

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

The Licensing Advisory Committee of the Texas Forensic Science Commission met virtually via Zoom at 9:00 a.m. on April 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
Alicee Watts
Calli Bailey

Staff Present: Lynn Garcia, General Counsel
Leigh Tomlin, Associate General Counsel
Robert Smith, Senior Staff Attorney

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 January 28, 2021 meeting.

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

4. Administrative update, including update on number of licenses issued and number of renewals processed, discuss database project with Office of Court Administration IT.

Soward provided an update on licenses issued. There are currently 1,215 licensees, consisting of 981 regular licenses, 8 blanket, 3 provisional, 2 temporary, 1 technical review, and 220 Non-Interpretive (De Minimis). Garcia described the database project currently being developed by the

Office of Court Administration’s IT department. The team is developing a page for better access to information kept by 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 6-8 weeks.

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 elevated fees for late renewals. Members approved the rule with edits to section (g) providing an exemption from expiration penalties for licensees who no longer need a license or are taking a leave of absence.

MOTION AND VOTE: *Parent 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. Discussion and vote for rule regarding revisions to licensing program continuing forensic education requirements to align with OSAC continuing forensic education and training requirements.

Members and staff discussed a comparison chart of requirements recommended in the OSAC Registry training and education standard ASTM E2917-19a as compared to what is required by the Commission for continuing education. The Commission’s requirements are generally stricter than the requirements in the OSAC Registry standard, with one exception—the number of total hours required. The OSAC Registry standard recommends an additional 8 hours every two years beyond what the Commission requires. Members discussed a change to the Commission’s continuing forensic education requirements, including an increase of 8 hours per two-year license cycle required for renewal and a minimum of 16 hours of the total 32 that must be discipline-specific training hours.

Members also discussed that the only continuing forensic education required for technicians is the mandatory Legal and Professional Responsibility update and that perhaps more hours should be required of technicians. Members agreed to address continuing forensic education hours for technicians at the Committee’s July 15, 2021 meeting.

MOTION AND VOTE: *Esquivel moved to recommend the full Commission adopt the rulemaking as drafted. Hines seconded the motion. The Committee unanimously adopted the motion.*

7. Discuss rule removing the term “collection” from the categories of analysis for Forensic Biology/DNA subject to accreditation and licensing requirements.

Members discussed a rulemaking addressing Commission accreditation and licensing requirements as applicable to laboratory employees “swabbing” or “collecting” evidence. Evidence collection activities related to forensic biology cases may be performed by another unit

at a crime laboratory for evidence processing efficiency. The rules as currently written may be read to subject such evidence collection activities to inapplicable Forensic Biology/DNA accreditation and licensing requirements. The proposed change clarifies that “collection” activities are not subject to the requirements and may be performed by a non-Forensic Biology/DNA analyst or other qualified crime laboratory employee.

Members discussed revising the draft rulemaking to require that “collection activities combined with testing” beyond basic screening be subject to the accreditation and licensing rules.

MOTION AND VOTE: *Esquivel moved to recommend the full Commission adopt the rulemaking with the suggested change. Smith seconded the motion. The Committee unanimously adopted the motion.*

8. Review any outstanding statistics course evaluation requests, including discussion of whether study materials for exam should count towards CFE.

There were no outstanding statistics course evaluation requests. Commissioner Dr. Sarah Kerrigan gave an update on a forensic statistics course being offered and taught by Patrick Buzzini at Sam Houston State University through its distance learning program. Information about the course will be posted on the Commission’s website soon.

MOTION AND VOTE: *Vachon moved to approve the Sam Houston State University course in fulfillment of the required statistics component for licensure. Eudaley seconded the motion. The Committee unanimously adopted the motion.*

9. Discuss and evaluate any outstanding continuing forensic education (CFE) requests, including discussion of whether study materials for exam should count towards CFE.

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.

10. Discuss exam evaluation committee and development of new test questions, including committee assignments for evaluating current test content; discuss revisions to exam training videos; update on options for remote testing.

Members reviewed and made additions to a chart of exam review volunteers as drafted by staff. Staff will distribute current exam study materials, exam task statements and the syllabus to volunteers to begin their review of the exam content next week.

Staff reported on developments for remote exam administration. Staff is working with Sam Houston State University to administer the forensic analyst and technician exams remotely through Sam Houston’s Blackboard Learning Management System using the Respondus remote security platform. Kerrigan reported SHSU has a group of a students who are willing to pilot the

initial remote version of the exam before the end of the academic school year.

11. Discuss voluntary licensure for unaccredited forensic disciplines, including discussion and update on the crime scene working group's proposed components for voluntary licensure.

There was no update for this agenda item as the crime scene working group has not met again since the Committee's last meeting.

12. 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.

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

Watts reported the TACLD will meet again in July this year.

14. Schedule and location of future meetings.

The Committee will meet again July 15, 2021.

15. Hear public comment.

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

16. Adjourn.