Texas State Board of Examiners of Psychologists
Self-Evaluation Report

Submitted to the
Sunset Advisory Commission
on September 18, 2017.

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Texas State Board of Examiners of Psychologists
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I. Agency Contact Information

A. Please fill in the following chart.

Texas State Board of Examiners of Psychologists
Exhibit 1: Agency Contacts

	Name	Address	Telephone & Fax Numbers	Email Address
Agency Head	Darrel D. Spinks	333 Guadalupe St., Ste. 2-450, Austin, TX 78701	(T) 512-305-7700 (F) 512-305-7701	Executive.Director@tsbep.texas.gov
Agency's Sunset Liaison	Darrel D. Spinks Jennifer Noack	333 Guadalupe St., Ste. 2-450, Austin, TX 78701	(T) 512-305-7700 (F) 512-305-7701.	Executive.Director@tsbep.texas.gov CFO@tsbep.texas.gov

Table 1 Exhibit 1 Agency Contacts

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.

The mission of the Texas State Board of Examiners of Psychologists ("Board") is to protect the public by ensuring that psychological services are provided to the people of Texas by qualified and competent practitioners who adhere to established professional standards. This mission, derived from the Psychologists' Licensing Act, supersedes the interest of any individual or special interest group.

The objective of the Board is to carry out its mission by implementing the various provisions of the Psychologists' Licensing Act.

The following are the key functions utilized by the Board to carry out its mission and objective:

1. Licensure. Establishing educational, experience, and examination requirements for licensure, and requiring annual renewal of licensure with an appropriate amount of annual professional development.

2. Enforcement. Establishing professional standards for the practice of psychology, as well as investigating and enforcing compliance with the requirements of the various laws affecting the practice of psychology in Texas.

3. Information. Serving as a source of information to the public, the profession, and governmental entities, as well as adhering to all mandated reporting under state and federal law.

To provide greater insight into the practice of psychology, information can be found in the U.S. Department of Labor, Bureau of Labor Statistics' *Occupational Outlook Handbook*. This handbook contains a brief summary of employment statistics concerning psychologists, as well as information regarding what psychologists do, their work environment, how to become one, compensation information, and the job outlook for the profession.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

Each of the agency's key functions continues to serve a clear and ongoing objective. Inherent in the practice of psychology is the complete faith and trust by the patient in the competency and professional standards of those who practice in Texas. Individuals receiving psychological services are generally vulnerable by virtue of mental illness or condition, as well as by the nature of the practitioner-patient relationship. Persons who are especially vulnerable include children, the elderly, those with emotional disorders, mental illness, or a mental or cognitive impairment, as well as persons with physical, intellectual, or developmental disabilities. Without the key functions described herein, the Board would be unable to ensure that only competent, scrupulous, and ethical providers practiced psychology, and the public would be unable to evaluate the qualifications and professional history of a provider.

The Board, in keeping with its mission to protect the public, must assure that individuals who are licensed to practice psychology have the minimum professional character and basic educational preparation necessary to practice safely. The Board accomplishes this mission by verifying that those who are licensed are qualified by virtue of their competency and professional character. The Board must continually monitor compliance with the legal requirements to assure continued competency and to take action to limit restrict, or revoke the authority to practice psychology if it is determined that a licensee poses a danger to the public. The Board also investigates complaints in a timely manner, enforces the laws relating to the practice of psychology, and ensures that individuals who are proven to have violated the law receive appropriate discipline.

Lastly, the Board, in keeping with its mission, tradition of transparency, and reporting obligations, must ensure access to public information and meetings, as well as reporting those matters required by law to the appropriate authorities.

C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

The Board believes it is a model of an effective and efficient regulatory body. This belief is based upon the Board's performance measures, disciplinary data, customer service survey results, and general feedback received from the public. By way of example, the Board is responsible for licensing, regulating, and monitoring the status of approximately 9,000 licenses, and investigating over 240 complaints filed each year. In FY2014, the Board accomplished this function with 13.5 full time employees and a budget of approximately $850,000. Moreover, this was achieved despite a turnover rate of 37 percent.

Licensees of this Board renew their licenses annually and in FY2014 the Board renewed approximately 8,500 licenses, with 84 percent being renewed online. In that same year the Board issued 232 new licenses to psychologists (LP), 263 new licenses to provisional psychologists (PLP), 60 new licenses to psychological associates (LPA), and 225 new licenses to specialists in school psychology (LSSP). Records reflecting the Board's licensing and renewal data in greater detail are available upon request.

Over 240 complaints were received by the Board in FY2014, a slight decrease from the 290 received in FY2013, and 251 were disposed of that same year. During FY2014, the Board heard 28 cases at informal settlement conferences, slightly less than the 34 heard in FY2013, and issued 34 disciplinary actions. The disciplinary actions included 14 administrative penalties, 5 reprimands, 2 probated suspensions, 1 non-probated suspension, 9 resignations in lieu of adjudication, and 3 eligibility orders. Records reflecting the Board's disciplinary data in greater detail are available upon request.

The Board has historically solicited information about the quality of services it performs. The Board has solicited and reviewed survey questionnaires that are designed to evaluate the staff's performance when carrying out regulatory functions, e.g. the Oral Examination, the licensing process, the complaint process. The results of these surveys are available upon request.

Lastly, the Health Professions Council (HPC), of which the Board is a member, regularly compares this agency's costs per licensee with those of three other large psychology boards in the country, New York, California, and Florida. The Board consistently provides lower costs per licensee, even when considering each of those agencies is part of a consolidated regulatory scheme. Records reflecting these costs comparisons are available upon request, or may be found within HPC's Annual Report.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

Yes, Chapter 501, Occupations Code, continues to correctly reflect the mission, objectives, and approach to performing the Board's function.

The Board has always taken a cautionary approach when statutory changes have been needed given the prohibition against legislative lobbying set forth in Tex. Gov't Code Ann. §§556.006

and 556.008. As a result, the Board has taken great care when making recommendations in the past that directly affect its enabling legislation.

By way of example, the Board has requested authority to set renewal dates and enter into reciprocal agreements, and has requested changes regarding its oral examination. All of these changes were adopted. The Board also requested and received during the 84th Legislature, pass-through funding authority so that it could collect the portion of an exam fee payable to the third-party vendor selected to administer the Board's jurisprudence examination in an online format. This authority can be found in Art. IX, Section 8.14, of Tex. H.B. 1, 84th Leg., R.S. (2015).

E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

The Board's functions do not overlap or duplicate those of another state or federal agency. However, the Board has experienced at least one instance of manufactured conflict with a sister agency's rules whereby a licensee who is also licensed by the Council on Sex Offender Treatment (Council), attempted to avoid culpability under governing Board rules by claiming he was acting solely under his sub-license issued by the Council. Despite this contrarian position, the Board remains uniquely equipped to regulate the broad and growing profession of psychology.

To the best of the Board's knowledge, no other agency stands equipped to regulate the profession of psychology, nor do they possess the long standing history and institutional knowledge that has been acquired by this agency over a period of 46 years. In fact, a large segment of this agency's licensee population base, the LSSPs, were transferred to this agency's jurisdiction in 1995 under Tex. S.B. 1, 74th Leg., R.S. (1995) from the Texas Education Agency, and have continued to grow in numbers since that time.

The Board, which consists primarily of individuals trained in psychology at the doctoral and masters level, is uniquely qualified to:

- judge the education, training, and experience of those individuals seeking licensure, so as to ensure that only competent practitioners are delivering psychological services;
- determine whether a licensee has met or failed to meet the standard of professional conduct set forth in the agency rules; and
- provide responsive information to the public and third-parties regarding a very diverse discipline that has nearly boundless applications in everyday life, as well as information about the individuals authorized to practice psychology.

While the Board's functions do not overlap or duplicate those of another state or federal agency, the Board's Executive Director monitors the rules and regulations promulgated by

other similarly situated agencies to avoid duplication, and to ensure consistency in equally applicable areas of the law. The Executive Director accomplishes this task by reviewing the weekly publications of the Texas Register.

F. In general, how do other states carry out similar functions?

Other states provide similar functions of licensing and enforcement. Each state has a governing board to regulate the practice of psychology. Each board consists of members of the profession and public members which are most often appointed by the Governor of the state.

All states require passage of the Examination for Professional Practice in Psychology (EPPP); several states, U.S. commonwealths and territories, as well as several Canadian provinces require passage of an oral examination for independent practice; and a majority require mandatory continuing education for renewal of a license.

G. What key obstacles impair your agency's ability to achieve its objectives?

The key obstacles the Board has identified that operate to impair its ability to achieve its objectives are:

- Inadequate funding for staff salaries. The most recent State Auditor's (SAO) Legislative Workforce Summary shows that for fiscal year 2010, the average salary at this agency was $7,421 (15%) below that of the average salary at other Article VIII regulatory agencies. That same report showed that the salary disparity had grown to $10,423 (19%) for fiscal year 2014. Given the current turnover rate of 37%, the salary disparity presents a serious risk of the agency losing its greatest asset, its trained, experienced staff. The State Auditor's Legislative Workforce Summaries have repeatedly shown such a disparity in Board salaries since 2004.

- Arcane or confusing language in the Psychologists' Licensing Act. By way of example, §501.158 grants the Board the authority to request mental/physical examinations in certain instances. This particular section would be particularly useful when dealing with licensees suffering from competency/incapacity issues, but is very difficult to utilize as written. The difficulty in implementing this particular section, together with the Board's lack of a peer-assistance or alternative disciplinary program, places an added measure of burden on the agency when dealing with licensees who come under investigation as a result of competency issues.

H. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).

The Board has identified the following court cases, which could impact its key functions in the near future:

- Case No. 14-51151, Serafine v. Tim F. Branaman, Chair, Texas State Board of Examiners of Psychologists, et al, U.S. 5th Cir. (*appeal from Cause No. 1:11-CV-01018, Serafine vs. Tim*

F. Branaman, Chair, Texas State Board of Examiners of Psychologists, et al, U.S. District Court for the Western District of Texas, Austin, Division). This lawsuit seeks to declare the Psychologists' Licensing Act, along with all of the Board's rules, unconstitutional. Appellant seeks the right to call herself a psychologist and practice psychology, though she is not licensed to do so under the law. The case was tried before the U.S. District Court for the Western District of Texas, Austin Division, where the Board prevailed. Appellant subsequently perfected an appeal to the U.S. 5th Circuit Appellate Court, and the parties are currently awaiting the court's decision.

- Case No. 15-0299, Texas State Board of Marriage and Family Therapists, et al v. Texas Medical Association, et al, Texas Supreme Court *(appeal from Cause No. 03-13-00077-CV, Texas State Board of Marriage and Family Therapists, et al v. Texas Medical Association, et al, 3rd Court of Appeals, Austin, Texas)*. This lawsuit brought by the Texas Medical Association sought to invalidate several rules promulgated by the LMFT Board, claiming the rules impermissibly expanded the scope of practice of marriage and family therapists. More specifically, the TMA claimed that the rules permitted marriage and family therapists to make diagnoses, when no such authority was found within the LMFT Board's enabling legislation. The TMA prevailed at trial and in the 3rd Court of Appeals, and the LMFT Board is currently seeking review by the Texas Supreme Court. This case is of particular importance to the Board because, like the marriage and family therapists, psychologists regularly make diagnoses, yet the Psychologists' Licensing Act contains no express mention of the term "diagnose" or any of its derivatives.

- Cause No. 3:13-cv-00042-GFVT-EBA, John Rosemond v. Kentucky Board of Examiners of Psychologists, U.S. District Court, Eastern District of Kentucky. This lawsuit involves the scope of the state's power to regulate the practice of psychology where the individual being regulated is situated outside of the state. More particularly, the Kentucky Psychology Board issued a cease and desist order against a licensed psychologist in North Carolina whose syndicated newspaper column appeared in several Kentucky newspapers. At issue in the lawsuit is whether the First Amendment to the U.S. Constitution precludes a state from prohibiting a non-resident from holding himself out as a licensed psychologist in a syndicated newspaper column distributed within that state, when the individual is not licensed to practice within that state. The case is currently before the trial court, but no ruling has yet been issued. This case is of particular importance to the Board because a favorable ruling for the plaintiff could be viewed expansively, and used as a basis for more litigation against the state's inherent regulatory powers.

