

FSC LICENSING ADVISORY COMMITTEE

MEETING MINUTES

April 13, 2023 10:00 AM

Tom C. Clark Building
1st Floor Conference Room
205 West 14th Street
Austin, Texas 78701

During this meeting, the Licensing Advisory Committee of the Texas Forensic Science Commission (“Committee”) considered and took action on the following items. The Committee took breaks as necessary.

Members Present: Deborah Smith
Sandy Parent
Erin Reat
Emily Esquivel
Donna Eudaley
Crystina Vachon
Calli Bailey
Angelica Cogliano
Kelly Wouters

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

1. Call meeting to order. Roll call for members. (Reat) (2 min)

Reat called the meeting to order at 10:00 am and took roll.

2. Review and adoption of minutes from January 26, 2023 meeting. (Reat) (1 min)

MOTION AND VOTE: *Esquivel moved to adopt the draft July 21, 2022, meeting minutes. Parent seconded the motion. The Committee unanimously adopted the motion.*

3. Administrative update, including update on number of licenses issued and number of renewals processed, and update on database project with Office Court Administration. (Garcia/Tomlin/Soward) (5 min)

Soward updated members on the current total number of licenses issued (1297) and renewals processed to date. Licensing staff is working on gathering data for a proposal for the Committee to consider changing the license term expirations to end on the candidate’s birthdates to ease the burden of licenses expiring all at the same time. Currently, since the license programs inception in Fall 2018, a majority of the Commission’s licensees have

licenses that expire in late Fall of odd-numbered years placing a burden on staff and licensees during this time. Staff will gather data for the Committee to assess the best way to transition to a better method for renewing licenses that eases the burden on the program during this busy time at the Committee's July 2023 meeting.

Tomlin and Garcia gave an update on the database project. OCA IT has launched the licensing piece of the database and the licensee search is available to the public and to licensees and Commission staff. IT is now working on the OSAC Registry standards piece of the database and the accreditation side of the database for laboratories to update key accreditation information. To view the different components of the database the Commission is expecting, the public can visit the front page of the database at the following web link: www.fsc.texas.gov.

4. Review any outstanding coursework evaluations.

The Committee considered whether to grant an application for waiver of the coursework requirements for a candidate missing one credit hour of the 16 hours of required chemistry coursework above general chemistry for a toxicologist (interpretive) license.

MOTION: *Smith moved to approve the application for a waiver of the coursework requirement because the candidate has five or more years credible experience in an accredited laboratory in the forensic discipline for which he or she seeks licensure and is certified by the ABFT and has provided documented laboratory sponsored training in the areas in which they are missing any required coursework. Parent seconded the motion. The Committee unanimously approved the motion.*

The Committee considered a request from a second candidate to confirm 11 hours of chemistry courses as qualified above general chemistry courses that count towards the chemistry coursework component for required for licensure as a seized drugs analyst.

MOTION 1: *Smith moved to approve the eleven (11) credit hours as qualifying chemistry coursework hours counting towards the required minimum (16) semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university required for a seized drugs forensic analyst license for the candidate. Eudaley seconded the motion. The Committee unanimously approved the motion.*

For the same candidate, the Committee considered a request to consider whether a Toxicology course (BIOL 3355/BIOL 5355/EVSE 5320: Toxicology) counts as a chemistry course towards the required chemistry coursework.

MOTION 2: *Esquivel moved to approve the three-hour course as a qualifying chemistry course counting towards the required minimum (16) semester credit hours in college-level chemistry coursework above general coursework required for seized drugs forensic analyst licensure. Vachon seconded the motion. The Committee approved the motion.*

The Committee considered a third request from the same candidate to approve a general forensic course towards the chemistry requirement. The course did not contain any upper-level chemistry components based on the material provided by the candidate.

MOTION 3: *Parent moved to deny the request to count the course BIOL 3352: Introduction to Forensic Science (Laboratory) based on the information submitted by the candidate as a qualifying chemistry course. Esquivel seconded the motion. The Committee unanimously denied the motion.*

*Committee member Kelly Wouters recused from discussion and vote on the above three motions because he works at the candidate's laboratory.

