

Texas Forensic Science Commission – Licensing Advisory Committee Minutes from April 21, 2022, Meeting

The Licensing Advisory Committee of the Texas Forensic Science Commission met at 10:30 a.m. on April 21, 2022, at the Tom C. Clark Building, 205 West 14th Street, 1st Floor Conference Room, Austin, Texas.

Members of the Committee were present as follows:

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

Members Absent: Angelica Cogliano
Calli Bailey

Staff Present: Lynn Garcia, General Counsel
Leigh Tomlin, Associate General Counsel
Robert Smith, Senior Staff Attorney
Rodney Soward, Program Specialist
Maggie Sowatzka, Program Specialist

During this meeting, the LAC considered and took action on the following items. The LAC took breaks as necessary.

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

Reat called the meeting to order and called roll.

2. Review and adoption of minutes from January 20, 2022 meeting. (Reat) (1 min)

MOTION AND VOTE: *Esquivel moved to adopt the minutes draft by staff. Eudaley seconded the motion. The Committee unanimously adopted the motion.*

3. Administrative update, including update on number of licenses issued and number of renewals processed, introduction of new member Angelica Cogliano, update on database project with Office Court Administration IT, discuss August 31, 2022 licensing advisory committee appointment expirations. (Garcia/Tomlin/Soward) (5 min)

Soward gave an update on the current number of licenses and renewals to date. The Commission currently licenses 1,352 forensic analysts and technicians. Garcia and Tomlin gave an update on

the database project. The Office of Court Administration is currently working on the database. The team is very close to finishing coding and internal testing has begun. Piloting of the website with the help of stakeholders is expected to begin in mid-May. Staff provided screenshots of the database and members discussed the layout. Members asked about the OSAC standard section of the database and how the standards will be marked. Standards will be marked opt-in or opt-out for each provision of each standard with an opportunity to explain any “opt-outs”.

4. Review any outstanding statistics course evaluation requests; discuss available statistics course options, including the Institute for Forensic Research Training and Innovation statistics course launch. (Tomlin) (2 min)

There are currently no statistics course qualification determinations before the Committee at this time. Staff has reviewed several requests for statistics course qualification since the last meeting. Staff reminded members Sam Houston State University’s Institute for Forensic Research Training and Innovation has launched and instructions for sign-up are posted on the Commission’s website. Garcia indicated the Commission may have funds where necessary to fund analyst attendance for the course. The course costs \$500 and is a self-paced web-based program.

5. Review any outstanding coursework evaluations. (Reat) (2 min)

There are currently no coursework evaluations before the Committee at this time. Staff and the Committee Chair, Reat, have evaluated several requests for course qualification since the last meeting.

6. Discuss progress on development of new study materials and test questions for piloting the General Forensic Analyst Licensing Exam II; including pilot exam launch date. (Garcia/Tomlin) (10 min)

Garcia and Tomlin gave an update on the new study materials. All of the study materials are ready to be sent out, except for two videos covering the reading materials for the human factors and root cause domains. Staff is in the process of finalizing questions with the contracted psychometricians based on the selected study materials. Tomlin explained staff will first pilot the test at the Texas Division of the International Association for Identification (TDIAI) annual conference in San Antonio Texas on June 8, 2022. Many TDIAI members are candidates who will soon be eligible for voluntary licensure and will need to fulfill the exam component of the license requirements. Staff has distributed a flyer and Google sign-up sheet for participation in the pilot at TDIAI. Staff will send study materials directly to those signed up for the pilot test. Next week, Tomlin will distribute a revised flyer directed to the forensic anthropology and document examination disciplines who will soon be eligible for licensure to sign up for the pilot exam. The pilot exam is administered remotely through Blackboard and a security software called Respondus in collaboration with Sam Houston State University. The exam can be taken remotely from anywhere.

Garcia discussed offering the pilot exam to currently licensed examiners so that the Commission can obtain a broader array of data for its psychometric evaluation of the test to include disciplines currently subject to mandatory licensure in addition to voluntary licensure. Dawn Boswell, Director of Legal Forensics & Training at the University of Texas Health Science Center – Center for Human Identification indicated that anthropologists at the laboratory have been anxiously awaiting the opportunity to access the study materials, take the test and be licensed. Staff will work on offering the pilot exam to this next group of candidates.

Members also discussed distinguishing in the administrative rules that a person may take the full exam so they do not have to take it later when they promote to a level of licensure that requires the full test, but that a candidate may only be licensed in the discipline in which the candidate has been competency tested by the laboratory and signed off for casework in.

Members will discuss at the July quarterly licensing meeting how to address the issue of candidates who are licensed or able to renew but have not done casework in years and whether they should be eligible for licensure. A person who is even just five years out of practice probably should not be licensed according to Reat and especially where the laboratory does not perform analysis in that particular discipline with any regularity. Tomlin will include the agenda item for the July meeting.

**7. Discuss progress on the development of the Commission’s voluntary licensure for unaccredited forensic disciplines, including rules adopted for voluntary licensure of forensic anthropologists and forensic document examiners. (20 min)
(Garcia/Tomlin)**

Staff and the Committee reviewed the outstanding rulemaking on voluntary licensure for forensic anthropologists and document examiners. Rules for anthropologists are based on the rules for certification by the American Board of Forensic Anthropologists (ABFA). The ABFA is currently in the process of developing education and other minimum requirements for its certification program. The rules for document examination analyst licensure are the same rules this discipline was formerly subject to when licensing was mandatory for document examiners. Staff expects each voluntary discipline would need to, at a minimum, comply with any designated education requirements published in standards on the Organization of Scientific Area Committees (OSAC) registry. The comment deadline for the administrative rulemaking for voluntary licensure for forensic anthropologists and document examiners is May 31, 2022.

Eudaley pointed out an issue with the voluntary licensing rulemaking and requested staff to clarify that voluntary licensure candidates part of an accredited laboratory, but not actually part of an accredited discipline or section at the laboratory, may fulfill proficiency testing requirements for voluntary licensure under the provision permitting a demonstration of proof of successful completion of annual external proficiency testing. If no external proficiency testing is available in the forensic discipline, the applicant must provide proof of successful completion of inter-organizational comparison exercise(s) established with at least one other entity. Tomlin will make the edit to the rule during the outstanding comment period before the rule is published for adoption.

8. Update and discussion of any new OSAC Registry standards, including the development of collaborative work groups to discuss new standards. (Garcia) (5 min)

There were no major updates regarding OSAC Registry standards.

9. Schedule and location of future meetings, including July 21, 2022 meeting.

The next Licensing Advisory meeting will take place in the same room on July 21, 2022. The next Commission quarterly meeting will take place on July 22, 2022.

10. Hear public comment.

Members did not address any public comment other than that noted above.

11. Adjourn.

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