- N.C. State Bd. of Dental Exam'rs v. FTC, 135 S. Ct. 1101, 191 L. Ed. 2d 35, 2015 U.S. LEXIS 1502, 83 U.S.L.W. 4110 (U.S. 2015). This lawsuit involved the question of whether a state agency may claim state-action antitrust immunity in response to a lawsuit brought by the Federal Trade Commission for violation of federal antitrust laws. The SCOTUS ruled that a state agency governed by a controlling number of market participants may claim immunity from federal antitrust laws if the state has articulated a clear policy to allow the anticompetitive conduct, and the state provides active supervision of the

anticompetitive conduct. This case is of particular importance because, while the Board believes the Psychologists' Licensing Act satisfies the clearly articulated policy requirement of the opinion, the recent lawsuit brought by Teladoc, Inc. against the Texas Medical Board[1] highlights a potential argument against the state with regard to the active supervision requirement.

- Request for Attorney General Opinion (RQ-1105-GA) – This pending request for an opinion asks whether a county, i.e. governmental unit, is encompassed within the definition of the term "covered entity" under Ch. 181, Health and Safety Code. If the Attorney General opines that a county is not a "covered entity" under Ch. 181, such an opinion could potentially exempt state agencies from compliance with Ch. 181 as well.

I. What are your agency's biggest opportunities for improvement in the future?

The Board's focus has historically promoted public safety through establishing appropriate licensing standards, together with oversight and discipline of incompetent or unsafe practitioners. The Board maintains a vigilant watch over the dynamic and changing landscape of mental health care, and is aware of the serious shortage of mental health care providers in this state[2].

According to the 2014 Mental Health Workforce Shortage report prepared by the Dept. of State Health Services (see footnote 2 below), nationally, 46.4 percent of adults experience mental illness at least once in their lifetime and 26.2 percent of adults experience mental illness annually. In Texas, over 25 percent of surveyed adolescents reported negative emotional states within the previous 12 months and over 20 percent of adults reported poor mental health in the 30 days preceding the survey. Despite this established need, a mental health workforce shortage is evident nationwide, but especially in Texas.

The report goes on to set out five key themes Texas should focus on when seeking to address this mental health workforce shortage. While the Board is ill-equipped or unable to undertake responsive measures under each theme identified in the report, it can and has taken steps to address at least two of those themes, the size of the mental health workforce and improving data collection and analysis. To illustrate the Board's commitment to improvement, several brief examples are set out below.

The Board, being keenly aware of the trends, distributions, and demographics of its own licensees[3], continues to look for new approaches to increase the size of the mental health workforce in Texas. By way of example, the Board has strengthened and improved its licensure process by streamlining the application process for temporary licensure; engaged in a collaborative process to align its rules governing supervision with generally acknowledged

[1] Cause No. 1-15-CV-343, Teladoc, Inc., et al v. Texas Medical Board, et al, U.S. District Court for the Western District of Texas, Austin Division

[2] *The Mental Health Workforce Shortage in Texas*, a report prepared by the Department of State Health Services pursuant to Tex. H.B. 1023, 83rd Leg., R.S. (2013).

[3] Health Professions Resource Center, Trends, Distribution, and Demographics of Psychologists in Texas, 2014.

practice standards; sought to consolidate and clarify its rules concerning licensure through stakeholder input; implemented a web-based version of the agency's Jurisprudence Examination through a DIR approved vendor; implemented the use of an on-line application process known as PLUS to assist with licensure mobility; and expanded the use and function of its website. The Board has also begun complying with federally mandated reporting requirements by reporting agency disciplinary actions to the National Practitioner Databank.

While the Board believes it has taken significant steps toward improving the efficiencies of its operations, more can almost certainly be done if time and resources permit. The Board particularly believes that increased reliance on and use of technology will provide for greater opportunity for improvement in the future. As new approaches emerge suggesting how the Board can improve the efficiencies or effectiveness of its operations, the Board will consider and implement appropriate regulatory changes if authorized by the Psychologists' Licensing Act.

J. In the following chart, provide information regarding your agency's key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures. *See Exhibit 2 Example*.

Texas State Board of Examiners of Psychologists
Exhibit 2: Key Performance Measures — Fiscal Year 2016

Key Performance Measures	FY 2016 Target	FY 2016 Actual Performance	FY 2016 % of Annual Target
Number of New Licenses Issued	645	770	119.38%
Number of License Renewals	8,300	8,724	105.11%
Number of Complaints Resolved	250	274	109.60%
Average Time for Complaint Resolution	215	219	101.55%
Percent of Licensees with no Recent Violations	98%	98.85%	100.87%
Percent of Licensees who Renew Online	84%	87%	103.57%
Percent of Complaints Resolved Within 6 Months	40%	50%	125.00%
Number of Jurisdictional Complaints	250	246	98.40%

Table 2 Exhibit 2 Key Performance Measures

III. History and Major Events

Provide a timeline of your agency's history and key events, including:

- the date your agency was established;
- the original purpose and responsibilities of your agency;
- major changes in responsibilities or statutory authority;

- changes to your policymaking body's name or composition;
- significant changes in state/federal legislation, mandates, or funding;
- significant state/federal litigation that specifically affects your agency's operations; and
- key changes in your agency's organization (e.g., a major reorganization of the agency's divisions or program areas).

State Timeline

1969	Texas State Board of Examiners of Psychologists was established by the 61st Legislature. The Psychologists' Certification and Licensing Act, Texas Revised Civil Statutes 4512(c). The Board was charged to examine and license persons engaging in the practice of psychology.
1975	The Act was amended by the 64th Legislature to expand the definition of psychological services, allow the Board rule-making authority to certify specialties, add requirements for applicants to ensure mental and physical competency, add requirements for two years of supervised experience, add further exemptions to the Act, and to add enforcement of competency requirements.
1981	The Act was amended by the 67th Legislature to add three additional Board members, bringing the total to nine, add the application of the Sunset Act, add requirements for composition and qualifications of the Board members, add powers to the Board for public information complaint files and continuing education; remove residency requirements for licensure, add requirements for examinations, provide more exemptions to the Act, and clarify disciplinary procedures.
1985	The Act was amended by the 69th Legislature to expand the definition of psychological services, add the health service provider credential to Board powers, remove specific fee amounts, and expand exemptions.
1987	The Psychology Board began administering the Oral Examination as a requirement for licensed psychologists. The 70th Legislature imposed a $110 professional fee on psychologists.
1989	The Act was amended by the 71st Legislature to require doctoral degrees received after January 1979 to be in psychology as a requirement for

	licensure.
1991	The Act was amended by the 72nd Legislature to allow the Board to have reciprocity with other states and increased the professional fee from $110 to $200. The Legislature established the State Office of Administrative Hearings which would provide rulings in all contested cases for the agency. The Attorney General was required to provide legal services to the agency, thereby eliminating outside contracts for legal services.
1992	The Psychology Board submits its first Strategic Plan.
1993	73rd Legislature approved the continuance of the Board for 12 years after Sunset Review and included the Board as a member of the Health Professions Council. The Legislature also expanded the definition of the practice of psychology to include specific practices; continuing education for renewal was mandated; the Board was authorized to assess a civil penalty of up to $1,000 a day for violation of the Act or rule; the composition of the Board was changed; the Psychological Associate Advisory Committee was established; the Legislature set more defined complaint procedures; granted the Board the authority to issue temporary licenses to applicants for licensure; and granted the Board the authority to license psychologists by endorsement. Board revenue began being directed into General Revenue, rather than the Psychologist' Licensing Fund, a dedicated fund.
1994	Board enters into reciprocity agreement with Louisiana.
1995	74th Legislature amended Act to require that a new license be established (licensed specialist in school psychology, LSSP) and required for provision of psychological services in the public schools and removed exemption in Act for public schools. See Tex. S.B. 1, 74th Leg., R.S. (1995). The Legislature also added more complaint procedures and expanded the Board's ability to issue temporary licenses to non-resident psychologists licensed in other states. The Board co-located with other Health Profession Council agencies to the Hobby Building.
1996	Board enters into reciprocity agreement with the Association of State and Provincial Psychology Boards (ASPPB).

1997	75th Legislature amended Act to change name to Psychologists' Licensing Act, and changed the title of certified psychologist to provisionally licensed psychologist and the title of certified psychological associate to licensed psychological associate.
1998	Established Board website. Board began participating in EAP program through the Health Professions Council. Board participates in Small State Agency Task Force.
1999	76th Legislature recodified the Act to Chapter 501 of the Occupations Code, and eliminated licensure of psychologists by endorsement. Legislation mandated Health Professions Council member agencies to purchase and share imaging system.
2000	Board began obtaining criminal record checks on applicants from the Department of Public Safety. Board conducts first annual Customer Service Survey of major customer groups.
2001	77th Legislature mandated that the Psychology Board participate in a group project to allow for annual renewal of licenses online and to have profiles of licensed psychologists online. Also mandated that agencies obtain annual internal audit. National psychology exam is computerized. Board changes to mail-out Jurisprudence Exam.
2003	On-line renewals became an option for licensees through Texas Online Authority. 78th Legislature cut agency appropriations by twelve percent for the 2004-05 biennium.
2005	79th Legislature approved the continuance of the Board for 12 years after Sunset Review. Tex. H.B. 1015, 79th Leg., R.S. (2005) mandated expanded use of technology; set more defined procedures for negotiated rulemaking, alternative dispute resolution (ADR), and complaint procedures; expanded licensing opportunities for provisional licensees; set more defined parameters and procedures for the Oral Examination; modified the requirements for a

	schedule of sanctions; eliminated the Psychological Associate Advisory Committee; and mandated that a public member participate in informal settlement conferences. The Board was also given authority to order refunds. Agency appropriations were cut by five percent for the 2006-07 biennium.
2007	Board began conducting fingerprint background checks on applicants.
2009	81st Legislature authorized funding for shared regulatory database, but reduced other agency appropriations by five percent for the 2010-11 biennium.
2011	82nd Legislature repealed certain reporting requirements (SB1179); mandated testing accommodations for applicants with dyslexia (SB867); mandated alternative licensing procedures for military spouses (SB1733); and reduced agency appropriations by ten percent for the 2012-13 biennium.
2013	83rd Legislature modified reporting requirements to include childhood abuse of adult patients under certain conditions (SB152); expanded licensing opportunities for service members and their spouses (SB162); modified the composition of the Board such that one of the Board members serving as an LP or LPA must also be licensed as an LSSP (HB646); restricted the use of the title psychologist by unlicensed individuals in exempt settings (HB807); granted psychologists general authority to delegate (HB808); mandated reporting requirements for staff compensation (HB12); and established a registry for health care practitioners wishing to volunteer in time of disasters (HB746). Board began reporting disciplinary actions to the National Practitioner Databank (NPDB).
2015	84th Legislature repealed the $200 professional fee (HB7); mandated requirements for child custody evaluations (HB1449); expanded psychologists' general authority to delegate to include interns (HB1924); and expanded licensing opportunities for service members and their spouses (SB807, SB1307). The Board also began conducting fingerprint background checks on all licensees licensed prior to 2007 who had not previously undergone a fingerprint background check.