5. Discuss exam administration options for General Forensic Analyst Licensing Exam II.

Tomlin gave an update on offering options for the General Forensic Analyst Licensing Exam II for laboratories with security issues in launching the exam security software, Respondus. Laboratories may not administer and proctor the exam by special request through Blackboard without using the Respondus exam security software. Laboratory managers can make an exam administration request by visiting the Commission's [licensing exam webpage](#) and filling out the linked [exam administration request form](#).

6. Discuss progress on the development of the Texas Forensic Science Commission's (Commission) voluntary licensure program for unaccredited forensic disciplines, including status of latent print and digital/multimedia analyst voluntary licensing program and discussion.

Staff discussed the status of the voluntary licensure program for forensic anthropologists and forensic document examiners. The Commission's voluntary licensing rules require applicants to be employed by a laboratory or agency that can demonstrate, regardless of Commission accreditation status, compliance with specific standards as applicable to the applicant's forensic discipline as published on the Commission's website and updated January 15 of each calendar year. The Committee discussed which standards should apply to the forensic disciplines latent prints and digital/multimedia evidence licensure. The Committee suggested that, rather than recommending full OSAC Registry standards and other standards implementation by laboratories, the Committee recommend laboratories implement certain critical quality provisions excerpted from AR 3125 and ISO 17025 and other standards that the Committee feels are critical to a laboratory's quality system and the particular forensic disciplines being addressed.

MOTION: *Smith moved to form working groups to develop and make recommendations to the Licensing Advisory Committee on which standards voluntary license applicant's employing laboratories should be required to demonstrate compliance with. Parent seconded the motion.*

Staff will send a Doodle poll to a group of stakeholders for each discipline (latent prints and digital/multimedia) for separate calls to develop recommendations on which standards the Committee should recommend.

Staff discussed reconvening the crime scene investigation and crime scene reconstruction working group to address requirements for voluntary licensure in these disciplines sometime before the at the Committee's October 2023 quarterly meeting. Texas Ranger Brent Barina commented on voluntary licensure for crime scene investigators and reconstruction analysts. Ranger Barina discussed the current crime scene training program for Texas Rangers and other officers. Barina also addressed the Texas Commission on Law Enforcement's (TCOLE) basic peace officer training program which includes a 45-hour crime scene investigation component for new officers in the State. Garcia reminded Committee members that their predecessors along with the former Crime Scene Working Group participated in assisting TCOLE revise its crime scene component of the basic peace officer training program to make it more robust and more forensic-focused. Ranger Barina reported that the training has received positive feedback from officers who have found it to be a valuable training.

7. Review and possible recommendation to full Commission of rule changes to 37 Texas Administrative Code, Subchapter C, § 651.211 related to a temporary license fee waiver.

MOTION: Recommend the full Commission propose the amendments to rule 651.211 subject to non-substantive changes from the Office of the Governor.

8. Update regarding 88th Legislative Session.

Garcia reported on legislative bills from the 88th Legislative Session affecting the Commission and crime laboratories, including SB 1834 which creates a statewide technology solution to facilitate full discovery of forensic crime laboratory records. The portal will allow crime labs to meet the legal disclosure and discovery obligations of the Texas Code of Criminal Procedure, including the Michael Morton Act. Through the portal, crime laboratory records will be made available to authorized criminal justice stakeholders, including prosecutors and defense attorneys, on a case-by-case basis.

The committee substitute for the bill also makes minor changes to the Commission's existing disciplinary and appeals process to cover any non-compliance with the portal solution and to allow for a uniform and clear appeals process for any entity or individual subject to the Commission's jurisdiction to appeal to the Judicial Branch Certification Commission.

9. Update from the Texas Association of Crime Laboratory Directors. (Stout)

TACLD did not provide an update at this meeting.

10. Schedule and location of future meetings, including July 20, 2023 and October 19, 2023 meetings.

The next Committee meetings will take place on July 20, 2023 and October 19, 2023.

11. Hear public comment.

Public comments are noted throughout the agenda.

12. Adjourn.

MOTION AND VOTE: *Wouters moved adjourn the meeting. Parent seconded the motion. The Committee adjourned the meeting.*