

Texas Forensic Science Commission – Licensing Advisory Committee Minutes from July 15, 2021 Meeting

The Licensing Advisory Committee of the Texas Forensic Science Commission met virtually via Zoom at 9:00 a.m. on July 15, 2021 as authorized under Government Code section 551.125 pursuant Due to Governor Greg Abbott’s March 13, 2020 proclamation of a state of disaster and April 5, 2021 extended proclamation of a state of disaster affecting all counties in Texas due to the Coronavirus (COVID-19) and the Governor’s March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act.

Members of the Committee were present as follows:

Members Present: Deborah Smith
Sandy Parent
Bill Hines
Erin Reat
Emily Esquivel
Donna Eudaley
Crystina Vachon
Alicia Watts
Calli Bailey

Staff Present: Lynn Garcia, General Counsel
Leigh Tomlin, Associate General Counsel
Robert Smith, Senior Staff Attorney
Rodney Soward, Licensing Program Specialist

1. Call meeting to order. Roll call for members.

Reat called the meeting to order and called roll.

2. Instructions for public participation.

Tomlin gave instructions for public comment and participation during the meeting.

3. Review and adoption of minutes from April 15, 2021 meeting.

MOTION AND VOTE: *Esquivel moved to approve the January 28, 2021 meeting minutes draft. Eudaley seconded the motion. The Committee unanimously adopted the motion.*

4. Administrative update, including update on number of licenses issued and number of renewals processed, update on database project with Office of Court Administration IT, updates to TopClass learning management software.

Soward provided an update on licenses issued. There are currently 1,241 licensees, consisting of 5 blanket, 226 non-interpretive (de minimis), 10 provisional, 995 regular, 3 regular/uncommon

forensic analysis, and 2 temporary. Tomlin and Garcia described the database project currently being developed by the Office of Court Administration's IT department. The team is developing a website for better access to all information kept by and reported to the Commission, including information regarding accredited labs, licensees, self-disclosures, complaints, quality incidents and information about OSAC Registry standards adopted by Texas laboratories. The team hopes to launch the site in 6 weeks. Laboratories will participate in a pilot program of the new site for reporting self-disclosures, quality incidents and updating laboratory accreditation information.

5. Discussion and vote for rule regarding license expiration policy and late renewal fees.

Members discussed and voted on a draft administrative rule that creates a license expiration policy to disincentivize renewal beyond a licensee's expiration date by imposing certain stricter requirements for failure to renew beyond a set time period. The rule change deems a license inactive upon failure to renew by the end of the last day of the current license term. A licensee has 90 days thereafter to follow the steps to maintain licensure. Any license that remains inactive beyond the 90-day period is considered expired and analysts seeking to renew during that time period are subject to the General Forensic Analyst Licensing Exam requirement and any currently applicable specific coursework requirements for licensure. The rule provides an exception for licensees taking a leave of absence or otherwise not currently employed at a qualifying accredited crime laboratory when their license becomes inactive or expires.

MOTION AND VOTE: *Eudaley moved to recommend the full Commission adopt the rulemaking with the changes as discussed by Committee members. Smith seconded the motion. The Committee unanimously adopted the motion.*

6. Review any outstanding statistics course evaluation requests, discuss available statistics course options.

There were no outstanding statistics course evaluation requests.

7. Discuss and evaluate any outstanding continuing forensic education (CFE) requests.

There were no outstanding CFE review requests.

Members discussed whether study materials for the exam should count towards CFE. All members agreed studying for the exam should not count toward the CFE requirement.

8. Discuss exam evaluation committee and development of new test questions, update on options for remote testing.

Tomlin reported the exam evaluation committee has finalized a list of study/reading materials for the General Forensic Analyst Licensing Exam II ("Exam"). The Committee and staff are working on creating the remaining training videos to be included in the study materials. Staff plans to release the written materials to pilot test takers before the end of August and follow up with the training videos when available. Staff will work to finalize the objectives/task statements for the

Exam. Staff will also finalize and make edits to the Exam syllabus as necessary before distributing the study materials. Contracted psychometricians will train exam evaluation committee members on question-writing techniques and skills before they submit suggested test questions.

Staff reported on developments for remote exam administration. The Commission contracted with SHSU to utilize the University's Blackboard platform and Respondus exam committee software. Staff underwent a training with SHSU staff on administration of online tests through Blackboard and Respondus. Commission staff plans to launch the remote exam option late next week to a small group of test takers seeking to take the test remotely. Commission staff hopes to offer the remote option universally after testing and troubleshooting with the smaller group of test takers initially.

9. Discuss voluntary licensure for unaccredited forensic disciplines, including discussion and update on the crime scene working group's proposed components for voluntary licensure; discuss option for unaccredited disciplines taking the exam and vote on corresponding rule changes to include crime scene investigators.

Members discussed reconvening at a separate meeting to address voluntary licensure for unaccredited disciplines. Members plan to meet virtually for the meeting before September 1, 2021.

Members discussed the rule expanding the list of unaccredited forensic disciplines eligible to take the General Forensic Analyst Licensing Exam to include crime scene investigators. The change will cover all employees working in crime scene units at an accredited laboratory that wish to take the exam. Eudaley asked whether the term "latent print examiner" included employees only conducting latent print processing duties. Members discussed the rule should be clear that latent print processing employees should be included in the list of unaccredited disciplines eligible for the exam.

Members further discussed edits to the definition for crime scene investigation to clarify all crime scene investigators are both exempt from accreditation requirements and permitted to take the exam.

MOTION AND VOTE: *Eudaley moved to recommend the full Commission approve the rulemaking drafts with one edit—to add latent print processing to the list of unaccredited discipline eligible to take the exam. Esquivel seconded the motion. The Committee unanimously adopted the motion.*

10. Update and discussion of new OSAC Registry standards to be adopted by the Commission, including the development of collaborative work groups to discuss new standards.

Garcia gave a brief update on the Commission's collaboration with OSAC for implementation/recommended adoption of standards in Texas. Laboratories opting to adopt OSAC Registry standards will be recognized on the Commission's new database platform.

11. Update from the Texas Association of Crime Laboratory Directors (TACLD).

Watts reported the TACLD will meet today at 1:00 p.m.

12. Schedule and location of future meetings.

The Committee will meet again before September 1, 2021 and on July 15, 2021.

13. Hear public comment.

There was no public comment other than that noted throughout the agenda.

14. Adjourn.