

Texas Forensic Science Commission – Licensing Advisory Committee Minutes from October 17, 2018

The Licensing Advisory Committee of the Texas Forensic Science Commission met at 10:00 a.m. on October 17, 2018, at the Stephen F. Austin Building, Room 172, 1700 N. Congress Avenue, Austin, TX 78701.

Members of the Committee were present as follows:

Members Present: Robert Sailors
Tim Sliter
Greg Hilbig
James Miller
Bill Hines

Members Absent: Chris Heartsill
Thomas Ashworth
Michael Ward
Katie White

Review and adoption of minutes from September 13, 2018 meeting.

MOTION AND VOTE: *Sailors moved to approve the September 13, 2018 meeting minutes draft. Miller seconded the motion. The Committee unanimously adopted the motion.*

Administrative update and report on roll-out of online license applications in TopClass. Discuss progress on changes to application platform.

Garcia introduced new Licensing Advisory Committee member Bill Hines. Hines is the Texas Criminal Defense Lawyers Association nominee on the Committee. Koehler reported on the number of licenses issued thus far—about 100 licenses have been issued and several hundred are pending or in queue (waiting on submission of items from applicants). Koehler reported the turn-around time for complete applications submitted has been about a day or so, but that analysts should expect up to a week. Staff expects to license over 800 examiners before January 1. The deadline to apply and have your license issued prior to January 1, 2019 is December 7, 2018. Staff plans to circulate a notice email with strict deadlines for receipt of licensing documents/applications. Garcia also reported on the transition of application data to the Office of Court Administration’s application platform. The transition will happen after January 1.

Update on Exam Evaluation Committee progress.

Garcia reported staff and the exam evaluation committee have the data they need to evaluate the 10 piloted questions and can continue work on other supplemental questions. Psychometricians will first evaluate the data we have for the first 10 piloted questions and then the exam evaluation committee will reconvene to continue development of questions and integrating the questions in the next iteration of the exam.

Discussion of proposed statistics requirement for examiners applying after January 1, 2019 and development of financially accessible, online statistics course for forensic examiners through Texas A&M University.

Garcia reported Spiegelman has been retained is working on a statistics course that may be taken via Texas A&M's Continuing Education Program online. The FSC's website will have a link to the course. The course will cost about \$300 per student, much cheaper than a regular college course at a four-year University. Staff will follow up with labs who may have candidates that want to take the course as the content becomes available. Sliter volunteered to help review the course once the content is available.

Discussion and recommendations regarding criminal history evaluation requests.

Members reviewed a conduct disclosure from an applicant and recommended the person be eligible to apply for a license.

Brady Mills, DPS Deputy Assistant Director of Crime Lab Services, spoke on behalf of the applicant.

MOTION AND VOTE: *Sliter moved to recommend the applicant be eligible for a forensic analyst license. Hines seconded the motion. The Committee unanimously adopted the motion.*

*Hilbig, Sailors and Miller recused themselves from discussion and vote on this item.

Members reviewed two criminal history evaluation requests and voted as follows:

MOTION AND VOTE: *Sliter moved to recommend eligibility for a forensic analyst license for applicant 1. Miller seconded the motion. The Committee unanimously adopted the motion.*

MOTION AND VOTE: *Hines moved to recommend eligibility for a forensic analyst license for applicant 2. Sailors seconded the motion. The Committee unanimously adopted the motion.*

*Hilbig recused himself from discussion and vote on applicant 2.

Discussion and recommendations regarding Waiver Applications for Laboratory Support Personnel.

Members reviewed three waiver applications for this agenda item.

1. Waiver Application for NMS Tech Reviewer Kristen Smith

MOTION AND VOTE: *Miller moved to deny the waiver application as submitted, because the applicant seems to be applying for a tech reviewer license and filled out the wrong form. Sailors seconded the motion. The FSC unanimously adopted the motion.*

2. Waiver Application for Redwood Toxicology Lab Tech 1 position.
3. Waiver Application for Redwood Toxicology Lab Tech 2 position.

For both 2 and 3 above, members decided to reach out to the lab to see whether the new blanket license option might cover both of these positions. Members directed staff to set up a call with Committee subject matter expert Heartsill, Committee Chair Hilbig and the lab's representative to find out more about the two positions and whether the blanket license is the best option for the lab.

Discuss and make recommendations on temporary license application request from NMS.

The Committee discussed the Commission's October 5, 2018 decision to direct staff to develop a solution for NMS that ensures the availability of properly trained and qualified forensic analysts and considers the need for special types of testing conducted by NMS but not otherwise widely available. Committee members will revisit the issue once staff has developed a solution and written an administrative rule in response to the request.

Discuss Commission decision on knowledge-based competency requirements.

Members briefly discussed the Commission's October 5, 2018 decision to eliminate the current knowledge-based competency requirements from its administrative licensing rules. Staff published a rule eliminating the requirement. The Committee and the Commission plan to pursue adoption of OSAC standards as requirements for Texas labs with respect to training topics recommended for specific forensic disciplines as they become available.

Discuss impending accreditation requirements for crime scene and impact on licensing requirements.

Members discussed the development of licensing requirements for crime scene personnel. Once accreditation is required for this forensic discipline sometime next year, the Committee will need to work on development of the licensing components required for these analysts and technicians to get a license. Members will address the issue again at their next meeting.

Update from the Texas Association of Crime Laboratory Directors.

There was no update for this agenda item.

Schedule and location of future meetings.

Staff will circulate a Doodle poll to determine members' availability for the next meeting.

Hear public comment.

There was no public comment other than that noted above.

Adjourn.