

Texas Forensic Science Commission – Licensing Advisory Committee Minutes from March 19, 2018

The Licensing Advisory Committee of the Texas Forensic Science Commission met at 10:00 a.m. on Monday, March 19, 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
Katie White

Members Absent: Keith Hampton

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

Review and adoption of minutes from January 18, 2018 meeting.

MOTION AND VOTE: *Sailors moved to approve the January 18, 2018 meeting minutes draft. Heartsill seconded the motion. The Committee unanimously adopted the motion.*

Administrative update (update on any outstanding reimbursements; update on implementation of licensing exam and licensing application).

Staff and members discussed whether there were any outstanding reimbursement requests. Staff reviewed the timeline for implementation of the pilot licensing exam and application functions for the TopClass software. Staff plans to administer the pilot exam between March 15 and April 13. The exam will be administered electronically and proctored by each lab.

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 latest publishing of the licensing rules.

Members discussed revisions to the toxicology categories of licenses and associated requirements revised in response to comments from the forensic community. Members addressed the specific coursework requirements for toxicologists and made no further changes to the current version of the rules.

Members discussed adding a definition of interpretation to the toxicology interpretive category of license. Heartsill will work on drafting a definition for interpretation and members will review it at the next licensing committee meeting.

Members discussed whether provisional licensees who apply prior to January 1, 2019 fall under the pre-January 1, 2019 requirements. Members agreed that the pre-January 1, 2019 requirements should apply in this scenario. Staff will add this clarification in the licensing rules.

Members briefly addressed comments from the Department of Justice on a possible exemption from the licensing requirements. Garcia explained the Commission will be reviewing a draft exemption for federal forensic examiners at its April 20 meeting.

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 able to provide an online program that may satisfy the statistics requirement for examiners post-January 1, 2019. Staff indicated the program could be offered through TopClass, the program the Commission is already using to administer the exam and provide study materials.

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

Members discussed whether the knowledge-based competency requirements should take effect after January 1, 2019. Members agreed the requirements should take effect for those applying after January 1, 2019. Members suggested setting up task groups to address discipline-specific training topics and to come up with revised knowledge-based competency requirements for application after January 1, 2019.

MOTION AND VOTE: *Miller moved to recommend the full Commission revise the licensing rules to reflect the knowledge-based competency requirements take effect for applicants applying after January 1, 2019. White seconded the motion. The Committee unanimously adopted the motion.*

Discuss general examination requirement, including update on pilot exam, exam study material, questions, topics, structure and administration, criteria for modified exams, including which domains apply to the modified exam, and psychometric testing services.

Members discussed the costs associated with study materials for the general forensic analyst licensing exam. Examinees are required to purchase certain materials the Commission was not able to obtain due to copyright issues. All other study materials have been provided at no cost to analysts. Some members expressed concern related to the cost of the materials in addition to the cost of the license and renewal fees. Staff reported that some labs are purchasing materials for their libraries. In other labs, analysts are sharing the cost of the study materials.

Members discussed getting feedback from pilot examinees through a comment box at the end of the exam or otherwise through a Survey Monkey survey. Staff will consult with the psychometricians evaluating the pilot exam for the Commission regarding the best way to elicit

feedback from test-takers.

Members discussed what exam modifications should be made for technicians taking the general forensic analyst licensing exam. Technicians should be required to take the following domains: Evidence Handling; Brady/Michael Morton Act; Professional Responsibility; Basic Human Factors; and Basic Root Cause Analysis. The exam will be 50 questions versus the full 100 for applicants seeking a regular forensic analyst license. If a technician promotes to an analyst position and seeks an analyst license, he/she must take the portions of the exam not taken as a technician.

MOTION AND VOTE: *Miller moved to recommend the full Commission revise the rules to include the modified exam for technicians and to clarify that technicians must take the portions of the exam they did not take when they apply for a full forensic analyst license upon promotion. Sliter seconded the motion. The Committee unanimously adopted the motion.*

Members discussed clarifying in the rules that analysts who are not currently subject to the licensing requirements—e.g., bloodstain pattern analysts—but later become subject to the requirements can take the pilot exam and have it count towards the general forensic analyst licensing exam requirement. However, during the regular course of the general forensic exam, outside the pilot period, an analyst must be subject to the licensing requirements and eligible to obtain a license to sit for the general forensic analyst licensing exam.

Members and staff discussed preparing a frequently asked questions (FAQ) document for examinees. Staff will address some of the questions received thus far in the FAQ document and distribute it to examinees. Members also discussed the plan to host discipline-specific webinars to review the license requirements with stakeholders. Garcia and staff plan to host 6 different webinars to answer questions about the licensing program, one for each forensic discipline subject to the licensing requirements.

Update from the Texas Association of Crime Laboratory Directors (“TACL D”), including discussion of any comments and feedback related to the published program rules.

Any written comments from TACL D members were addressed in the review of the licensing rules item above.

Discuss program budget and breakout of exam fee.

Members did not discuss this item.

Schedule and location of future meetings.

The Licensing Advisory Committee will meet again on April 19 at 10:00 a.m., the day before the Commission’s next quarterly meeting.

Hear public comment.

No public comment was given.

Adjourn.