



Texas State Board of Examiners of Psychologists

Agency at a Glance

The mission of the Texas State Board of Examiners of Psychologists is to protect the public by ensuring that those who provide psychological services are qualified, competent, and adhere to established professional standards. To accomplish its mission, the Board:

- licenses qualified psychologists, provisionally licensed psychologists, psychological associates, and specialists in school psychology;
- ensures compliance with the Psychologists' Licensing Act and Board rules by investigating and resolving complaints alleging illegal or incompetent practice of psychology, and by taking disciplinary action when necessary; and
- provides information to licensees and the public.

Key Facts

- **Funding.** In fiscal year 2004, the Board spent \$658,272, funded primarily from licensing and examination fees.
- **Staffing.** The Board has 12 staff, all based in Austin.
- **Licensing.** The Board regulates 3,276 psychologists, and more than 3,500 other psychology professionals. In fiscal year 2004, the Board issued 426 new licenses and renewed 6,795 existing licenses. Approximately 1,000 people hold more than one type of license from the Board.
- **Enforcement.** The Board received 105 complaints from the public in fiscal year 2004. That same year, the Board initiated 68 complaints. The Board resolved 149 complaints in fiscal year 2004, with 22 resulting in sanctions against a licensee.


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Recommendations

1. Discontinue the Board's Oral Examination of Candidates for Licensure as Psychologists.
2. Abolish the Psychological Associate Advisory Committee and Require the Board to Seek Input From All Licensee Groups and Stakeholders Early in Its Rule Development Process.
3. Conform Key Elements of the Board's Licensing and Regulatory Functions to Commonly Applied Licensing Practices.
4. Authorize the Board to Participate in Quarterly Criminal Record Checks Conducted by the Department of Public Safety.
5. Continue the Texas State Board of Examiners of Psychologists for 12 Years.

Issue 1

The Board's Oral Examination of Psychologist Candidates Has Minimal Public Protection Value.

Key Findings

- The oral examination adds little evaluation value beyond other Board licensing requirements, and creates an undue burden on candidates.
- The oral exam's questionable validity and administration introduces subjectivity into the licensing process.
- The use of oral examinations by psychology boards has decreased nationwide.

In addition to ensuring that individuals meet education, experience, and written examination requirements to independently practice psychology, the Psychology Board administers an oral examination as the last major step in its licensing process. However, other licensing requirements adequately ensure a person's competence to practice psychology in Texas, while the oral exam does not provide an accurate assessment of candidates' abilities, and may be an unnecessary barrier to licensure. Additionally, an increasing number of states have eliminated the oral exam requirement for psychology licensure because of concerns about the validity and reliability of oral exams.

Recommendation

Change in Statute

1.1 Discontinue the Board's oral examination of candidates for licensure as psychologists.

This recommendation would eliminate the requirement for a candidate to pass an oral examination to prove minimal competence in psychological practice, and remove a subjective process from psychology licensing. To be licensed, a candidate would still need to submit proof of completion of a doctorate degree in psychology, two years of supervised experience, passing scores from the national written and Texas jurisprudence exams, and three reference letters from licensed psychologists.

Issue 2

The Psychological Associate Advisory Committee Is Not Needed to Advise the Board on the Interests of Psychological Associates in Texas.

Key Findings

- The Psychological Associate Advisory Committee does not provide a useful service to the Board.
- The Board's rulemaking process could provide greater opportunities for input from affected groups.

The Legislature created the Psychological Associate Advisory Committee in 1991 to represent the concerns of psychological associates before the Board. The Committee's statutory responsibilities

are limited to the point that it cannot provide ongoing assistance to the Board, and the Board has made few changes to its rules as a result of the Committee's work. The Board would be better served by seeking input from all stakeholders early in the rule development process.

Recommendations

Change in Statute

2.1 Abolish the Psychological Associate Advisory Committee.

This recommendation would abolish the Committee and remove the requirement for the Governor to appoint its members. The Governor would continue to appoint two psychological associate members to the Board, thus maintaining representation of this license group. This recommendation would not change psychological associates' scope of practice, including the requirement for supervision by licensed psychologists.

