



# Texas State Board of Examiners of Psychologists

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H.B. 1015 Truitt, et al. (Jackson)

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## Summary

The Texas State Board of Examiners of Psychologists (the Board) was created in 1969 to ensure that Texans receive psychological services from competent, qualified practitioners. The Board has two primary functions: license qualified individuals to provide psychological services in Texas and enforce the Psychologists' Licensing Act, including investigating and resolving complaints. The Board currently licenses more than 6,000 psychological practitioners, with a staff of 12 employees and an annual budget of \$720,564.

House Bill 1015 continues the Board for 12 years and contains the Sunset Commission's recommendations to strengthen the Board's enforcement procedures, abolish the Psychological Associate Advisory Committee and improve stakeholder input in the Board's rule development process, and streamline the licensing process for psychologist applicants already licensed to practice independently in other states. Other provisions in the bill improve the consistency of the administration and the objectivity of the Board's oral exam for psychologist licensure, and enhance the Board's continuing education program. The list below summarizes the major provisions of H.B. 1015, and a more detailed discussion follows.

## Sunset Provisions

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1. Require the Board to Improve the Objectivity and Administration of Its Oral Examination for Psychologist Licensure.
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 the Quarterly Criminal Record Checks Conducted by the Department of Public Safety.
5. Continue the Texas State Board of Examiners of Psychologists for 12 Years.

## Provision Added by the Legislature

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6. Authorize the Board to Approve Continuing Education Courses Developed by Third-Party Providers.

## Sunset Provisions

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### **1. Require the Board to Improve the Objectivity and Administration of Its Oral Examination for Psychologist Licensure.**

Instead of abolishing the oral examination for psychologists, the Legislature modified the Sunset recommendation to prohibit the Board from assessing applicants' personal characteristics through its oral exam, and improve the Board's administration of the examination. The Board must define by rule the standards used to determine passage of the exam, and establish a working group to periodically evaluate the oral exam and make recommendations for its improvement.

### **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.**

House Bill 1015 abolishes the Psychological Associate Advisory Committee and removes the requirement for the Governor to appoint its members. The Governor will continue to appoint two psychological associate members to the Board.

The bill also requires the Board to provide all psychology professionals and stakeholders with the opportunity for a stronger role in the development of rules, before formal proposal in the *Texas Register*, by allowing those most affected by a proposed rule to provide advice and opinions earlier in the process. Once the Board receives early input, it will 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.

### **3. Conform Key Elements of the Board's Licensing and Regulatory Functions to Commonly Applied Licensing Practices.**

House Bill 1015 includes nine provisions that bring the Board in line with standard licensing agency practices, consisting of the following.

- Allows 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.
- Provides an exemption from the provisional license supervision requirement for applicants who are already licensed to practice independently in other states.
- Authorizes the Board to accept all national credentials as proof of meeting basic licensing requirements.
- Authorizes 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.
- Requires the Board to develop a system for complaint trend analysis.
- Requires the Board to investigate complaints according to risk.

- Requires the Board to include one of its public members in the informal settlement process.
- Requires the Board to adopt a more specific schedule of sanctions in rule.
- Authorizes the Board to provide for refunds by licensees to the consumer as part of the settlement process.

**4. Authorize the Board to Participate in the Quarterly Criminal Record Checks Conducted by the Department of Public Safety.**

House Bill 1015 includes 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, to help identify licensees who may be a threat to public safety.

**5. Continue the Texas State Board of Examiners of Psychologists for 12 Years.**

This provision continues the Board as a separate, stand-alone agency for the standard 12-year period.

**Provision Added by the Legislature** \_\_\_\_\_

**6. Authorize the Board to Approve Continuing Education Courses Developed by Third-Party Providers.**

The Legislature adopted a provision that authorizes the Board to approve continuing education courses developed or approved by accepted third-party providers, including national and state associations that represent license holders and other mental health associations, and institutions of higher education.

**Provision Removed by the Legislature** \_\_\_\_\_

**1. Change the Basis for the Board’s Late Renewal Penalties.**

The Legislature did not adopt the Sunset provision requiring 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.

**Fiscal Implication Summary** \_\_\_\_\_

This legislation will not have a fiscal impact to the State.