Federal Timeline

1996	Health Insurance Portability and Accountability Act (HIPAA) passed by Congress. Personal Responsibility and Work Opportunity Reconciliation Act of 1996 passed by congress. See *Personal Responsibility And Work Opportunity Reconciliation Act Of 1996*, 1996 Enacted H.R. 3734, 104 Enacted H.R. 3734, 110 Stat. 2105. (8 U.S.C.S. §§1621 and 1625)
2009	The Health Information Technology for Economic and Clinical Health (HITECH) Act, enacted as part of the American Recovery and Reinvestment Act of 2009, was signed into law
2010	The Patient Protection and Affordable Care Act passed by Congress.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

Texas State Board of Examiners of Psychologists
Exhibit 3: Policymaking Body

Member Name	Term / Appointment Dates / Appointed by *(e.g., Governor, Lt. Governor, Speaker)*	Qualification *(e.g., public member, industry representative)*	City
Tim F. Branaman, Ph.D., Chair	Six years 2/14/08-10/31/13 10/31/13-10/31/19 Governor R. Perry	Licensed Psychologist	Dallas
Lou Ann Todd Mock, Ph.D., Vice Chair	Six years 2/14/08-10/31/13 11/1/13-10/31/19 Governor R. Perry	Licensed Psychologists/ Licensed Specialist in School Psychology	Bellaire
Susan Fletcher, Ph.D.	Six years 12/14/16-10/31/21 Governor G. Abbott	Licensed Psychologists/ Licensed Specialist in School Psychology	Plano
Ron Palomares, Ph.D.	Six years 12/14/16-10/31/21 Governor G. Abbott	Licensed Psychologists/ Licensed Specialist in School Psychology	Dallas
Donna Lord Black, M.A.	Six years 3/9/07-10/31/11 2/1/12-10/31/17 Governor R. Perry	Licensed Psychological Associate/Licensed Specialist in School Psychology	Frisco

Member Name	Term / Appointment Dates / Appointed by *(e.g., Governor, Lt. Governor, Speaker)*	Qualification *(e.g., public member, industry representative)*	City
Jo Ann Campbell, M.S.	Six years 2/14/08-10/31/11 2/1/12-10/31/17 Governor R. Perry	Licensed Psychological Associate/Licensed Specialist in School Psychology	Abilene
John K. Bielamowicz	Six years 12/14/16-10/31/21 Governor G. Abbott	Public Member	Waxahachie
Angela A. Downes, J.D.	Six years 2/14/08-10/31/13 11/1/13-10/31/19 Governor R. Perry	Public Member	Irving
John Huffman, J.D.	Six years 6/28/12-10/31/17 Governor	Public Member	Southlake

Table 3 Exhibit 3 Policymaking Body

B. Describe the primary role and responsibilities of your policymaking body.

The primary role of the Board is to:

- Set policy for the Board.
- Promulgate rules to implement the Psychologists' Licensing Act, including setting licensing and renewal fees.
- Hire an Executive Director, and other staff as desired.
- Hold at least two annual meetings.
- Approve various required agency reports and plans, including the strategic plan, legislative appropriations request, customer service report, and annual financial report.
- Review other required documents such as the Affirmative Action Plan, Personnel Manual, and Business Continuity Plan.
- Assess financial status of the agency on a quarterly basis.
- Review other key documents such as performance measure reports, risk assessments, and audits.
- Evaluate the Executive Director on an annual basis.
- Consult with the General Counsel on legal matters affecting the agency.
- Monitor licensing and enforcement operations.

- Individual Board members must serve on informal settlement conference panels and committees.
- Identify needed changes to the Psychologists' Licensing Act and the Board's rules.
- Respond to formal inquiries.
- Take disciplinary action against licensees by approving agreed orders and proposals for decision issued by Administrative Law Judges (SOAH).

C. How is the chair selected?

The Governor designates the presiding officer from the eligible Board members to serve in that capacity at the pleasure of the Governor.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The Board consists of nine members appointed by the Governor with the advice and consent of the Senate. Each member must be a citizen of the United States and appointments must be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee. Four members are required to be licensed psychologists who have engaged in independent practice, teaching or research in psychology for at least five years. Two members are required to be licensed psychological associates who have been licensed for at least five years; and three members are required to be members of the public.

The Psychologists' Licensing Act requires the Governor to appoint at least two psychologist members who provide psychological services, one who conducts research in the field of psychology, and at least one who teaches as a member of a faculty of a psychological training institution. The Psychologists' Licensing Act also requires that one of the psychologist or psychological associate members also be a practicing specialist in school psychology.

The Psychologists' Licensing Act prohibits individuals from serving as Board members if:

- they are also an officer, employee, or paid consultant of a Texas trade association in the field of health services;
- their spouse is an officer, manager, or paid consultant of a Texas trade association in the field of mental health; or
- they are required to register as a lobbyist under Ch. 305, Government Code, because of their activities for compensation on behalf of a profession related to the operation of the Board.

Furthermore, in accordance with the Psychologists' Licensing Act, public members must not:

- Be registered, certified, or licensed by an occupational regulatory agency in the field of health services, or have a spouse registered, certified, or licensed by an occupational regulatory agency in the field of health services;

- Be employed by or participate in the management of a business entity or other organization regulated by or receiving funds from the Board, or have a spouse meeting these same criteria;

- Own or control, whether directly or indirectly, more than a ten percent interest in a business entity or other organization regulated by the Board or receiving funds from the Board, or have a spouse meeting these same criteria; or

- Use or receive a substantial amount of tangible goods, services, or funds from the Board, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses, or have a spouse meeting these same criteria.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2014? In FY 2015?

The Board is required to meet at least twice per year, but typically meets four times per year. The meeting dates are published on the Board's website.

The Board met on the following dates in FY2014-15:

FY2014	FY2015
October 10, 2013	November 20, 2014
February 13, 2014	February 26, 2015
May 8, 2014	May 21, 2015
August 14, 2014	August 20, 2015

F. What type of training do members of your agency's policymaking body receive?

Board members receive in-house training from the staff before they serve as Board members. This training is based on the training materials that are shared by all Health Professions Council members. The Board then supplements this information with any additional or agency specific information that it deems beneficial. Such training lasts approximately six hours. Trainers include the Chair of the Board, the Executive Director, the General Counsel and other Board members and staff as needed.

The training consists of many facets including Board functions and operations, the Act and rules, policies and procedures, as well as the Texas Public Information Act, Texas Open Meetings Act, administrative rule making and the Texas Register, state budgeting, performance measures, recent audits, the Legislature, Sunset, and agency publications and website.

Additionally, if funds are available, Board members are encouraged to participate at least once in the training provided by the Attorney General's office every two years and in the training provided by ASPPB for new board members.

Lastly, Board members must also undergo the contract management training mandated by Tex. Gov't Code Ann. §2262.0535 (Tex. S.B. 1681, 83rd Leg., R.S. (2013)).

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

The Board's policy that describes the respective roles of the policymaking body and agency staff is as follows.

POLICY ON DIVISION OF RESPONSIBILITIES
BETWEEN BOARD AND STAFF

In compliance with Section 501.103, Division of Responsibilities, of the Act, the Board sets the following policy.

The Board has the following responsibilities:

1. Implements Act by passing rules and policies.
2. Conducts annual Board evaluation.
3. Sets annual Board goals.
4. Approves Strategic Plan, Legislative Appropriation Request, Operating Budget, Annual Financial Report and other required reports.
5. Serves on rotating disciplinary review panels to review complaints and recommend resolution to Board.
6. Approves agreed orders, dismissals of complaints, and renders decisions on SOAH proposals for decision.
7. Reviews quarterly performance reports and other operation status reports.
8. Hires ED and conducts annual performance evaluation of ED.
9. Chair appoints committees with specific responsibilities to work directly with staff.
10. Ensures that agency expends its funds appropriately and efficiently and in accordance with state laws.
11. Monitors standards of the profession.
12. Sets fees.
13. Adheres to Board mission to protect the public.

POLICY ON DIVISION OF RESPONSIBILITIES BETWEEN BOARD AND STAFF
The Staff has the following responsibilities: 1. Performs all responsibilities in accordance with the Act, Board rules and Board policies. 2. Establishes procedures, documents procedures and adheres to procedures. 3. Processes applications for licensure. 4. Investigates complaints. 5. Recommends non-substantiated complaints for dismissal. 6. Renews licenses annually. 7. Collects and processes all required fees. 8. Drafts and negotiates agreed orders for Board approval. 9. Adheres to all state and federal laws and directives to state agencies, including but not limited to open records and open meetings and human resource and salary matters 10. Prepares for administration of oral examination. 11. Expends funds necessary for agency operations in accordance with state laws and state regulations. 12. Adheres to state financial accounting requirements. 13. Prepares mandated reports. 14. Prepares budget request for appropriations. 15. Informs and makes recommendations to the Board on various items of relevancy to Board's mission and responsibilities of the agency. 16. Responds to all inquiries from the public and other entities.

H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?

Information is presented to the Board at each regularly scheduled meeting to keep the Board members informed of the agency's performance and issues affecting the agency. This information is consolidated into Board meeting packets which are prepared and sent out to the

individual members at least one week prior to the Board meeting. Each packet contains the following information:

- Minutes from the prior meeting.
- A report on various matters from the Board Chair, including the Board goals for the current fiscal year.
- A report on agency operations and ongoing activities of the Board from the Executive Director. This report also includes any proposed newsletter articles, policy changes, or opinion letters recommended or requested by the Executive Director, Board members, or other agency staff.
- A report from the Rules Committee setting forth each proposed rule or amendment, each rule eligible for adoption, any petitions for rulemaking received by the Board, and any stakeholder input received as part of the rulemaking process.
- A report from the Enforcement Committee setting forth the disciplinary cases recommended for dismissal, a listing of Board members scheduled to preside over informal settlement conferences, disciplinary orders awaiting ratification, and any final hearings to be held in disciplinary actions.
- A report from the Compliance Committee setting for the compliance history of those licensees who are subject to a disciplinary order.
- A report from the General Counsel on legal matters affecting the agency.
- A report from the Legislative Committee on legislation affecting the agency.
- A report from the Budget Committee on performance measures and budget matters.
- A report from the Written Examinations Committee on matters affecting the Board's written examinations.
- A report from the Oral Examination Committee on matters affecting the Board's oral examination.
- A report from the Technology Committee on IT issues, including changes to the agency's website and the number of licensees renewing their license online.
- A report from the Applications Committee on the agency's application process. This report also provides the Board with information regarding applicant use of the PLUS system.
- A report from the Personnel Committee on matters affecting agency personnel.
- A report from the Customer Service Committee reflecting the results of the most recent customer service survey. This report will also contain any recommendations the committee may have after reviewing the results of the customer service survey.
- Matters to be heard or considered in Executive Session.

Each Board meeting packet contains a report showing the agency's quarterly and cumulative statistics for outcomes in each performance measure required by the Legislative Budget Board. Other relevant measures of interest are reported to the Board based on member request or staff recommendation. The Board is also presented with all available annual or periodic audit reports conducted concerning the agency and its activities as required by law. The results of any internal or external audit are presented to the Board at the Board meeting following the audit. Status reports of ongoing audits are presented during each Board meeting.

Lastly, the Board Chair and Committee Chairs receive regular updates from the Executive Director and other staff via email and telephone calls. Many of these communications involve situations where agency staff utilize the board members as a resource when carrying out agency operations. Contact between agency staff and members may also occur when requested by a board member or upon staff recommendation.

I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

The Board obtains input from the public by the following actions:

- posting its proposed rules for comment and meeting agendas in the Texas Register;
- including an agenda item for public comments at every Board meeting;
- including agenda items per written requests[4];
- posting its newsletters on its website;
- providing new development alerts on its website;
- publishing staff email addresses on its website;
- reviewing letters to the Board at Board meetings;
- use of ad hoc advisory committees pursuant to §2001.031 of the Administrative Procedure Act;
- holding public hearings;
- surveying representative samples of licensees via email;
- giving presentations to state and local associations on agency related matters;
- consideration of petitions for rulemaking submitted pursuant to §2001.021 of the Administrative Procedure Act;
- information provided by Executive Director as a result of input received through written correspondence, faxes, open record requests, and telephone calls from the public; and
- conducting annual customer service surveys of its primary customer groups, including persons who make open record requests to the agency, licensees, examinees, and new applicants.