2.2 Require the Board to develop guidelines for the early involvement of stakeholders in its rulemaking process.

The Board should provide psychology professionals in all license groups with the opportunity for a stronger role in the development of rules, before formal proposal in the *Texas Register*. This process would be more effective in providing input to the Board than the Psychological Associate Advisory Committee. Allowing stakeholders who will be most affected by a proposed rule to provide advice and opinions earlier in the process will result in better rules that take the perspectives of all license groups into consideration. Once the Board receives early input, it would still publish proposed rules according to the Administrative Procedure Act, and allow the public an opportunity to oppose the rules or suggest alternatives during the comment period.

Issue 3

Key Elements of the Board's Licensing and Regulatory Functions Do Not Conform to Commonly Applied Licensing Practices.

Key Findings

- Licensing provisions of the Board's statute do not follow model licensing practices and could potentially affect the fair treatment of licensees and the agency's ability to protect consumers.
- Nonstandard enforcement provisions of the Board's statute could reduce the agency's effectiveness in protecting consumers.

Over the past 25 years, the Sunset Commission has reviewed more than 80 occupational licensing agencies, and in doing so, has identified common standards among them. A comparison of the Board's statute, rules, and practice with model licensing standards identified variations from these standards and the needed changes to bring the Board in line with other licensing agencies.

Recommendations

Licensing

Change in Statute

- 3.1 Allow qualified psychology professionals from other states to apply for licensure in Texas through a streamlined process without meeting minimum practice requirements, as long as they meet all other licensing requirements.**

This recommendation would prohibit the Board from placing additional requirements on already-licensed, independently practicing applicants from other states who have not practiced for a specific length of time before seeking licensure in Texas. Psychology professionals in good standing with other boards should be allowed to seek a license in Texas through the same abbreviated process as other already-licensed, out-of-state applicants with a specific number of years of independent practice experience. These applicants would still be required to meet Texas' licensing requirements, including passing the jurisprudence exam.

- 3.2 Provide an exemption from the provisional license supervision requirement for applicants who are already licensed to practice independently in other states.**

Allowing qualified psychologists from other states to practice independently in Texas while the Board processes their applications would remove a barrier to entry into the profession. As long as a psychologist has a license to practice independently, is in good standing in another state, and meets Texas' licensing requirements, the Board should allow independent practice in Texas. Even without supervision, provisionally licensed psychologists still practice under the authority of the Board and are subject to enforcement action.

- 3.3 Authorize the Board to accept all national credentials as proof of meeting basic licensing requirements.**

This recommendation would streamline the licensing process for qualified psychology professionals moving to Texas from other states. Rather than requiring applicants to resubmit documentation of their education and experience, the Board would verify the information with the credentialing organization. However, the Board should reserve the right to reject an applicant's credentials if it feels the credentials do not provide proof of the minimum licensing requirements. Also, the Board would still require an out-of-state applicant to pass the jurisprudence exam.

- 3.4 Authorize the Board to grant temporary privileges to psychology professionals from other states who wish to practice in Texas for a short, specified period of time.**

This recommendation would allow qualified psychology professionals from other states to practice temporarily in Texas. In granting these temporary privileges, the Board should confirm that applicants are licensed in good standing in their state of origin, and specify the time period in which they may practice in Texas. The Board may charge a processing fee to recover the administrative costs of providing temporary privileges, and would be able to take enforcement action should complaints arise.

3.5 Change the basis for the Board's late renewal penalties.

This recommendation would require the Board to use the standard renewal fee as the basis for its late renewal penalties, rather than the cost of the exams required for licensure. For example, the Board would charge a person whose license has been expired for 90 days or less the standard renewal fee plus a penalty equal to 1-1/2 times the renewal fee. For those whose licenses have been expired for more than 90 days, but less than one year, the Board would charge the standard renewal fee plus a penalty of twice the renewal fee. In calculating the late penalty, the Board would not include the \$200 professional fee assessed on psychologists.

Enforcement

Change in Statute

3.6 Require the Board to develop a system for complaint trend analysis.

Requiring the Board to analyze the sources and types of complaints it receives should lead to stronger enforcement, a better understanding among licensees of the Board's law and rules, and greater administrative efficiency. The type of information the Board should analyze includes the reason or basis for each complaint; the outcome of each case and what type of disciplinary action was taken, if any; and the nature of and action taken on complaints that are nonjurisdictional.

3.7 Require the Board to investigate complaints according to risk.

This recommendation would require the Board to handle complaints according to a more relevant priority system than currently used by the agency. Addressing complaints based on seriousness would ensure that the agency places attention on its most serious cases first and makes more effective use of its investigative resources.

