

## **Texas Forensic Science Commission – Licensing Advisory Committee Minutes from January 28, 2021 Meeting**

The Licensing Advisory Committee of the Texas Forensic Science Commission met virtually via Zoom at 9:00 a.m. on January 28, 2021 as authorized under Government Code section 551.125 pursuant to Governor Greg Abbott’s March 13, 2020 proclamation of a state of disaster and January 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  
Alicia Watts

**Members Absent:** Calli Bailey

**Staff Present:** Lynn Garcia, General Counsel  
Leigh Tomlin, Associate General Counsel

### **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 October 22, 2020 meeting.**

**MOTION AND VOTE:** *Esquivel moved to approve the October 22, 2020 meeting minutes draft. Watts seconded the motion. The Committee unanimously adopted the motion.*

### **4. Administrative update, including update on number of licenses issued and number of renewals processed.**

Tomlin provided an update on licenses issued. There are currently 1,173 licensees, consisting of 945 regular licenses, 7 provisional, 2 temporary, 2 technical review, and 217 Non-Interpretive (De Minimis).

**5. Discuss license expiration policy and late renewal fees.**

Members discussed creating a policy that disincentivizes renewal beyond a licensee's expiration date by imposing elevated fees for late renewals that are based on how late the licensee renews beyond the expiration date. Members directed staff to draft an administrative rule related to the policy discussed for review and recommendation at the Committee's April 15, 2021 meeting.

**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. Watts explained NMS also expects to offer their statistics course virtually before the end of the year. The course is currently being re-recorded.

**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.

Members discussed the ASTM International Standard Practice for Forensic Science Practitioner Training, Continuing Education, and Professional Development Programs as published on the OSAC Registry. Members discussed comparing Texas' continuing forensic education ("CFE") requirements for forensic analysts to the standard. Members directed staff to do a comparison and make proposed changes as necessary so that current Texas CFE rules comply with the OSAC standard for continuing forensic education and training.

**8. Discuss and make recommendations on any specific coursework and minimum education requirement transcript review requests.**

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

Members reviewed the college coursework transcript from a Toxicologist (Interpretive) license candidate for Cordant Forensics (Arizona) and found the candidate did not meet the specific coursework or minimum education requirements for licensure as a Toxicologist (Interpretive). Staff will send notice regarding the same to the laboratory that requested the review.

**9. Discuss and evaluate any outstanding Laboratory *De Minimis* Texas Casework License applications; discuss and evaluate any Laboratory Uncommon Forensic Analysis License applications.**

There were no outstanding applications for review under this agenda item. The following laboratories have obtained licensure under the *De Minimis* Texas Casework license program for licensure of their non-interpretive analysts:

Bode Technology (Lorton, VA)  
Cordant Forensics (Flagstaff, AZ)  
DNA Labs International (Deerfield Beach, FL)  
DNA Solutions (Oklahoma City, OK)  
NMS (Willow Grove, PA)

Independent Forensics is licensed under the program's Uncommon Forensic Analysis license.

**10. Discuss exam evaluation committee and development of new test questions; discuss exam training videos; discuss and approve options for remote testing.**

Members reviewed a proposed General Forensic Analyst Licensing Exam evaluation and test development timeline that proposes updating the General Forensic Analyst Licensing Exam every two years in January with the assistance of the Commission's contracted psychometricians. Members will establish a Curriculum Committee to evaluate the current reading materials and corresponding exam questions by topic to determine what updates and changes needs to be made to each section of the exam. The Curriculum Committee will consist of one licensing Committee member to chair each exam topic—Root Cause Analyst, Human Factors, Evidence Handling, Expert Testimony, Brady/Michael Morton Act, Statistics and Professional Responsibility. Members will send their topics of interest to staff. Members directed staff to establish the Curriculum Committee and schedule the first meeting before the Committee's next quarterly meeting (April 15, 2021).

The Committee plans to pilot its new test every two years to volunteers in the forensic community. Members discussed providing incentives such as possible fee waivers and CFE hours for participants. Members also discussed that voluntary licensees may participate in the pilot exams for full credit of the exam component of their license upon successful completion. Results from the pilot exam will be evaluated by psychometricians to determine whether the exam is a good measure of a license candidates' knowledge of the particular topics and to establish a cut-off rate for the exam.

Members also discuss different options for remote proctoring the exam, so that analysts can securely take the exam at home or anywhere else. Staff presented different electronic options, including one option called Proctorio that offers online, electronic proctoring services that screen record a test taker's activities, provides facial recognition for identification, requires camera monitoring and recording and other security features. The cost of the software is relatively low, but the software must be integrated with the Commission's current LMS. Staff will work with the LMS provider to determine the cost for integration. Staff will also investigate other options for electronic administration and exam security that may not require integration. Staff will present its findings for decision by Committee members at the April 15, 2021 meeting.

**11. Discuss voluntary licensure for unaccredited forensic disciplines, including discussion and update 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 has not met again yet but will meet again before the Committee's April 2021 meeting. Staff will provide an update on the progress for establishing voluntary licensing rules for the discipline and other disciplines not required to be accredited or licensed under Texas law.

**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 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.

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

The TACLD will meet today (January 28, 2021) at 1 p.m.

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

The Committee will meet again April 15, 2021 and its Curriculum Committee will meet sometime prior to that for exam development and evaluation items.

**20. Hear public comment.**

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

**21. Adjourn.**