The Board incorporates such input into its operations by the following:

- replying in the form of opinion letters to inquiries;
- revising, deleting or creating new rules, policies, and procedures;
- publishing relevant articles in the newsletter, which are then included on the website;
- making changes to the agency's website;
- making changes to the agency's publications;
- making changes to the agency's forms and applications;
- making budget or law revision requests to the Legislature; and

[4] Board policy allows members of the public to request items be placed on the agenda as follows:
"Items may be placed on the agenda from the public by submitting their request in writing to the Board indicating the topic and their reason for wanting the topic on the agenda twenty-eight (28) days prior to the Board meeting in which the item will be discussed. In the event of a dire emergency, an item may be placed on the agenda twenty-two (22) days prior to the first day of the meeting with approval from the Executive Director and the Chair of the Board."

· seeking Attorney General Opinions.

J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. ***See Exhibit 4 Example.***

Texas State Board of Examiners of Psychologists
Exhibit 4: Subcommittees and Advisory Committees

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
Applications Committee	1 Board member, appointed by Chair of the Board	Serves as resource for staff on licensing issues.	
Enforcement Committee	1 Board member, appointed by Chair of the Board	Serves as resource to staff on enforcement issues; approves professional reviewers; and approves changes to proposed agreed orders.	
Compliance Committee	1 Board member, appointed by Chair of the Board	Serves as resource to staff on compliance issues; approves practice monitors and evaluators for licensees subject to an agreed order; and reviews licensees' compliance with disciplinary orders.	
Budget Committee	1 Board member, appointed by Chair of the Board	Serves as resource to staff on budget issues.	
Rules Committee	1 Board member, appointed by Chair of the Board	Coordinates with staff on rulemaking matters; and coordinates advisory committees charged with developing new or amended rules.	
Technology Committee	1 Board member, appointed by Chair of the Board	Serves as resource to staff on technology issues.	
Oral Examination Committee	2 Board members, appointed by Chair of the Board	Serve as resource to staff on administration of the oral exam; and serve as a resource to the workgroup mandated by §501.2561 of the Psychologists' Licensing Act.	
Written Examinations Committee	1 Board member, appointed by Chair of the Board	Serves as a resource to staff on written exam issues. Chairs Jurisprudence Exam Consultants meetings.	
Legislative Committee	1 Board member, appointed by Chair of the Board	Serves as resource to staff on legislative issues.	

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
Customer Service Committee	1 Board member, appointed by Chair of the Board	Serves as resource to staff on customer service survey issues.	
Rules Advisory Committee (ad hoc committee)	1 representative from each state association, and 1 at-large member and 2 Board member liaisons appointed by the Chair of the Board	Served as an advisory committee and resource to the Rules Committee for the limited purpose of developing rule changes related to continuing education and supervision. The advisory committee was disbanded once it made its recommendations.	§2001.031 of the Administrative Procedure Act
Sunset Advisory Committee (ad hoc committee)	1 representative from each state association, the Chair of the Rules Committee, and the Executive Director for the agency	To discuss possible statutory changes to be presented to the Sunset Commission during the Sunset review process.	
Vignette Writing Workgroup	The number of participants varies. The members are appointed by the Chair of the Oral Examination Committee.	Reviews vignettes used in the Oral Examination to ensure accuracy, and recommends any changes or additions which need to be made to vignettes.	
Oral Examination Workgroup	Workgroup consists of 5 licensed psychologists appointed by the Chair of the Board. The Chair of the Oral Examination Committee serves as a liaison to this workgroup, but does not directly participate in the evaluation of the Oral Examination	Makes recommendations to improve the consistency of the administration and the objectivity of the examination.	§501.2561 of the Psychologists' Licensing Act
Jurisprudence Examination Consultants Workgroup	5 licensed psychologists , appointed by the Chair of the Written Examinations Committee, together with the Chair of the Written Examinations Committee.	Makes recommendations to the Board concerning the Board's Jurisprudence Examination.	

Table 4 Exhibit 4 Subcommittees and Advisory Committees

V. Funding

A. Provide a brief description of your agency's funding.

The agency is funded through general revenue, appropriated receipts and an interagency contract.

B. List all riders that significantly impact your agency's budget.

Art. VIII, Section 2 Appropriations Limited to Revenue Collections, Section 3 Funding for Health Professions Council, and Section 4 Texas.gov Appropriation, of Tex. H.B. 1, 84th Leg., R.S. (2015).

C. Show your agency's expenditures by strategy. ***See Exhibit 5 Example.***

Texas State Board of Examiners of Psychologists
Exhibit 5: Expenditures by Strategy — 2016 (Actual)

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Goal 1.1/ Operate Quality Program of Licensure	$ 453,473.71	53.38%	$ 19,800.00
Goal 1.2/ Texas.gov	$ 37,744	4.44%	
Goal 2.1/ Operate Quality Investigation/Enforcement Program	$ 349,414.68	41.13%	$ 200.00
Goal 3.1/ Indirect Administration – Licensing	$ 4,301.04	0.51%	
Goal 3.2/ Indirect Administration – Enforcement	$ 4,643.27	0.54%	
GRAND TOTAL:	**$ 849,576.70**	**100.00%**	**$ 20,000.00**

Exhibit 5: Expenditures by Strategy — 2017 (Actual)

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Goal 1.1/ Operate Quality Program of Licensure	$ 500,212.19	57.62%	$ 13,700.00
Goal 1.2/ Texas.gov	$ 38,019.00	4.38%	
Goal 2.1/ Operate Quality Investigation/Enforcement Program	$ 321,022.45	36.98%	$100.00
Goal 3.1/ Indirect Administration – Licensing	$ 4,266.06	0.49%	
Goal 3.2/ Indirect Administration – Enforcement	$ 4,546.13	0.53%	
GRAND TOTAL:	**$ 868,065.83**	**100.00%**	**$13,800.00**

Table 5 Exhibit 5 Expenditures by Strategy

D. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines. ***See Exhibit 6 Example.***

Texas State Board of Examiners of Psychologists
Exhibit 6: Sources of Revenue — Fiscal Year 2016 (Actual)

Source	Amount
General Revenue Fund	$ 759,401.91
Appropriated Receipts	$ 58,133.80
Interagency Contracts	$ 32,398.00
TOTAL	**$ 849,576.70**

Exhibit 6: Sources of Revenue — Fiscal Year 2017 (Actual)

Source	Amount
General Revenue Fund	$ 754,814.53
Appropriated Receipts	$ 80,853.30
Interagency Contracts	$ 32,398.00
TOTAL	**$ 868,065.83**

Table 6 Exhibit 6 Sources of Revenue

E. If you receive funds from multiple federal programs, show the types of federal funding sources. *See Exhibit 7 Example.*

Texas State Board of Examiners of Psychologists
Exhibit 7: Federal Funds — Fiscal Year 2014 (Actual)

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
N/A				
	TOTAL			

Table 7 Exhibit 7 Federal Funds

F. If applicable, provide detailed information on fees collected by your agency. *See Exhibit 8 Example*.

Texas State Board of Examiners of Psychologists
Exhibit 8: Fee Revenue — Fiscal Year 2014

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited *(e.g., General Revenue Fund)*
EPPP General Revenue – 501.153(a)(2)	$ 200.00	298	$ 59,600.00	$150 General Revenue Fund $50 School Foundation Fund

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited *(e.g., General Revenue Fund)*
LP Renewal General Revenue – 501.153(a)(1,3)	$ 200.00	3,734	$746,800.00	$150 General Revenue Fund $50 School Foundation Fund
PLP Renewal General Revenue – 501.153(a)(1,3)	$ 200.00	60	$ 12,000.00	$150 General Revenue Fund $50 School Foundation Fund
Criminal History Evaluation Application -	$ 150.00	2	$ 300.00	General Revenue
Health Service Provider Renewal Fee – 501.302	$ 20.00	974	$ 19,480.00	General Revenue
Inactive License Application/Renewal Fee – 501.152	$ 100.00	112	$ 11,200.00	General Revenue
Jurisprudence Exam Fee – 501.256(b)	$ 210.00	583	$ 122,430.00	General Revenue
LSSP Late Fees – 501.302	$ 105.00	144	$ 15,120.00	General Revenue
LPA,PLP,LP Late Fees – 501.302	$ 225.00 - $ 300.00	170	$ 51,000.00	General Revenue
LP Application Fee – 501.152	$175.00	239	$ 41,825.00	General Revenue
PLP Application Fee – 501.152	$335.00	313	$ 104,855.00	General Revenue
LPA Application Fee – 501.152	$ 185.00	63	$ 11,655.00	General Revenue
LSSP Application Fee – 501.152	$ 215.00	203	$ 43,645.00	General Revenue
Reciprocity Application Fee – 501.152	$ 475.00	5	$ 2,375.00	General Revenue
LP Renewal Fee – 501.302	$ 199.00 - $ 206.00	3,814	$ 783,332.00	General Revenue
PLP Renewal Fee – 501.302	$ 103.00 - $ 110.00	77	$ 8,428.00	General Revenue
LPA Renewal Fee – 501.302	$ 108.00- $ 115.00	956	$ 109,373.00	General Revenue
LSSP Renewal Fee – 501.302	$ 53.00 - $ 60.00	2,843	$ 168,977.00	General Revenue
Over 70 Renewal Fee – 501.302	$ 10.00	707	$ 7,070.00	General Revenue
Oral Examination Fee – 501.256(b)	$ 320.00	208	$ 66,560.00	General Revenue

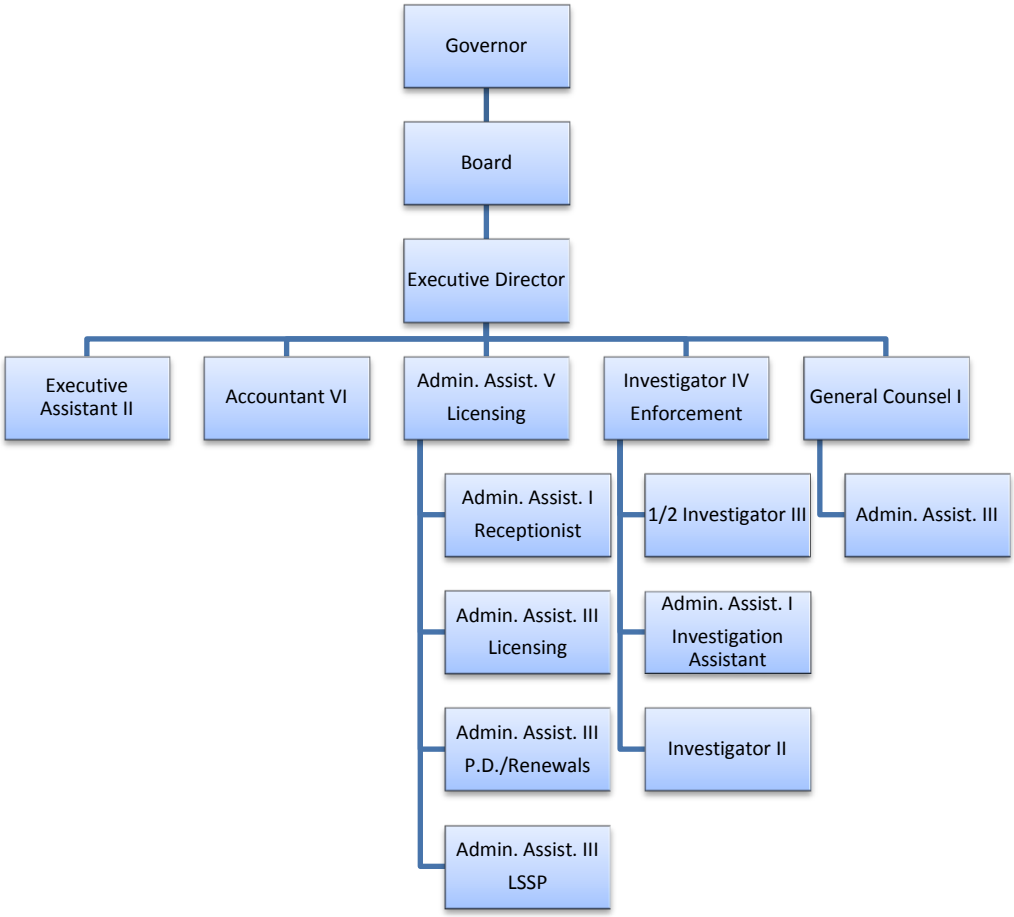
Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited *(e.g., General Revenue Fund)*
Temporary License Fee – 501.263	$ 100.00	28	$ 2,800.00	General Revenue
OPP Fee, New License – 101.307	$ 5.00	822	$ 4,110.00	General Revenue
OPP Fee, Renewals – 101.307	$ 1.00	8,436	$ 8,436.00	General Revenue
Returned Renewal/Application Fee – 473.5	$ 10.00	79	$ 790.00	General Revenue
Texas.gov Subscription Fee - LSSP Renewals – 2054.252	$ 3.00	2,988	$ 8,964.00	General Revenue
Texas.gov Subscription Fee - LP, PLP, LPA Renewals – 2054.252	$ 5.00	5,447	$ 27,235.00	General Revenue
Returned Check Fees – 473.5	$ 25.00	1	$ 25.00	General Revenue
Administrative Penalties – 501.451	$ 250.00 - $ 500.00	49	$ 17,644.00	General Revenue
Open Records Fees – 473.8	Various	4	$ 364.00	Appropriated Receipts
State Verification of License Fees – 473.8	$ 50.00	128	$ 6,400.00	Appropriated Receipts
Verification of License Fees – 473.8	$ 30.00	1,258	$ 37,740.00	Appropriated Receipts
Mailing List – GAA, Article IX	$ 100.00	58	$ 5,800.00	Appropriated Receipts
Duplicate/Replacement License – 473.5	$ 25.00	46	$ 1,150.00	Appropriated Receipts
Duplicate/Replacement Renewal Permit – 473.5	$ 10.00	119	$ 1,190.00	Appropriated Receipts
Exam Feedback Fees – 473.5	$ 50.00	3	$ 150.00	Appropriated Receipts
Agreed Order Costs	Various	34	$ 19,906.00	Appropriated Receipts

