

Texas Forensic Science Commission – Licensing Advisory Committee Minutes from October 26, 2017 Meeting

The Licensing Advisory Committee of the Texas Forensic Science Commission met at 10:00 a.m. on Thursday, October 26, 2017, 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
Katie White

Members Absent: Keith Hampton
Michael Ward
Thomas Ashworth

Staff Present: Leigh Savage, Associate General Counsel
Kathryn Adams, Commission Coordinator
Jody Koehler, Senior Scientific Advisor

Review and adoption of minutes from July 10, 2017 and August 17, 2017 meetings

MOTION AND VOTE: *Sailors moved to approve the July 10 and August 17 meeting minutes drafts. Heartsill seconded the motion. The Committee unanimously adopted the motion.*

Administrative update (outstanding reimbursements; discussion of new travel rules; update on software and implementation progress)

New Licensing Advisory Committee member Katie White introduced herself to Committee members. New FSC staff member, Senior Scientific Advisor, Jody Koehler introduced herself to Committee members. Committee members and staff introduced themselves as well.

Staff member Kathryn Adams reviewed new travel reimbursement rules with Committee members. Members and staff briefly discussed whether there were any outstanding reimbursement requests from Committee members.

Members and staff discussed the implementation of ALIS software for the licensing program. Staff is working with the Office of Court Administration ("OCA") (the Commission's new administrative attachment) to determine whether the ALIS system the OCA uses for its licensing functions will work for the Forensic Analyst Licensing Program as well. Staff will provide an update on any developments related to the software for the licensing program at the Committee's next meeting.

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

Members discussed a letter received from the United States Department of Justice ("DOJ") Senior Advisor on Forensic Science Ted Hunt. The letter describes reasons why it may be necessary for federal examiners practicing in state criminal cases to be exempt from Texas forensic analyst licensing requirements. Members discussed the issues identified in the letter. Members agreed that if there is a legal reason federal examiners should be exempt from Texas licensing requirements, members are open to providing some type of exemption. However, from a purely scientific perspective, members see no reason to provide an exemption for federal forensic examiners practicing in state criminal cases. Members directed Savage to convey their opinion to the full Commission for final decision on the issue.

MOTION AND VOTE: *White moved to recommend changing references to "Director" in the rules to "Commission Chair or Designee" for clarity. Sliter seconded the motion. The Committee unanimously adopted the motion.*

Members discussed the change of the provisional license term from nine months to one year. Members agreed one year allows a sufficient amount of time to fulfill any missing requirements under the provisional license. Members also discussed the provisional license should be limited to the licensee's inability to meet the education requirements (either the degree or specific coursework requirements) but that a provisional license should not be allowed for examiners who cannot fulfill any of the other requirements. Staff agreed to edit the rules to make the provisional license narrower in scope, limiting it to those examiners who cannot fulfill educational components only.

Members discussed whether toxicology technicians should have modified requirements. Members agreed toxicology technicians should pay a lower application fee (similar to a firearms technician), but agreed all other requirements should remain.

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

Members did not discuss this agenda item.

Review and discuss draft knowledge based competency requirement documents for each forensic discipline

Members reviewed the draft knowledge based competency requirement documents for each forensic discipline, including new draft requirements for wildlife biologists. Members approved the draft wildlife biology components with minor changes.

Members also discussed creating uniformity across disciplines in the categories of Safety, Legal, Quality Assurance and Evidence Handling. Members suggested edits to each of these categories. Staff will prepare a draft of these uniform categories and revise the knowledge based competency requirement documents for each discipline accordingly. Members will review the changes at the next meeting.

Discuss recommendation for Forensic Analyst Code of Professional Responsibility

Members edited and approved for presentation to the full Commission a draft Code of Professional Responsibility for forensic analysts. Staff will make all suggested edits to the draft document for presentation to the full Commission.

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

Members discussed whether having a chemical engineering degree is satisfactory to the requirements as currently written in the licensing rules. The rules already require specific coursework requirements. If a person can meet the specific coursework requirements, the degree is a non-issue to members. A person may apply for an exception if they meet all the specific coursework requirements but do not have the specific degree required using the procedure outlined in the rules.

MOTION AND VOTE: *Miller moved to recommend the full Commission add a bullet point referencing the procedure for denial of an initial application under the educational requirements section of the rules for clarity. White seconded the motion. The Committee unanimously adopted the motion.*

Discuss general exam 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 twice and plan to meet again before the next Committee meeting. Members of the groups are working to develop draft test questions upon completion and finalization of the task statements for each exam topic category.

Members discussed the statistics portion of the General Forensic Exam and the task statements drafted by the stats subject matter experts. Members agreed the task statements need to be pared down to a more basic level of understanding for stats. Miller agreed to provide some suggested stats readings for drug chemistry examiners that may be helpful in determining some of the key statistics topics/concepts examiners should understand.

Update from the Texas Association of Crime Lab 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 before the Commission's next quarterly meeting.

Hear public comment

Alicce Watts, Quality Director for NMS Labs, offered comments throughout the meeting.

Adjourn