifications to the statutory licensing requirement and report to the legislature for 85<sup>th</sup> Legislative Session.**

Members did not discuss this item.

**Discussion of funding necessary to fulfill the licensing mandate including the cost of examinations, Forensic Science Commission application processing fees, continuing education requirements and renewal or re-certification costs.**

Garcia will continue to follow the legislative session and provide any available updates on funding at the Committee's next meeting.

**Discussion of the “non-proficiency tested laboratory personnel” proposed exemption and review of definition, including discussion of whether NIBIN techs should have different license requirements than firearm/toolmark examiners.**

Members discussed and approved the proposed definition for exempting “non-proficiency tested laboratory personnel” who do not perform laboratory tasks that have any impact on a forensic analysis.

**Consider proposed agenda items for next meeting.**

Staff will circulate a proposed agenda containing items for continued discussion and any additional items members may propose.

**Schedule and location of future meetings.**

Committee members plan to meet March 2 or 3, 2017 in Dallas at the Southwestern Institute of Forensic Sciences.

**Hear public comment.**

No public comment was given other than that noted in the “Update from Texas Association of Crime Lab Directors” item above.

**Adjourn.**