Table 8 Exhibit 8 Fee Revenue

VI. Organization

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible,

Department Heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.



B. If applicable, fill in the chart below listing field or regional offices. ***See Exhibit 9 Example.***

Texas State Board of Examiners of Psychologists
Exhibit 9: FTEs by Location — Fiscal Year 2016

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2016	Number of Actual FTEs as of Sept. 1, 2017
Headquarters/Central	Austin	Yes	13.5	10.5
			TOTAL:	**TOTAL:**

Table 9 Exhibit 9 FTEs by Location

C. What are your agency's FTE caps for fiscal years 2014–2017?

FY 2014 – 14
FY 2015 – 14

FY 2016 – 13.5
FY 2017 – 13.5

D. How many temporary or contract employees did your agency have as of August 31, 2014?

None.

E. List each of your agency's key programs or functions, along with expenditures and FTEs by program. ***See Exhibit 10 Example.***

Texas State Board of Examiners of Psychologists
Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2017

Program	Number of Budgeted FTEs FY 2017	Actual FTEs as of August 31, 2017	Actual Expenditures
Licensing	8.0	7.0	$ 538,231.19
Enforcement	5.5	3.5	$ 321,022.45
Indirect Administration	0.0	0.0	$ 8,812.19
TOTAL	**13.5**	**10.5**	**$ 868,065.83**

Table 10 Exhibit 10 List of Program FTEs and Expenditures

VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste the questions as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Name of Program or Function:	Licensing
Location/Division:	333 Guadalupe St., Tower 2, Ste. 450, Austin, Texas 78701
Contact Name:	Darrel D. Spinks
Actual Expenditures, FY 2014:	$ 488,692.67
Number of Actual FTEs as of June 1, 2015:	8.1 (7 direct; 1.1 indirect)
Statutory Citation for Program:	Ch. 501, Subch. F and G, Occupations Code

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Licensing Division was created to implement sections of the Psychologists' Licensing Act that require persons who provide psychological services be licensed. The Licensing Division also

functions as the initial contact for the agency and then disseminates inquiries or concerns to the appropriate department for handling. The Licensing Division is also utilized to respond to and handle the many inquiries received by telephone, mail, and telecopier.

This division performs its functions by:

- preparing and providing copies of the various kinds of application packets upon request;
- providing fingerprint criminal history packets to applicants and licensees upon request;
- reviewing and analyzing applications, and then issuing licenses to qualified applicants;
- establishing new electronic and paper files for applicants for licensure, as well as data entry;
- processing applications and all fees received regarding licensing and examinations;
- organizing the administration of the Oral Examination twice each year;
- mailing out copies of the Jurisprudence Examination and taking completed exams to the University of Texas at Austin for grading;
- communicating by phone, email, and written correspondence with licensees, applicants, prospective applicants, and members of the public;
- issuing temporary licenses to eligible applicants;
- verifying licensure to other states, governmental entities; employers, insurance companies, and members of the public;
- maintaining electronic and paper files of applicants and licensees and preparing those files for imaging on a regular basis;
- identifying licensees who fail to obtain the required professional development and working with enforcement staff to ensure that complaints are filed;
- reviewing and approving renewals for all licensees;
- processing all name and address changes;
- identify difficulties in operations caused by an factor, including forms, form letters, rules, etc., and make suggestions for correcting such difficulties;
- identify applicants who may have eligibility issues and submitting those files to the General Counsel for review; and
- processing criminal background checks on new applicants and licensees.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

A good measure of the effectiveness and efficiency of the Board's Licensing Division is its performance measures.

Performance Measure	FY2013	FY2014	FY2015 (Results as of Q3)
Outcome Measures			
Percent of Licensees with No Recent Violations	98.67%	98.58%	-- (annual measure)

Performance Measure	FY2013	FY2014	FY2015 (Results as of Q3)
Percent of Licensees Who Renew Online	83%	84%	-- (annual measure)
Output Measures			
Number of New Licenses Issued to Individuals	659	780	520
Number of Licenses Renewed	8314	8498	6124

Another good source of information on the effectiveness and efficiency of this division is the employees themselves. Agency staff will be made available upon request to answer any questions or concerns the Commission may have regarding this program.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The original intent behind this agency program was to implement the licensing requirements of the Psychologists' Licensing Act in such a manner that only qualified individuals would be permitted to provide psychological services in this state. While the intent behind this program has not changed, advancements in technology and programming have allowed the Board to provide applicants with improved responsiveness and access previously unachievable

By way of example, the following significant changes have been made to the licensing process:

- Implementation of the PLUS System. The PLUS system is a secure online application system designed with mobility between licensing jurisdictions in mind. The PLUS system is currently in use in several states and provinces across the U.S. and Canada. Use of the PLUS system will allow the Board to take advantage of an established online application process, and will allow applicants the opportunity to use or store their information for increased mobility between various jurisdictions.

- Making more agency forms available for download from the Board's website. The Board is steadily working toward putting most, if not all of its forms online for download.

- Preparing to implement an on-line version of the Board's Jurisprudence Examination. Once the on-line version is implemented, examinees will be able to take the exam from any location having internet access, and will receive immediate (official) notification of their results upon completion of the exam.

- Providing examinees with immediate (official) notification of their results upon completion of the Oral Examination, as well as improving feedback from the examiners.

- Providing examinees with immediate (unofficial) notification of their results upon completion of the Examination of Professional Practice of Psychology exam (EPPP).

In recent years, the trend at this agency has been to reduce, simplify, and clarify licensing requirements and processes to better assist applicants and prospective applicants with their efforts toward achieving licensure. These efforts, while aimed primarily at individuals seeking licensure, have been undertaken in such a manner so as not to detract from the Board's mission of protecting the public. This delicate balancing act has resulted in an improved application process that allows the agency to spend less time reviewing applications, reduces Board member involvement in the approval of licenses, and ensures the issuance of licenses in a timelier manner.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The licensing program primarily affects the persons who receive psychological services, including children in the public schools. Obviously, it affects the persons who are licensed. Additionally, it impacts higher education institutions that have psychology training programs. It also affects persons who make public information requests from the agency.

Persons Who Receive Psychological Services:

Texas, the second most populous state, was among the nation's fastest-growing states between 2000 and 2010, increasing by over 12% as reported by the U.S. Census Bureau. Between 2015 and 2019, the resident population of Texas is projected to increase by approximately 6.7%.

According to the February 2014 report entitled *The Mental Health Workforce Shortage in Texas* published by the Texas Department of State Health Services (DSHS):

> Nationally, 46.4% of adults experience mental illness in their lifetime and 26.2% of adults experience mental illness annually. On an annual basis, 5.8% of adults in the US experience a serious mental illness (Hogg Foundation for Mental Health, 2011). Moreover, the aging of the US population requires behavioral health services with special knowledge and skills (Hoge, Stuart, Morris, Flaherty, Paris, & Goplerud, 2013).

The report goes on to say that:

> Nationwide, only 39% of persons with mental illness and just 10.8% of persons with substance abuse issues receive needed mental health treatment (Hoge, Stuart, Morris, Flaherty, Paris, & Goplerud, 2013). In fact, a national study found that 66.8% of primary care physicians were unable to refer their patients to high quality mental health specialists. This is a far higher rate of unavailability than those seen for other specialty referrals, nonemergency hospital admissions, or high quality imaging services. This unavailability was most often attributed to either inadequate health coverage or a shortage of mental health providers (Cunningham, 2009).

> Workforce-based explanations for a lack of mental health providers generally focus on insufficient numbers of mental health providers, high turnover (a national average of 18.5% annually), low compensation, minimal diversity, and little competence in evidence-based treatment (Hoge, Stuart, Morris, Flaherty, Paris, & Goplerud, 2013).

Furthermore, according to DSHS' Texas Behavioral Risk Factor Surveillance System, in 2012, 20.4% of adults reported having poor mental health. DSHS' Texas Youth Risk Behavior Surveillance System also indicated that in 2013, 28.3% of Texas' public and charter high school students reported having mental health issues, a rate similar to the national level. Moreover, 16.7% of teens reported seriously considering a suicide attempt and 15.1% had a plan for how they would commit suicide. Finally, 10.1% of teens reported attempting suicide in the past year and 3.5% of teens had required medical intervention after doing so. As of February 2014, no reliable statewide survey data on mental health needs existed for children younger than high school age, but a report in America's Children: Key National Indicators of Well-Being 2008 shows that nearly 5 percent of children are reported by their parents to have definite or severe difficulties with emotions, concentration, behavior, or being able to get along with other people.

While it is difficult to accurately estimate the number of people who receive psychological services in this state due to confidentiality laws, we do know that licensees of this Board provide services in many venues, including public schools, in private practice, as well as in many exempt facilities. We also know that the number of licensees has only increased by 31.6% since 2004 and that there is an 84.3% difference between the number of psychologists in metropolitan and non-metropolitan areas[5].

Licensees:

The Board has approximately 9,500 licenses. The exact number fluctuates as some individuals renew their licenses each day. However, there are approximately:

- 4,811 licensed psychologists
- 239 provisionally licensed psychologists
- 1,106 licensed psychological associates
- 3,326 licensed specialists in school psychology

Approximately 1,201 persons hold two separate licenses with this Board.

The Board renews approximately 8,500 licenses per year and issues about 780 new licenses each year.

Open Records Requests:

The Board fills approximately 7,300 open records requests per year. Additionally, its website receives over 150,000 hits per year. Open records requests include phone verifications of licensure, written requests for verifications of licensure, and written requests for professional files and agreed orders for disciplinary action.

[5] Health Professions Resource Center, Trends, Distribution, and Demographics of Psychologists in Texas, 2014.

