The Texas Forensic Science Commission's Licensing Advisory Committee met on January 26, 2023, beginning at 10:00 a.m. in the Tom C. Clark Building's 1st Floor Conference Room at 205 West 14th Street, Austin, Texas 78701.

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

Staff Present: Lynn Garcia, General Counsel
Leigh Tomlin, Associate General Counsel
Robert Smith, Senior Staff Attorney
Rodney Soward, Program Specialist
Maggie Sowatzka, Program Specialist
Veena Mohan, Assistant General Counsel, Office of Court Administration

During this meeting, the Licensing Advisory Committee ("Committee") considered and took action on the following items. The Committee took breaks as necessary.

1. **Call meeting to order. Roll call for members. Excuse any absent committee members.**

Reat called the meeting to order at 10:03 am and took roll.

MOTION AND VOTE: *Reat moved to excuse Committee member Cogliano's absence. Eudaley seconded the motion. The Committee unanimously adopted the motion.*

*Committee member Cogliano arrived at the meeting a few minutes after it began and after Reat called roll.

Garcia introduced new attorney Veena Mohan. Mohan supports the Office of Court Administration as legal counsel and serves both the Judicial Branch Certification Commission and the Forensic Science Commission. Garcia described Mohan's professional background and her work experience at the Texas Attorney's General's Office Administrative Law Division.

2. **Review and adoption of minutes from October 6, 2022 meeting.**

MOTION AND VOTE: *Eudaley moved to adopt the draft October 6, 2022, meeting minutes. Parent seconded the motion. The Committee unanimously adopted the motion.*

3. **Administrative update, including update on number of licenses issued and number of renewals processed, update on database project for publication of licensee profiles with Office of Court Administration.**

Soward updated members on the current total number of licenses issued as of January 11, 2023 (1275 total) as follows: non-interpreting, 271; provisional, 6; temporary, 2; uncommon 3; and regular analyst and technician licenses, 993; and renewals processed to date.

Tomlin demonstrated the newly released database portal of forensic analyst licensee information which includes historical and current profiles for each forensic analyst licensee and a copy of the licensee's certificate for public viewing and download. The database contains both current and previous licensees. Tomlin encouraged members to email staff with any errors they discover.

Garcia explained the Office of Court Administration's IT team is currently able to devote more time to completing work on other portions of the database, including sections in the portal devoted to Organization of Scientific Area Standards and identifying which laboratories have adopted these standards, a section on complaints and self-disclosures and their current statuses, accredited laboratories and a database of quality incidents posted by crime laboratories. Interested stakeholders can view the portal in its current state, including current forensic analyst licensee profiles, by visiting www.fsc.texas.gov. Staff expects progress on the OSAC standards and accredited lab sections to be developed next over the next couple months.

4. **Review any outstanding coursework evaluations.**

There were no outstanding coursework reviews at this meeting.

5. **Discuss launch of remote administration of General Forensic Analyst Licensing Exam II effective January 1, 2022 and closing of General Forensic Analyst Licensing Exam I.**

Tomlin discussed the launch and full transition to a remote General Forensic Analyst Licensing Exam II effective January 1, 2022. Tomlin explained the basis of Respondus exam software security browser, and Committee members discussed why some agencies face security barriers to launching the software, particularly law enforcement agencies and medical examiner offices with secure computer systems that cannot permit the Respondus software to essentially "gain access" or "break into" the agency's systems without strict permission or approval gained from chief technology officers outside of the crime laboratory itself. Staff will continue to work with Sam Houston State University's Blackboard administrators on identifying a secure solution for the agencies unable to use the Respondus software to securely administer the Commission's exams in an efficient way. Staff expects to have a solution to the issue in the next month.

6. **Discuss progress on the development of the Texas Forensic Science Commission's voluntary licensure program for unaccredited forensic disciplines, including status of latent print and digital/multimedia analyst voluntary licensing programs and discussion of reconvening statewide working group on voluntary licensing for crime scene investigation and crime scene reconstruction disciplines.**

Staff and Committee members discussed the issue that some of the Organization of Scientific Area Committee standards required for non-accredited laboratory employees who want to achieve voluntary licensure for latent print analyst licensure are not yet complete or are in different stages of adoption or are not on the OSAC Registry. Members discussed that it is not quite clear what the Committee means by implementation and adoption of these standards by the laboratories. Members and staff discussed providing some flexibility for determining which standards apply and then for determining compliance with these standards for laboratories. Ultimately, the Committee determined its current outstanding rulemaking provides for this flexibility and agreed to discuss and solidify its plans for which friction ridge standards will be required to be implemented/adopted by the employing laboratories of applicants for voluntary latent print analyst licensees and how the Committee will determine compliance with these standards at the Committee's April 13, 2023 Committee meeting.

The latent print analyst rulemaking is currently out for public comment and will ultimately be adopted and effective by the end of April 2023. The Committee suggested it needed more time to discuss the details of the requirements for OSAC Registry standards related to these rules for employing laboratories for voluntary latent print licensees. Staff will include this item on the April 13, 2023 Committee agenda for discussion.

The Committee decided to table any discussion of crime scene investigation and crime scene reconstruction for the Committee's July meeting.

MOTION AND VOTE: *Eudaley moved to table discussion of voluntary forensic analyst licensing program for crime scene investigation and crime scene reconstruction until the July Committee meeting. Esquivel seconded the motion. The Committee unanimously adopted the motion.*

7. **Update on exemption from accreditation and licensing requirements for determinations of National Integrated Ballistic Information Network (NIBIN) suitability and performance of NIBIN entries only.**

Tomlin updated Committee members on the publication and adoption of a rulemaking exemption from accreditation and licensing requirements determinations of NIBIN suitability and performance of NIBIN entries. All related rulemakings are currently out for public comment and expected to be adopted and effective by mid-April 2023. Garcia indicated there were no comments from the Governor's office.

8. **Update regarding 88th Legislative Session.**

There were no updates regarding the 88th Legislative Session.

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

TACLD did not provide an update at this meeting. The TACLD meets today at 1:00 p.m. in the same room.

10. Schedule and location of future panel and quarterly meetings, including and April 13, 2023 and July 20, 2023 quarterly meetings.

The next meeting of the Committee is April 13, 2023 and then July 20, 2023.

11. Hear public comment.

There were no public comments.

12. Adjourn.

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