

FSC LICENSING ADVISORY COMMITTEE
MEETING MINUTES
October 6, 2022 12:00 PM

Southwestern Institute of Forensic Sciences
2355 North Stemmons Freeway
Dallas, Texas 75208

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

Members Present: Deborah Smith
Sandy Parent
Erin Reat
Emily Esquivel
Donna Eudaley
Crystina Vachon
Calli Bailey
Angelica Cogliano

Members Absent: Kelly Wouters

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

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

Reat called the meeting to order at 12:00 pm and took roll.

2. Review and adoption of minutes from July 21, 2022 meeting. (Reat) (1 min)

MOTION AND VOTE: *Esquivel moved to adopt the draft July 21, 2022, meeting minutes. 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 and to be processed before the end of the year, update on database project with Office Court Administration. (Garcia/Tomlin/Soward) (5 min)

Soward updated members on the current total number of licenses issued (1401) and renewals processed to date. Licensing staff is diligently working on renewals and expects to process around 609 through the end of the year. The largest portion of the Commission's licensees renew in even-numbered years since the Commission first began issuing licenses in Fall 2018 and licenses generally have a two-year term.

Tomlin gave an update on the database project. Due to OCA IT and software programming staff limitations and commitments to other projects with impending legislative deadlines, the Commission's database project now has a projected finalization date that may carry into early 2023. Staff hopes to have an updated timeline within the next few weeks.

4. Review any outstanding coursework evaluations. (Tomlin) (1 min)

There were no outstanding coursework reviews at this meeting. Staff continues to work with the Committee chair on any coursework reviews that arise in between quarterly meetings by the Committee for efficiency in processing applications and requests for review of coursework.

5. Discuss General Forensic Analyst Licensing Exam II pilot exam standard setting report and exam scoring data: update on launch of remote GFALE II pilot and deadlines for registration for GFALE I. (Garcia/Tomlin) (15 min)

Tomlin gave an update on the progress of the standard setting report and exam scoring data. The standard setting report included the final decisions for the standards for the exam going forward. The standards were set by a group of subject matter experts based on the data from the GFALE II pilot exam. Effective January 1, 2023, the GFALE I will no longer be offered.

6. Discuss progress on the development of the Commission's voluntary licensure program for unaccredited forensic disciplines, including application status of the programs for voluntary licensure of forensic anthropologists and forensic document examiners.

Staff discussed the status of the voluntary licensure program for forensic anthropologists and forensic document examiners.

7. Discussion and update on proposal for voluntary licensure for friction ridge. (Garcia/Tomlin) (20 min)

Staff discussed the draft proposal for friction ridge. Staff previously met with some members of the friction ridge community in Texas. The group suggested IAI certification as a threshold for licensure since there is not an accreditation requirement for friction ridge. The Committee discussed waiving the fee for licensure if certification was required.

MOTION AND VOTE: *Smith moved to recommend the full Commission adopt the rulemaking with an amendment to the draft rulemaking that permits licensees to either work for an accredited lab or obtain IAI certification but does not require all licensees to be IAI certified. Parent seconded the motion. The Committee adopted the motion. Cogliano abstained voting.*

8. Discussion and update on proposal for voluntary licensure for digital/multimedia evidence. (Garcia/Tomlin) (20 min)

Staff discussed the proposal for voluntary licensure for digital/multimedia evidence. Staff previously met with some members of the digital community in Texas. The group suggested that a bachelor's degree be required. They did not recommend requiring any specific coursework because they felt that no course available would properly prepare someone to do digital work.

MOTION AND VOTE: *Eudaley moved to recommend the full Commission adopt the draft rulemaking for voluntary licensure for digital/multimedia evidence analysts. Esquivel seconded the motion. The Committee unanimously adopted the motion.*

The Committee also heard public comment regarding the three pathways recommended for digital/multimedia evidence licensure. The digital evidence commentator from DPS approved of the recommendations made.

9. Discuss and vote on possible exemption from accreditation and licensing requirements for performance of NIBIN entries only.

The Committee discussed a draft rulemaking exempting the performance of NIBIN entries and NIBIN suitability determinations from accreditation and licensing requirements. The Committee discussed editing the draft to permit test fires where no physical modifications are made, emphasizing that test fires must be done for NIBIN use only, not for comparison or functionality. Members discussed several edits to the language and directed staff to make the appropriate edits.

MOTION AND VOTE: *Vachon moved to recommend the full Commission adopt the rulemaking exempting the performance of NIBIN suitability determinations and NIBIN entries only from accreditation and licensing requirements with the edits suggested by Committee members. Esquivel seconded the motion. Cogliano and Eudaley opposed the motion. The Committee adopted the motion.*

10. Review and vote on NMS' request for approval of internal legal and professional responsibility course to count for credit for Commission's biennial Mandatory Legal and Professional Responsibility Course. (Garcia/Tomlin) (10 min)

Alice Watts requested the Committee allow NMS to offer their own internal course on legal and professional responsibility for their staff with a de minimis license. Their plan is to update their training every year. They will include the updates that the TFSC will incorporate into their training course.

MOTION AND VOTE: *Smith moved to recommend the full Commission accept the training proposal as qualified in lieu of the Commission's Mandatory Legal and Professional Responsibility Training. Parent seconded the motion. The Committee unanimously adopted the motion*

11. Continuing forensic education questions; credit for reading Commission reports? (Tomlin) (5 min)

The Committee discussed the option of reading Commission reports as CFEs. Garcia recommended giving credit to people who watch the Staff's videos explaining and expanding upon the reports, but not for reading the report itself.

MOTION AND VOTE: *Parent moved to accept watching the training videos produced by the Commission as qualifying continuing forensic education. Eudaley seconded the motion. The Committee unanimously adopted the motion.*

12. Update from the Texas Association of Crime Laboratory Directors. (Stout)

TACLD did not provide an update at this meeting.

13. Schedule and location of future meetings, including and January 27, 2023 and April 14 or 21, 2023 meetings.

The next Committee meeting will take place on January 26th, 2023 in Austin, Texas.

14. Hear public comment.

15. Adjourn.

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