

Texas Forensic Science Commission – Licensing Advisory Committee Minutes from January 18, 2018

The Licensing Advisory Committee of the Texas Forensic Science Commission met at 10:00 a.m. on Thursday, January 18, 2018, at the Stephen F. Austin building, 1700 North Congress Ave., Suite 172, Austin, Texas 78701.

Members of the Committee were present as follows:

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

Members Absent: Keith Hampton
Katie White

Staff Present: Lynn Garcia, General Counsel
Leigh Savage, Associate General Counsel
Jody Koehler, Senior Scientific Advisor

Review and adoption of minutes from October 26, 2017 meeting.

MOTION AND VOTE: *Sailors moved to approve the October 26, 2017 meeting minutes draft. Heartsill seconded the motion. The Committee unanimously adopted the motion.*

Administrative update (update on any outstanding reimbursements; update on software program and implementation progress)

Staff and members discussed whether there are any outstanding travel reimbursement requests. Staff updated members on the progress of implementation of software for the licensing program's administration. The Commission has contracted with the vendor TopClass to provide software to administer the General Forensic Exam and to provide an application process for licensees. Staff will provide further update on progress with the software program at the Committee's next meeting. Staff is also working on administration of a pilot general forensic exam using the TopClass software. The pilot exam is expected to be released sometime in mid-March. Staff will report back with updates on the status of the pilot exam.

Review and discuss revisions to rules for the Licensing Program and recommendations regarding the adjudication of public comments received

Members reviewed and addressed all comments received from the public during the public comment period for the second publishing of the licensing rules.

Members reviewed a waiver process incorporated in the rules (recommended by Commissioner Dr.

Sarah Kerrigan and other members of the public) that allows out-of-state transfers and internally promoting employees an opportunity to show they have a certain number of years' experience and education that will supplant the post-January 1, 2019 specific coursework requirements provided in the licensing rules. Members agreed with the proposed waiver process. Staff will work with the Attorney General's office to determine how clear the parameters of the exemption must be, including whether there needs to be a specific number of years for experience and/or specific education requirements outlined in the waiver section of the rules. Staff will propose the waiver at the Commission's February 2, 2018 quarterly meeting.

Members discussed adding "chemical engineering" to the list of approved degrees that meet the minimum education requirements and specifying "chemical." Some members of the Committee do not believe that just any engineering degree can satisfy the engineering degree requirement (e.g., civil engineering). Staff will incorporate the chemical engineering degree language into the rules.

Members briefly discussed the outstanding Attorney General opinion request on whether postmortem toxicology testing is subject to the accreditation and licensing requirements. Staff is still waiting on a reply to the request.

Discuss proposed statistics requirement for examiners applying after January 1, 2019 and development of financially accessible, online statistics course for forensic examiners.

Members briefly discussed this agenda item during the meeting. Garcia reported she would reach out to Professor Patrick Buzzini at Sam Houston State University to follow up on whether the University is interested in providing an online program that may satisfy the statistics requirement for examiners post-January 1, 2019.

Review and discuss draft knowledge based competency requirement documents for each forensic discipline subject to the licensing requirement.

Members reviewed and discussed the knowledge-based competency components. Roger Kahn, Texas Association of Crime Laboratory Directors President, offered comments. Kahn explained the knowledge-based competency requirements should not be a requirement of licensees at this point. Kahn explained the requirements dictate the laboratories' training programs. Garcia explained the original intent behind the knowledge-based competency requirements—to provide at least some standardization among minimum lab training components that does not exist at this time. Members agreed to stick with the knowledge-based competency requirements as originally proposed.

Members discussed the need for a requirements list for DNA technicians since they are a new category of license. Staff will work on finalizing the knowledge-based competency requirement list for DNA technicians and bring those to the next licensing meeting along with revisions to other knowledge-based competency requirements that mirror the categories of licenses outlined the licensing rules.

Miller suggested that the knowledge-based certification signature forms be posted with the licensees profile on the Commission's website for the public. Staff will work with the web developers on this item. Staff explained this should not be an issue.

Discuss educational requirements, including revisiting the question of whether an engineering degree should satisfy the educational requirements for a Forensic Analyst License in seized drugs or related disciplines.

Members discussed this item as noted in the agenda item on the licensing rules above.

Discuss general examination requirement, including exam material and question development, exam developer agreements, topics, structure and administration of the exam, psychometric testing services, and comments on exam topics.

Staff gave a brief update on calls that have occurred with the psychometricians and subject matter experts organized to develop task statements and test questions. The groups have met via telephone with the psychometricians and are working on the development of questions for the General Forensic Exam. Questions will be reviewed by the psychometricians before being finalized for the exam. The exam will consist of seven domains, Evidence Handling, Root Cause Analysis, Brady/MMA, Expert Testimony, Statistics, Human Factors and Professional Responsibility—20 questions per subject equally weighted.

Staff will continue to work with the psychometricians on exam question development. Study materials will be finalized in the next month and distributed to all potential licensees and laboratory managers.

Update from the Texas Association of Crime Laboratory Directors, including discussion of any comments and feedback related to the published program rules.

Roger Kahn, President of the Texas Association of Crime Lab Directors, attended the meeting and provided comments throughout the agenda.

Discuss program budget.

Members did not discuss this agenda item.

Schedule and location of future meetings.

Staff will circulate a doodle poll and finalize a date for the Committee's next meeting sometime after the Commission's next quarterly meeting.

Hear public comment.

No public comment was given other than that noted under the agenda items above.

Adjourn.