Others:

The Board also provides information to and interfaces with the following:

- Other state psychology boards,
- Association of State and Provincial Psychology Boards,
- American Psychological Association,
- Texas Psychological Association,
- Texas Association of School Psychologists
- Texas Association of Psychological Associates
- National Register of Health Service Providers
- National Practitioner Databank
- Office of the Attorney General, HB300 Reporting Portal

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Steps in the licensing process are attached as an addendum. The agency does not have field or regional services.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General revenue, appropriated receipts, and interagency contract funds are the funding sources for the program. Appropriations of $510,654 for FY2016 and $511,301 for FY2017 were set out in the agency's bill pattern in Tex. H.B. 1, 84th Leg., R.S. (2015), under A.1.1 Strategy: Licensing.

	FY2016	**FY2017**
General Revenue	$431,256	$431,903
Appropriated Receipts	$52,000	$52,000
Interagency Contract (TFSC)	$27,398	$27,398
Totals:	**$510,654**	**$511,301**

The program does not receive any federal funds or grants.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no programs, internal or external to this agency ,that provide identical or similar services or functions within this state. Similar services or functions are provided by the psychology licensing boards of other states and there are similar types of licensing services

provided by other health licensing boards in this state, but none of these services permit an individual to practice psychology in Texas.

State statutes regarding regulation of psychology vary from state to state. While the basic programs and functions might be the same, the details of the statutes result in different licensing requirements, although they all regulate the practice of psychology in their individual states.

Within the state of Texas, the statutes of the various types of health licensing boards have many similarities as is the intent of the Sunset Commission and the Legislature with across the board language and requirements in the respective laws. However, the differences between these agencies stem primarily from the differences in the professions. For instance:

- In the field of psychology, requirements for training are not the same as for those required for training nurses, i.e. the types of courses, the degrees, internship requirements.
- The examinations are very different. In psychology, the rules that the Board passes deal with the practice of psychology, and therefore these rules become the basis of the Board's Jurisprudence Exam. Moreover, in psychology, there is an Oral Examination as one of the added mechanisms for ensuring that licensed psychologists can practice independently.
- Each profession typically has its own national examination which is owned by different entities with different requirements for administration, and payment of exam fees.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Board is a member of the Health Professions Council (HPC). The HPC was mandated in 1993 to coordinate activities and to thereby achieve efficiencies for 11 health licensing agencies.

There are many services that the Board shares through the HPC as implemented through a Memorandum of Understanding and contract for services. These services include: imaging and document management system; collection, distribution of information/data of member agency program information; document reproduction; courier service; representation of member agencies in planning and legislative forums; information technology support; financial functions including payroll and voucher processing; staff development training; purchasing; legislative tracking; toll-free complaint line; board member training manual. Also, HPC agencies share several IT staff which they pay for on a pro-rata basis to the HPC. These IT staff maintain the Board's network, as well as providing assistance in hardware and software for the HPC member agencies.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

This program does not work with local, regional, or federal units of government.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**
- **the amount of those expenditures in fiscal year 2014;**
- **the number of contracts accounting for those expenditures;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

Oral Examiners:

The Board contracts with Licensed Psychologists to serve as examiners for its Oral Examination, which is administered biannually. Each examiner is paid $150 for serving as an oral examiner. In FY2014, the Board entered into 96 contracts for oral examiners, and paid a total sum of $14,400 to those examiners. The Board confirms attendance and requires each examiner to submit a request for payment before remitting payment to an examiner.

Grading of Jurisprudence Examination:

The Board contracts with the University of Texas at Austin to grade its Jurisprudence Examinations on a monthly basis. The Board is charged a fee of $0.20 per exam, with a total sum of $113 being paid to the contractor in FY2014.

Printing of Calligraphy Licenses:

The Board contracted with Lynn Zapffe during FY2014 to print its calligraphy licenses. The Board was charged a fee of $2.25 per calligraphy license, with a total sum of $482 being paid to the contractor in FY2014. Currently, the Board contracts with the Texas House of Representatives-House Business Office to print its calligraphy licenses.

The Board has encountered no contracting problems under this program.

L. Provide information on any grants awarded by the program.

This program does not award any grants.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

- Amend §501.251 of the Psychologists' Licensing Act to read "A person may not engage in or represent that the person is engaged in the practice of psychology unless the person is licensed <u>or granted trainee status</u> under this chapter or exempt under Section 501.004. This change is needed to ensure that those individuals acquiring the supervised experience required by Sections 501.252(b)(2) and 501.260(b)(3) have

authority to deliver psychological services when they do not otherwise fall within the purview of §501.004.

- Amend Chapter 552, Subchapter C, Government Code, to include a provision similar to Tex. Gov't Code Ann. §552.1176 for the Board. Licensees, who often work with individuals suffering from a mental illness or defect, have made the Board aware of their concerns about public access to information such as their address, date of birth, phone number, etc. While the Board shares many of the licensees' concerns, the Board has no statutory authority to withhold such information under the Public Information Act. Furthermore, the Board has encountered within recent years, several instances of impostors forging renewal permits and impersonating licensees. The Board is concerned that the public nature of its licensees' professional files may subject them to an increased risk for identify theft or criminal acts, and believes that protections afforded to members of the State Bar should also be afforded to licensees of this agency. In the event the Sunset Commission were to recommend this change, the Board would suggest including driver license numbers and personally identifying information found on student transcripts (i.e. student identification numbers) as well, since both may be found within a licensee's professional file.

The Board does not anticipate any negative fiscal impact or negative impact to its performance measures if the changes requested herein are adopted.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Since each of the licenses that the Board issues have different requirements, each licensing staff person handles 1-2 types of licenses. Also, one of these staff serves as the supervisor for certain functions. An additional Licensing staff person handles renewals and professional development. These staff are cross trained in each other's basic duties, although total cross-training, given the complexity of their positions, is difficult. To assist in cross-training, each staff position has a position manual with instructions on how to perform the basic activities of that position. Therefore, such duties as entering exam scores can be shifted from one staff person to another if necessary.

The licensing system's efficiency depends on conducting licensing steps in batches. For example, applications are entered daily into the system and applications are approved for candidates to take examinations on a monthly basis. Exam scores are entered and new licenses are issued monthly after criminal record checks have been received from the Department of Public Safety.

Professional Development hours are required to be directly related to the practice of psychology. Licensees who are not being audited identify the professional development hours that they received during the renewal period and the number of hours. The agency randomly audits 10% of its licensees that are scheduled to renew each month. Audited licensees must

provide documents from the entities that sponsored the professional development to verify that the professional development was relevant to the practice of psychology.

A recent amendment to the rule governing professional development requires that licensees now obtain a minimum of 20 hours of professional development each year, instead of 12, with at least 3 of those hours in the area of cultural diversity. The rule change also requires that at least 10 of the hours must be obtained from or endorsed by a qualifying provider.

All licensees are required to renew their licenses annually in their birthday months; therefore the agency has a relatively even spread of licensees renewing throughout the year.

Prior to 2001, the Board's Jurisprudence Examination was administered in-person by agency staff, and beginning in 2001, the examination was mailed out to each applicant. These methods of administering the examination have proven to be costly and time consuming. In an effort to improve the efficiency of administering the examination and convenience when taking the examination, the Board has selected a DIR approved vendor to administer the examination in an online format. The Board received the necessary pass-through funding authority to implement the online version of the examination via Art. IX, Section 8.14, of Tex. H.B. 1, 84th Leg., R.S. (2015), and is anticipating its implementation by the end of the year. The migration of the Jurisprudence Examination to an online format will provide improved efficiency and convenience with a $24 increase in cost to the applicant, but zero cost to the Board.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Why Regulation Is Needed:

The licensing and examination of new applicants and annual renewal with mandated professional development are needed activities because they help to promote and ensure competent delivery of services and the safety of the public, including children, who receive psychological services. Therefore, the persons who are licensed by this Board have met certain standards of knowledge and competency of this field as demonstrated through their formal training, experience, and testing. Moreover, ongoing competence is maintained and enhanced by the Board's requirement of 20 hours of professional development annually.

Licensees Who Fail to Submit Mandated Professional Development:

Licensees who fail to provide mandated professional development will have complaints filed against them by the Board. For further information, refer to this component of the next major

program of the Board, Enforcement. This information will include follow-up activities when non-compliance is identified and sanctions available to the agency to ensure compliance.

Licenses Who Have Complaints Filed Against Them From the Public:

The procedures that the Board uses to process complaints against licensees of the Board are discussed under the next major program, Enforcement.

A. Provide the following information at the beginning of each program description.

Name of Program or Function:	Enforcement
Location/Division:	333 Guadalupe St., Tower 2, Ste. 450, Austin, Texas 78701
Contact Name:	Darrel D. Spinks
Actual Expenditures, FY 2014:	$ 231,413.73
Number of Actual FTEs as of June 1, 2015:	4.9 (3.9 direct; 1 indirect)
Statutory Citation for Program:	Ch. 501, Subch. E, I, J, and K, Occupations Code

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Enforcement Division was created to implement sections of the Psychologists' Licensing Act that require persons who provide psychological services in Texas to do so while adhering to established professional standards, the Psychologists' Licensing Act and Board rules, and various other laws affecting the practice of psychology.

This division performs its functions by:

- Conducting all enforcement activities in compliance with the Psychologists' Licensing Act, as well as agency rules, policies and procedures;
- Creating and maintaining electronic and paper files on all complaints;
- Investigating complaints and documenting all essential steps;
- Filing complaints against licensees who fail to submit mandatory professional development;
- Filing complaints against applicants for such incidents as cheating on mandatory examinations or lying on applications;
- Initiating cease and desist directives against unlicensed persons claiming to provide psychological services;
- Developing investigation summaries for use by the General Counsel, Executive Director and panels of Board members at informal settlement conferences;
- Scheduling quarterly informal settlement conferences;
- Negotiating agreed orders for disciplinary action;
- Monitoring completion of agreed orders for probation;
- Interacting with parties to complaints, witnesses, and legal representatives;

- Resolving complaints at the State Office of Administrative Hearings (SOAH), if they cannot be resolved informally;
- Recommending dismissal for complaints for which there is not sufficient evidence to take disciplinary action;
- Preparing complaint materials for imaging;
- Generating computer reports to assist the agency in submitting required reports and keeping the Board members informed; and
- Providing information to the public by telephone, written correspondence, provision of open record requests, agency publications, agency website, and presentations at professional conferences.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

A good measure of the effectiveness and efficiency of the Board's Enforcement Division is its performance measures.

Performance Measure	**FY2013**	**FY2014**	**FY2015** (Results as of Q3)
Outcome Measures			
Percent of Documented Complaints Resolved within Six Months	50%	39%	-- (annual measure)
Output Measures			
Complaints Resolved	261	251	196
Efficiency Measures			
Average Time for Complaint Resolution (Days)	204	222	200
Explanatory Measures			
Number of Jurisdictional Complaints Received	286	243	-- (annual measure)

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The original intent behind this agency program was to implement the complaint and disciplinary requirements of the Psychologists' Licensing Act to ensure that licensees adhered to established professional standards, the Psychologists' Licensing Act and Board rules, and various other laws affecting the practice of psychology.

While the intent behind this program has not changed, the Board has taken several important steps to further ensure that the enforcement process is more effective and efficient. By way of example, the following changes have been made to the enforcement program:

- Implementation of procedure whereby complaints brought against licensees concerning failure to obtain the required professional development hours are dismissed if the licensees indicate that they do not intend to keep their license. The license is then simply allowed to go void. This procedure provides the Board with an alternative to prosecuting low priority non-substantive complaints (i.e. continuing education complaints) prior to the license going void and the agency losing jurisdiction. This procedure helps increase the amount of time and resources this program has to devote to more substantive complaints. If at any point prior to a license going void, a licensee indicates that he/she wishes to keep his/her license, the complaint would be reinstated. Furthermore, if at some point in the future, the former licensee sought to reapply for licensure, the complaint could be brought anew as part of the application process, thereby removing any incentive to avoid obtaining the mandatory professional development hours simply by reapplying for licensure.

- Making more agency forms available for download from the Board's website. The Board is steadily working toward putting most, if not all of its forms online.

