

TSBEP Complaint No. 2015-00192-1752

IN THE MATTER OF § **BEFORE THE TEXAS STATE BOARD**
§
§ **OF**
§
§ **CAROLE ANN BUSICK, PH.D.** § **EXAMINERS OF PSYCHOLOGISTS**

AGREED ORDER

Pursuant to its authority under §501.410 of the Psychologists' Licensing Act (the Act) and §2001.056 of the Government Code, the Texas State Board of Examiners of Psychologists (the Board) hereby approves, ratifies, and enters this Agreed Order and Order of the Board, which have been approved and accepted by Carole Ann Busick, Ph.D. (Respondent):

FINDINGS OF FACT

1. Respondent is licensed as a psychologist (#22539) in the State of Texas and is therefore subject to the jurisdiction of the Board under the Act.
2. Respondent violated Board Rule 465.16(b)(5) and Rule 465.37 by virtue of 37 Tex. Admin. Code § 217.1.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. Respondent's license is hereby **SUSPENDED** for a period of five years from the effective date of this order. However, the entire suspension shall be **PROBATED** upon the successful completion of the following terms and conditions:
 - a. Respondent shall undergo a psychological evaluation within 180 days of the effective date of this Order. The evaluation shall be conducted by a Board-approved Texas-licensed psychologist and shall include a comprehensive clinical interview and psychological testing. Respondent shall sign a release authorizing the evaluator to furnish the Board or its designee a current DSM diagnosis and written evaluation regarding the Respondent's judgment and/or ability to practice psychology as a licensed psychologist with safety to the public, and any recommendations the evaluator may make concerning reasonable steps Respondent must or should take to enhance or maintain her fitness to practice psychology. The evaluation should cover the mental health of the Respondent and identify psychological fitness and characterological traits that might influence ethical and legal practice as well as competence.
 - b. The completed evaluation will be the sole property of the Board or its designee. Respondent shall pay for any and all costs associated with obtaining the required psychological evaluation.
 - c. In the event Respondent's psychological evaluation indicates Respondent is fit to practice as a licensed psychologist but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain her fitness to

- practice, Respondent shall comply with any and all recommendations made in the report which have been approved or adopted by the Board. If Respondent refuses to follow the recommendations approved or adopted by the Board, Respondent agrees her license shall be suspended without further hearings or informal settlement procedures. If any recommendation would require Respondent to obtain therapy or counseling, the evaluating psychologist may not serve as the treatment provider and Respondent shall provide the Board with regular progress reports from the treatment provider.
- d. If the Board or its designee concludes from the results of the evaluation that Respondent is unable to practice safely, no portion of Respondent's suspension shall be probated, but rather Respondent's license shall be suspended for the entire term of five years, notwithstanding any other provision of this order.
 - e. If Respondent fails to complete any of the requirements set forth hereinabove within the prescribed time limit, the period of suspension shall remain in effect and shall not be probated unless otherwise indicated in writing by the Board. Although the suspension ordered herein, whether probated or not, will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain his license while this order is in effect.
2. Respondent shall be required to practice under the supervision of a practice monitor until the end of the above-referenced five years. Prior to providing any psychological services, Respondent shall submit to the Board or its designee for approval the name and qualifications of a psychologist who has agreed to serve as a practice monitor. The monitor shall (1) be a Texas-licensed psychologist with no record of Board disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the monitor's function or duties; and (3) not be the same person as Respondent's therapist. The monitor's education and experience shall be in the same field of practice as that of Respondent.

Once approved, the monitor shall submit to the Board or its designee a monitoring contract and plan by which Respondent's practice shall be monitored. The Respondent shall provide the monitor with a copy of this Order and access to Respondent's records. Respondent shall execute a release authorizing the monitor to divulge any information the Board or its designee may request. Monitoring shall consist of evaluating Respondent's office practices, testing materials, and reports, including office forms and records; at least one hour per week of individual face-to-face meetings; and shall continue throughout the entire five year period. It shall be Respondent's responsibility to assure the monitor submits written reports to the Board or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of Respondent's performance.

If the monitor cannot continue the monitoring engagement, Respondent shall get approval from the Board or its designee for a new monitor within 30 days. If no new monitor is approved within 30 days, Respondent shall not practice until a new monitor has been approved. During this period of non-practice, the five year time period shall be tolled and any period of non-practice shall not apply to the reduction of this time period. Respondent shall pay all costs associated with this monitoring requirement.

After two years of monitoring, Respondent may be released from the monitoring requirements only upon the recommendation of the practice monitor which must be submitted to and approved by the Board.

3. If the monitor cannot continue the monitoring engagement, Respondent shall get approval from the Board or its designee for a new monitor within 30 days. If no new monitor is approved within 30 days, Respondent shall not practice until a new monitor has been approved. During this period of non-practice, the five year time period shall be tolled and any period of non-practice shall not apply to the reduction of this time period. Respondent shall pay all costs associated with this monitoring requirement. **RESPONDENT AGREES THAT ANY FAILURE TO COMPLY WITH THE PRACTICE MONITOR REQUIREMENTS SHALL CONSTITUTE IMMEDIATE GROUNDS FOR SUSPENSION OF RESPONDENT'S LICENSE.**
4. Respondent's practice will consist of psychological therapy and counseling only. Upon approval of the practice monitor, Respondent may resume testing of IQ and achievement **ONLY**, in addition to psychological therapy and counseling.
5. Respondent is assessed and shall pay an administrative penalty in the total amount of \$8,000, of which \$7,500 represents administrative costs and \$500 represents administrative penalty. Respondent shall pay to the Board the \$8,000 assessed against her as follows: \$500 per month, starting with the month of July 2015, and every month thereafter until the total is paid. Any payment postmarked after the last day of the month in which payment is due shall be deemed late and a violation of the terms of the Order. Respondent may pay off any remaining balance in full at any time.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF RULE 461.15, REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS


This cause may be reopened upon a deferred adjudication or conviction for any charges related to the allegations alleged in the notice of violation for Complaint No. 2015-00192-1752.

On the underlying investigative file, Respondent has waived his or her right to appear before the Disciplinary Review Panel of the Board at an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Tex. Gov't Code Ann., ch. 2001, in exchange for the conditions set out in this Agreed Order.


THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF [AND AGREEMENT WITH] THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN

AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:


Carole Ann Busick, Ph.D.
804 West Main Street
Houston, Texas 77006


FOR THE STAFF OF THE BOARD:


Scott A. Merchant
General Counsel
Texas Bar No. 24046428
Texas State Board of Examiners of Psychologists
333 Guadalupe, Ste. 2-450
Austin, Texas 78701

DATE SIGNED: 05-20-2015

DATE SIGNED: 20 May 2015

APPROVED, RATIFIED, AND ENTERED THIS 21ST DAY OF May, 2015.


Tim F. Branaman, Ph.D.
Chair, Texas State Board of Examiners of
Psychologists