

## **Texas Forensic Science Commission – Licensing Advisory Committee Minutes from October 22, 2020 Meeting**

The Licensing Advisory Committee of the Texas Forensic Science Commission met virtually via Zoom at 9:00 a.m. on October 22, 2020 as authorized under Government Code section 551.125 pursuant to Governor Greg Abbott’s March 13, 2020 proclamation of a state of disaster and September 7, 2020 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, the October 23, 2020 meeting of the Texas Forensic Science Commission will be held by virtual and telephonic conference call as authorized under Texas Government Code section 551.125.

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

**Members Absent:** None

**Staff Present:** Lynn Garcia, General Counsel  
Leigh Tomlin, Associate General Counsel  
Rodney Soward, Licensing Program Specialist  
Robert Smith, Senior Staff Attorney  
Kathryn Adams, Commission Coordinator

### **1. Call meeting to order. Roll call for members.**

Members 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. Elect a chairperson and a vice chairperson.**

**MOTION AND VOTE:** *Vachon moved to elect Reat Chairperson of the Licensing Advisory Committee. Watts seconded the motion. The Committee unanimously adopted the motion.*

**MOTION AND VOTE:** *Eudaley moved to elect Esquivel Vice Chairperson of the Licensing*

*Advisory Committee. Hines seconded the motion. The Committee unanimously adopted the motion.*

**4. Review and adoption of minutes from July 23, 2020 meeting.**

**MOTION AND VOTE:** *Watts moved to approve the July 23, 2020 meeting minutes draft. Eudaley seconded the motion. The Committee unanimously adopted the motion.*

**5. Administrative update, including update on number of licenses issued and number of renewals processed; introduction of new committee members.**

Soward provided an update on licenses issued. There are currently 1,348 licensees, consisting of 917 regular licenses, 6 provisional, 2 temporary licensees, and 423 blanket. Staff has processed over half of the license renewals that expire before December 31, 2021 and will continue to process renewals through the end of the year. In addition to renewals, staff is also processing former blanket licensee applications for full licensure under the Laboratory De Minimis License program.

New committee members Deborah Smith and Sandy Parent gave introductions and described their professional backgrounds.

**6. Review any outstanding statistics course evaluation requests.**

There were no outstanding statistics course evaluation requests. Garcia gave an update on a statistics course being offered and taught by the Center for Statistics and Applications in Forensic Evidence (“CSAFE”) through the end of the year for current laboratory employees needing the statistics component for Texas licensure. NMS also expects to offer their statistics course virtually before the end of the year. The virtual offering of the course was delayed due to COVID-19.

**7. Discuss and evaluate any outstanding continuing forensic education (CFE) requests; discuss and vote on rulemaking for CFE for licensees upgrading a license and not renewing.**

There were no outstanding CFE review requests.

**MOTION AND VOTE:** *Watts moved to recommend the full Commission adopt the rule addressing full CFE requirements for licensees upgrading their category of licensure at renewal. Hines seconded the motion. The Committee unanimously adopted the motion.*

**8. Discuss and make recommendations on any specific coursework and minimum education requirement transcript review requests; discuss and vote on rulemaking regarding indefinite grace period for exemption from elevated coursework requirements for licensees with a gap in employment.**

There were no outstanding specific coursework or minimum education requirements for review.

**MOTION AND VOTE:** *Esquivel moved to recommend the full Commission adopt the rule regarding an indefinite grace period for exemption from elevated coursework requirements for licensees with a gap in employment. Watts seconded the motion. The Committee unanimously adopted the motion.*

- 9. Discuss and evaluate any outstanding Laboratory *De Minimis* Texas Casework License applications; discuss and evaluate any Laboratory Uncommon Forensic Analysis License applications; discuss provisions and requirements of each program for laboratories and analysts; discuss and vote on rulemaking removing the laboratory license category “necessary to ensure the availability of timely forensic analyses in counties for which access to forensic analyses is limited.”**

**MOTION AND VOTE:** *Watts moved to recommend the full Commission adopt the rule removing the laboratory license category “necessary to ensure the availability of timely forensic analyses in counties for which access to forensic analyses is limited.” Hines seconded the motion. The Committee unanimously adopted the motion.*

Members reviewed an application for a Laboratory Uncommon Forensic Analysis License from Pure Gold Forensics, Inc. The Committee determined, based on the information provided by the laboratory in its application, the laboratory does not offer a type of “forensic analysis” not otherwise available, as the term “forensic analysis” is defined under Texas law. The MVAC system cited in the laboratory’s application as “uncommon” is not an “expert examination or test on physical evidence” but rather a particular approach to evidence collection. Once collected, the evidence is then forwarded for biology screening and DNA analysis. The Committee further determined the type of forensic testing performed by the laboratory (*e.g., forensic biology screening and DNA analysis using commonly available amplification kits*) is widely available in many forensic laboratories. The fact that one laboratory system carries case backlogs resulting in delays is insufficient grounds for claiming the DNA analysis offered by Pure Gold is not otherwise available in a timely manner from many other accredited forensic service providers in and outside of Texas.

**MOTION AND VOTE:** *Eudaley moved to deny Pure Gold’s application for an Uncommon Forensic Analysis License. Esquivel seconded the motion. The Committee unanimously adopted the motion.*

- 10. Discuss exam evaluation committee and development of new test questions; discuss exam training videos.**

Members and staff discussed the status of piloted exam questions and the development of a new set of questions to pilot for the General Forensic Analyst Licensing Exam. Staff will set up a call with Reat to discuss how to proceed with the Exam Evaluation Committee between now and the Committee’s January 28, 2021 meeting.

Members also discuss re-recording two of the exam training/study videos—Root Cause Analysis and Human Factors. Reat and staff will discuss the re-recording of the study videos.

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

Members discussed the status of the crime scene working group's development of recommended voluntary licensing rules for the discipline. The group met in August to develop recommendations and has a draft document of recommended components for voluntary licensure in the discipline. Developments for other forensic disciplines has not yet began but is expected in the future for disciplines like latent prints and digital evidence.

**12. Discuss and make recommendations regarding any Waiver Applications for Laboratory Support Personnel.**

There were no waiver applications for review at this meeting.

**13. Discuss and make recommendations regarding any outstanding criminal history results.**

There were no criminal history reports for review at this meeting.

**14. Discuss and evaluate any technical reviewer license applications.**

There were no technical reviewer applications for review at this meeting.

**15. Discuss and evaluate any temporary license application requests.**

There were no temporary license applications for review at this meeting.

**16. Discuss and evaluate any fourth exam requests.**

There were no fourth exam requests for review at this meeting.

**17. Update from Mandatory Legal and Professional Responsibility Training Development group.**

Garcia reported on the development of the Mandatory Legal and Professional Responsibility Training course with SHSU. The course was launched by Commission staff and is available to all forensic analysts, management and anyone else interested in taking the course. Tomlin will send instructions for access to TACLD for quality managers and other unlicensed personnel. Tomlin will also distribute the course to interested lawyers for evaluation on wider distribution possibly to TDCAA and TCDLA.

**18. 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.**

Members discussed TACLD's review of OSAC Registry standards in the pipeline. Garcia gave an update on the Commission's collaboration with OSAC for implementation/recommended adoption of standards in Texas.

**19. Update from the Texas Association of Crime Laboratory Directors.**

There was no update from the TACLD.

**20. Schedule and location of future meetings.**

The Committee will meet again January 28, 2021.

**21. Hear public comment.**

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

**22. Adjourn.**