Additionally, the Board has gone through several years of exceedingly high turnover (37% for FY2014; 22.2% for FY2012), a large portion of which has occurred within this program[6]. Despite this high turnover however, the program continues to meet performance measures and the functions of the program remain consistent with its initial purpose for creation. Moreover, the functions of this program will always be needed as long as person who provide psychological services are required to be licensed and the state continues to ensure public safety in receiving psychological services.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The Enforcement program affects the persons who receive psychological services and licensees. All persons who receive psychological services are affected in that services are made safer through the enforcement activities of the Board. All licensees are affected because they must be vigilant in ensuring that they practice in accordance with the professional and ethical standards set by the Psychologists' Licensing Act and the rules. Failure to do so may result in disciplinary action from the Board and possible loss of their license.

Persons who file complaints against licensees are affected because their accusations may be confirmed or disproven by the Board's investigation. Some of these complainants wish to see the violator punished; others hope to prevent other patients from suffering.

Licensees who have complaints filed against them may receive disciplinary action from the Board if the Board has evidence to prove violations. However, many complaints filed by members of the public do not result in disciplinary action because the Board cannot prove that a violation has occurred. At times licensees admit to the accusations. But most of the time

[6] Enforcement turnover rates: 40.8% in FY2014 and 20.4% in FY2015.

licensees do not agree with the accusations and hire legal counsel to represent them before the Board or at hearings before the State Office of Administrative Hearings. (SOAH).

In fiscal year 2014, the Board opened 134 professional development (i.e., continuing education) complaints and received 109 complaints from the public, for a total of 243 new complaints received. In that same time period, it resolved a total of 251 complaints, which included some complaints received that year and some from previous years.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Overview information and a flowchart regarding steps in the enforcement process are attached as an addendum.

Pursuant to Section 501.501 of the Psychologists' Licensing Act, the Board may request the Attorney General to file for an injunction in district court to restrain a violation of the Act. This could be against a licensee or non-licensee. Also, the Attorney General, at the Board's request, may bring an action to recover a civil penalty.

The agency does not have field or regional services.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General revenue and appropriated receipts are the funding sources for the program. Appropriations of $341,811 for FY2016 and $341,091 for FY2017 were set out in the agency's bill pattern in Tex. H.B. 1, 84th Leg., R.S. (2015), under B.1.1 Strategy: Enforcement.

	FY2016	**FY2017**
General Revenue	$323,811	$323,091
Appropriated Receipts	$18,000	$18,000
Totals:	**$341,811**	**$341,091**

The program does not receive any federal funds or grants.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no programs, internal or external to this agency, that provide identical or similar services. Similar services or functions are provided by the psychology boards of other states and other health licensing boards in this state, and to a much lesser degree by some national professional associations, but none of these services or functions has any legal authority over individuals licensed to practice psychology in this state.

State statutes regarding the regulation of psychology vary from state to state. While the basic programs and functions might be the same, the details of the statutes and rules implementing those statutes make the services comparable but different.

Within the state of Texas, the statutes of the various health licensing boards have many similarities as is the intent of the Sunset Commission and the Legislature with across the board language in the various laws. However, the differences between these Boards stem primarily from the differences in the professions. For instance:

- The practice of psychology covers a wide range of methods and approaches, some of which are unique to psychology, such as the use of projective testing.
- Psychologists, licensed for independent practice at the doctoral level, are frequently called upon to provide testimony as both expert and fact witnesses in court settings, especially those involving child custody issues. Their testimony is substantially different than the testimony of other professional witnesses, such as medical doctors.
- Record keeping for psychologists is unique in that it is entirely dependent upon the psychologist to provide the documentation of what occurs in private sessions. There are no prescription records, surgical scars, or x-rays as in the practice of medicine.
- Informed consent for their patients is uniquely important to psychologists because there are limits to confidentiality, such as when the psychologist receives a subpoena for mental health records. Also, as the bulk of the services may involve the exchange of words and ideas between the psychologist and the patient, the notes that the psychologist takes are the primary means of ensuring continuity of care of the patient when he goes to another mental health provider.

A multitude of factors unique to psychology determine the kind of rules of practice that the Board must develop and which the licensees must adhere to in order to ensure the safety of the public.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

As mentioned previously in the Licensing Division component, the Board is a member of the Health Professions Council (HPC) and thereby shares in several services through a contract and memorandum of understanding. However, not noted previously are the many activities which the Board participates in through the HPC which affect the Board's Enforcement Division.

For example, the Board's legal counsel participates in a Legal Committee with attorneys from the member boards who share information about pertinent topics which affect the various agencies. Within recent years, the Legal Committee successfully petitioned the State Office of Administrative Hearing to modify its rules concerning summary dispositions.

The Board also relies upon the toll free hotline operated by HPC when responding to questions from the public. Members of the public often telephone the hotline with questions related to practice standards and filing complaints against licensees.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

While this program does not regularly work with local, regional, or federal units of government, the program does provide information and assistance to law enforcement in response to subpoenas. The extent to which this program may provide assistance to local, regional, or federal units of government is governed by Section 501.205 of the Psychologists' Licensing Act.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**
- **the amount of those expenditures in fiscal year 2014;**
- **the number of contracts accounting for those expenditures;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

Professional Reviewers:

The Board contracts with licensees to serve as professional reviewers when investigating allegations involving professional judgment or issues which agency staff are not qualified to assess. Each contractor is paid $100 for serving as a professional reviewer. In FY2014, the Board entered into 2 contracts for professional reviews, and paid a total sum of $200 to those reviewers.

L. Provide information on any grants awarded by the program.

This program does not award any grants.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

- Amend §501.205 of the Psychologists' Licensing Act to include applicants. Complaints involving applicants often contain confidential patient information and other investigation materials that were the applicant a licensee, would be confidential pursuant to the current wording of the statute. However, because the applicant is not yet licensed, he/she is not afforded the same measure of confidentiality enjoyed by licensees, and any patient information contained within the investigation file may be subject to disclosure under the Public Information Act.

- Amend Chapter 501, Subchapter E, Occupations Code to include a provision similar to Tex. Occ. Code 1103.505, which requires a licensee to file an answer in a contested

proceeding before the State Office of Administrative Hearings. There is no similar requirement within the Administrative Procedure Act, Ch. 2001, Government Code, and this statutory authority would ensure that the Board does not waste time and resources, or the time and resources of witnesses needed for a hearing. The Board is sometimes faced with scenarios where a licensee fails to respond to its petition in a contested case hearing (i.e. defaults), yet because the licensee is not required to indicate whether they will appear at the hearing to contest the Board's allegations, the Board must be fully prepared for its hearings at SOAH every time. This often entails a large amount of preparation for trial and securing the attendance of witnesses for the hearing, only to have the licensee not show up, i.e. default. If a licensee were required to file an answer, such as mandated by Tex. Occ. Code 1103.505, the Board would know well in advance of any hearing at SOAH how best to prepare for the hearing, and witnesses would not be made to suffer the inconvenience of attending what turns out to be a default hearing.

- Amend Chapter 551, Subchapter D, Government Code, to include a provision similar to Tex. Gov't Code Ann. §551.090 for the Board. While informal settlement conferences administered pursuant to Tex. Occ. Code Ann. §501.410 and the Administrative Procedure Act are treated as confidential by the Board under §501.205 and not subject to the Open Meetings Act, the Board believes a clear and unequivocal statutory statement on this matter would provide additional assurance that matters discussed or reviewed in informal settlement conferences will not be made subject to the Open Meetings Act. The Board's concern arises out of Op. Tex. Att'y Gen. No. DM-96-116 whereby Attorney General Morales opined that a committee, such as the Board's three member disciplinary panel overseeing its informal settlement conferences, is subject to the Open Meetings Act despite the committee constituting less than a quorum of the agency, if the agency is likely to "rubber stamp" the committee's recommendations. As referenced previously, confidential information is often discussed at informal settlement conferences, as well as allegations which are subsequently determined to be unfounded, and the Board is concerned about this type of information being aired in a public forum.

- Amend Chapter 501, Subchapter E or I, Occupations Code, to include a provision similar to Tex. Occ. Code Ann. §801.407(d). While the Board currently conducts deliberations relating to a disciplinary action during executive session in accordance with Tex. Gov't Code Ann. §551.071 and Op. Tex. Att'y Gen. No. DM-96-116, the Board believes a clear and unequivocal statutory statement on this matter would provide additional assurance that it has the statutory authority to conduct disciplinary deliberations in a closed meeting. The Board understands however that under current law, sanctions or disciplinary action can only be taken after a vote in an open meeting, and the Board is not seeking a change to this law.

- Amend Tex. Occ. Code Ann. §501.207(a) to include the Board's General Counsel as one of the individuals who may issue a subpoena on behalf of the agency. Attorneys already have authority to issue subpoenas in civil litigation pursuant to Tex. R. Civ. P. 176, and

given that the Board's General Counsel is trusted to render legal advice to the Board, it only seems reasonable to entrust that same individual with the power to issue a subpoena on behalf of the Board in disciplinary proceedings.

- Amend Tex. Occ. Code Ann. §501.401 and §501.403 to include a private reprimand and administrative penalty similar to that referenced under State Bar Rules of Disciplinary Procedure, Tex. R. Disciplinary P. 1.06, 2.18, and 6.07; and Tex. Gov't Code Ann. 81.072(b)(11). The Board believes that a private reprimand and administrative penalty would greatly improve the efficiency with which complaints involving low level violations could be disposed of. Anecdotal evidence suggests that one of the biggest impediments to securing agreed orders in disciplinary actions is the public nature of any resulting sanction. It should be noted however that any statutory authority for a private reprimand or administrative penalty would need to be made subject to mandatory reporting requirements such as to the National Practitioner Databank (NPDB) and the Office of the Attorney General, HB300 Reporting Portal.

- Amend Tex. Occ. Code Ann. §501.158 to more closely reflect Tex. Occ. Code Ann. §164.056, or any other statute which clearly and simply sets forth the categories of individuals subject to a mental or physical evaluation, as well as the process and standards for requesting/requiring a mental or physical evaluation. Under the current language of §501.158, all applicants and licensees are subject the provision, however, the Board may only order an *applicant or person seeking renewal of a provisional license* who refuses a request for an evaluation, to a show cause hearing and subsequently to undergo an evaluation. If the individual is a psychologist, psychological associate, or LSSP, the Board is limited to merely refusing the licensee's renewal if he/she refuses the Board's request to submit to an evaluation. The current wording of the statute provides for disparate treatment and is confusing when trying to apply it within the disciplinary framework. While the Board believes the ability to order mental and physical evaluations is crucial in guarding against incompetency in the profession, an attempt to more clearly capture the spirit of this particular statute would be appreciated, especially in light of the fact that the Board lacks a peer-assistance or alternative disciplinary program.

The Board does not anticipate any significant fiscal impact or negative impact to its performance measures if the changes requested herein are adopted. If the Legislature were to amend Tex. Occ. Code Ann. §501.401 and §501.403 as requested, the Board anticipates an increase in the number of cases settled by agreed order, and a decrease in the number of contested cases filed with the State Office of Administrative Hearings.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The Board's General Counsel works closely with the Board's two investigators and the Executive Director to ensure that complaints are resolved in a timely manner. By rule, the Board requires that complaints be prioritized. After that initial prioritization, the staff resolve the oldest complaints first.

The Board authorizes the staff to resolve some types of complaints. These complaints include cease and desist directives, complaints from state and federal inmates, non-jurisdictional complaints, and first time professional development violations.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Regulation is Needed:

Enforcement activities are needed in that they further the mission of the Board to protect the public. Licensees are required to post a sign in their offices indicating that complaints against them can be filed with this Board, giving the address and phone number of the Board. The Board in turn has the authority to investigate the complaints to determine if a violation of the Psychologists' Licensing Act or rules has occurred. The Board then can take disciplinary action against the licensee through an agreed order or by taking the case to SOAH.