3.8 Require the Board to include one of its public members in the informal settlement process.

This recommendation would ensure that the Board includes at least one public member in its informal settlement conferences. These conferences help the Board determine whether a violation occurred and what action to take, and therefore should always include public membership to ensure consumer interests are properly represented in the enforcement process.

3.9 Require the Board to adopt a more specific schedule of sanctions in rule.

This recommendation would require the Board to establish, in rule, a schedule to use when determining sanctions for violators, and to ensure that these actions relate appropriately to different violations of the Psychologists' Licensing Act and Board rules. The schedule should cover all possible sanctions, and take into account factors including the licensee's compliance history, seriousness of the violation, or the threat to the public's health and safety. By requiring the Board to adopt the schedule in rule, the public would have opportunity to comment and licensees would better understand the potential consequences of violations.

3.10 Authorize the Board to require a refund as part of the settlement process.

Under this recommendation, the Board would be allowed to include a refund as a part of an agreed order reached in an informal settlement conference. Refunds would be limited to the amount the complainant paid for their psychological services, and would not include an estimation of other damages or harm. The refund may be in lieu of or in addition to a separate Board order for sanctions against a licensee.

Management Action

3.11 The Board should post information about disciplinary orders and sanctions on its Web site in a format that consumers may access easily.

Under this recommendation, consumers would have improved access to disciplinary information. In addition to helping the public, this listing may reduce the amount of time staff must dedicate to handling consumer inquiries.

3.12 The Board should provide explanations of its complaint dismissals to complainants and respondents.

The Board should provide sufficient information to a complainant and respondent as to why it dismissed a complaint. Rather than simply stating that it found no violation, the Board should provide an explanation of its decision, including a summary of its findings.

Issue 4

The Board Cannot Perform Regular Criminal Record Checks of Its Licensees.

The Psychology Board currently conducts a criminal record check of each applicant for a license, allowing it to eliminate individuals who would pose a threat to the public. However, the Board has no process for identifying licensees who have developed a criminal record after licensure, and can only learn of licensees' criminal activities through allegations raised in consumer complaints.

Recommendation

Change in Statute

4.1 Authorize the Board to participate in the quarterly criminal record checks conducted by the Department of Public Safety.

This recommendation would include the Psychology Board with the Medical, Dental, Podiatric Medical, and Pharmacy boards as agencies receiving quarterly criminal record checks of licensees by the Department of Public Safety. Allowing the Board to participate in quarterly record checks would help the Board more actively identify licensees who may be a threat to public safety.

Issue 5

Texas Has a Continuing Need for the Texas State Board of Examiners of Psychologists.

Key Findings

- Texas has a continuing interest in licensing and regulating psychological service providers.
- The Texas State Board of Examiners of Psychologists protects the public by ensuring that qualified individuals practice psychology.

Many Texans use psychological services, but the provision of such services can place the public at risk. Incompetent or unethical practice can potentially harm the mental health of psychological

service providers' vulnerable client base – children, the elderly, and individuals with mental illness or emotional distress. Additionally, the dependent nature of the psychological service provider-client relationship can put clients at risk of emotional, financial, or sexual exploitation. To protect the public safety and welfare, the need exists for the continued licensing and regulation of psychological practitioners in Texas.

Recommendation

Change in Statute

5.1 Continue the Texas State Board of Examiners of Psychologists for 12 years.

This recommendation would continue the Board as a separate, stand-alone agency for the standard 12-year period.

Fiscal Implication Summary

The recommendations regarding the Texas State Board of Examiners of Psychologists would result in a fiscal impact to the State. These recommendations are discussed below, followed by a five-year summary chart.

- **Issue 1** – Eliminating the oral exam would result in a net loss of examination fees of \$18,100 a year.
- **Issue 3** – Changing the basis on which the agency assesses late renewal fees would result in a loss of about \$6,185 per year. The cost of requiring the Board to grant temporary privileges to out-of-state psychological professionals would be offset by a fee the Board would charge to cover its administrative costs. Applying other licensing and enforcement procedural improvements would require costs to update the agency's licensing database, but any costs would be offset by licensing fees.

<i>Fiscal Year</i>	<i>Loss to the General Revenue Fund</i>
2006	\$24,285
2007	\$24,285
2008	\$24,285
2009	\$24,285
2010	\$24,285