The purposes of disciplinary action are to:

- rehabilitate the licensee through certain activities such as additional professional development and monitoring;
- secure the safety of the public through such rehabilitative actions and by identifying the licensee who committed the violation to the public through the agency website and by open record requests;
- warn other licensees of the types of violations that the Board has sanctioned through publication of the names of the licensees who have committed violations in the agency's newsletters; and
- punish the licensee for committing the violation since the discipline, once completed, remains on the licensee's record permanently.

Scope of Procedures for Investigating Complaints:

The Board receives substantive complaints against licensees from members of the public. Frequently, the complainants are patients. Also, the Board initiates complaints against licensees who fail to submit mandated professional development. The Board has extensive written procedures and forms dictating the processing of substantive as well as professional development complaints. The processing steps for the resolution of continuing education complaints are brief compared to those for substantive complaints.

Procedures for Substantive Complaints:

The following steps occur in the resolution of a substantive complaint. Note that at certain junctures in processing, different steps are required or some steps can be eliminated. The agency's flowchart, which is attached, presents such alternatives more clearly.

- receipt of the complaint, the establishment of paper and electronic files, obtaining releases and waivers for patient records.
- review by Enforcement Manager, assignment to investigator, requesting response from respondent, acknowledging complaint received to complainant.
- provision of schedule of complaint resolution to respondent and complainant.
- review of all documents, interviewing complainant, respondent and others by phone, composing complaint review summary.
- provision of notice of violation to respondent.
- review by staff for final dismissal, recommendation for dismissal to Board, or, if probable cause that a violation has been found, assignment to informal settlement conference before panel of Board members.
- complaints recommended for dismissal by staff are reviewed as an anonymous summary of the complaint by the Board for final dismissal.
- complaints heard at informal settlement conference result in dismissal at next Board meeting, negotiation of an agreed order, or formal proceedings at SOAH.
- agreed orders and SOAH Proposals for Decision must be approved by the Board.
- closing complaints includes making changes in electronic and paper files and sending closing letters to respondent and complainant.

Procedures for Continuing Education Complaints:

The procedure for the resolution of continuing education complaints for first time offenders is much simpler. Board Licensing staff identify those licensees who fail to renew their licenses after their renewal date plus the 45 day grace period and provide a list of these licensees to the Enforcement Division. Enforcement then opens complaints against these licensees, notifying them of the ways in which the complaint can be resolved. Most licensees choose to pay a set penalty in a timely manner and the complaint is dismissed. Complaints against repeat continuing education offenders are processed like substantive complaints and may receive disciplinary action. After the continuing education complaint is resolved, the licensee can determine if he or she wants to renew his license by obtaining the required continuing education and paying a late renewal fee or to let the license go void after the end of one year, in accordance with Section 501.302 of the Act.

Compliance with Agreed Orders:

Some types of agreed orders require the respondent to be monitored for a certain period of time or to comply with other requirements. Such agreed orders must be followed to ensure compliance.

Sanctions by the Board:

Primarily, the Board issues disciplinary action in the form of an administrative penalty, reprimand, probation, suspension, or revocation. The Board has a schedule of sanctions which governs which of these disciplinary actions is appropriate for which type of violation. As part of an agreed order, the Board can also require monitoring or restriction of a practice, obtaining a medical or psychological evaluation, obtaining additional professional development in a certain area, or retaking and passing the Jurisprudence Exam.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Texas State Board of Examiners of Psychologists
Enforcement
Exhibit 11: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2015-2017

	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017
Total number of regulated persons	8303	8290	8429
Total number of regulated entities	0	0	0
Total number of entities inspected	0	0	0
Total number of complaints received from the public	62	81	85
Total number of complaints initiated by agency	209	165	36
Number of complaints pending from prior years	21	10	5
Number of complaints found to be non-jurisdictional	0	0	0
Number of jurisdictional complaints found to be without merit	205	201	132
Number of complaints resolved	279	274	160
Average number of days for complaint resolution	217	219	261
Complaints resulting in disciplinary action:			
administrative penalty	14	14	7
reprimand	3	2	1
probation	4	2	6
suspension	2	2	1
revocation	2	1	1
Applicant agreed order	8	5	2
Resigned in lieu of adjudication – CE	4	1	2
Resigned in lieu of adjudication – Disciplinary Action	2	5	2

Table 11 Exhibit 11 Information on Complaints Against Persons or Entities

VIII. Statutory Authority and Recent Legislation

A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state

statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2011–2015, or earlier significant Attorney General opinions, that affect your agency's operations.

Texas State Board of Examiners of Psychologists
Exhibit 12: Statutes / Attorney General Opinions

Statutes

Citation / Title	Authority / Impact on Agency *(e.g., "provides authority to license and regulate nursing home administrators")*
The Psychologists' Licensing Act, Ch. 501, Occupations Code	Establishes the Texas State Board of Examiners of Psychologists to regulate the practice of psychology. Gives the Board specific duties and rule-making authority.
The Medical Records Privacy Act, Ch. 181, Health & Safety Code	Set standards and training requirements for privacy of medical records kept by many entities and professionals, including governmental entities.
Ch. 611, Health and Safety Code	Governs the confidentiality and disclosure of mental health records.
The Communicable Disease and Prevention and Control Act, Ch. 81, Health and Safety Code	Contains reporting requirements for certain diseases.
Ch. 81, Civil Practice and Remedies Code	Creates reporting requirements for sexual exploitation by mental health providers.
Personal Responsibility And Work Opportunity Reconciliation Act Of 1996, 1996 Enacted H.R. 3734, 104 Enacted H.R. 3734, 110 Stat. 2105. (8 U.S.C.S. §§1621 and 1625)	Federal law that requires applicants to show proof of lawful presence in the U.S. before receiving a state license.
Ch. 107, Subch. D, Family Code	Governs child custody and adoption evaluations. See also Tex. H.B. 1449, 84th Leg., R.S. (2015).
Ch. 32, Family Code	Governs consent for psychological treatment by a minor.
Ch. 153, Family Code	Governs right to consent to psychological treatment for a child by a parent.
Ch. 261, Family Code	Governs reporting of child abuse.
Ch. 48, Human Resources Code	Governs reporting of abuse of elderly and disabled persons.
Ch. 35, Penal Code	Criminalizes insurance fraud. Agency has attempted to reconcile the prohibitions against insurance fraud with licensees seeking to bill for services provided by supervisees under Tex. Occ. Code Ann. §501.351 without indicating the services were provided by the supervisee. See Board rule 465.15(a)(4).
Tex. Penal Code Ann. §22.011	Prohibits the sexual assault of an individual, who by reason of mental disease or defect is incapable of giving consent.
Ch. 101, Health Professions Council	Establishes the Health Professions Council and lists the Board as one of its members.

Citation / Title	Authority / Impact on Agency (e.g., "provides authority to license and regulate nursing home administrators")
Tex. Crim. Proc. Code Ann. §60.061	Requires DPS to provide the Board with quarterly background checks on licensees.
Tex. Gov't Code Ann. §411.122	Grants the Board the authority to obtain criminal history record information from DPS.
Tex. Bus. Org. Code Ann. §5.060	Governs the use of names by professional entities by incorporating the Board's prohibitions against false, deceptive, misleading, or fraudulent public statements or advertising.
The Board has also compiled a list of selected Texas and federal laws that affect the practice of psychology in its Winter 2013 newsletter.	

Table 12 Exhibit 12 Statutes

Attorney General Opinions

Attorney General Opinion No.	Impact on Agency
Op. Tex. Att'y Gen. No. JH-1245	The Board may not require that applicants have taken coursework from licensed psychologists.
Letter Op. No. 96-147	Psychologists may not use unlicensed non-exempt individuals to provide psychological services. Such practice would violate the Psychologists' Licensing Act.
Op. Tex. Att'y Gen. No. DM-458	The requirement to report suspected child abuse may not be conditioned upon factors such as dated or incomplete information.
Op. Tex. Att'y Gen. No. JC-0321	Overruled Op. Tex. Att'y Gen. No. JN-1247 and opined that the Board has jurisdiction over the activity or service of a licensee employed by an exempt facility only if the activity or service is beyond the scope of the licensee's employment.
Op. Tex. Att'y Gen. No. GA-0897	The Psychologists' Licensing Act does not prohibit an LSSP from using his/her "Nationally Certified School Psychologist" descriptor.
Op. Tex. Att'y Gen. No. GA-0944	A professional is not required to report the childhood abuse or neglect of a now adult patient. *This opinion was effectively overruled by Tex. S.B. 152, 83rd Leg., R.S. (2013).*
Op. Tex. Att'y Gen. No. GA-1025	Universities may employ LSSPs, without assigning them the title of "psychologist" or "psychological associate," and the LSSP's activities or services would be exempt from the Board's jurisdiction so long as those activities or services are within the LSSP's scope of employment with the university.
Op. Tex. Att'y Gen. No. GA-1088	Mental health records placed in the custody of the Board by a court order are not state records under Ch. 441, Government Code.

Table 13 Exhibit 12 Attorney General Opinions

B. Provide a summary of recent legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. *See Exhibit 13 Example.*

Texas State Board of Examiners of Psychologists
Exhibit 13: 84th Legislative Session

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
HB7*	Darby	Repealed $200 professional fee set forth in §501.153 of the Psychologists' Licensing Act.
HB763	King, S.	Added additional requirements for petitions for rulemaking.
HB855	Sanford	Requires agencies to ensure compatibility of their websites with common web browsers
HB1449*	Thompson, S.	Codified requirements for child custody and adoption evaluations.
HB1771	Raney	Expands opportunities for state employees to donate sick leave to their agency's sick leave pool.
HB1924	Coleman	Expanded the authority of psychologists to delegate to include interns.
HB3337	Clardy	Placed restrictions on an agency's ability to reimburse an employee for certain tuition expenses.
HB3742	Smith	Authorized the Executive Director to waive certain licensing requirements, and to issue a license by endorsement.
SB20	Nelson	Bill provided significant changes to agency contracting law.
A complete list of the bills affecting the agency that were being tracked for the 84th Legislative session is attached hereto as an addendum.		

Table 14 Exhibit 13 Legislation Enacted 84th Leg

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB548	Johnson	Bill sought to restrict a state agency from inquiring into an applicant's criminal history until after the agency had determined the applicant was otherwise qualified.
HB551	Johnson	Bill sought to restrict an agency's ability to deny licensure to applicant due to a criminal history, and provided for certain procedural safeguards.
HB672*	Israel	Bill sought to prevent state agencies from considering an applicant's immigration status when determining whether to issue or renew a license. This statute would run directly afoul of 8 U.S.C.S. §§1621 and 1625.
HB2197*	Springer	Bill sought to prevent agencies from requiring applicants to submit fingerprints as part of the licensure process.

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB2703*	Simmons	Bill sought to establish the Texas Board of Behavior Analyst Examiners to regulate behavior analysis. It is believed the bill failed due to financial considerations, and partly due to the fact that many citizens believe the practice of behavior analysis is subsumed within the practice of psychology[7] and should be regulated by this agency.
HB2624	Turner, C.	Relating to the effects of a default on a student loan administered by the Texas Higher Education Coordinating Board on renewal of certain licenses. This bill would simply have mirrored the requirements set forth in Tex. Educ. Code Ann. §57.491, which the Board is presently complying with.
HB3974*	Darby	Bill sought to provide for expunctions of certain disciplinary actions. Although changes sought in the bill would not have applied to the Board, if ever applied to this agency, such changes would pose extensive difficulties in achieving compliance.
SB1032*	Watson	Would require agencies to develop a policy governing telecommuting before allowing employees to perform their job duties from an alternate work site. *Bill passed both chambers but was vetoed by the Governor.*
A complete list of the bills affecting the agency that were being tracked for the 84th Legislative session is attached hereto as an addendum.		

Table 15 Exhibit 13 Legislation Not Passed 84th Leg

IX. Major Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve your agency's operations and service delivery. Inclusion of an issue does not indicate support, or opposition, for the issue. Instead, this section is intended to give the Sunset Commission a basic understanding of the issues so staff can collect more information during our detailed research on your agency. Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency's ability to get the job done?

Emphasis should be given to issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal, local, quasi-governmental, etc.) may be included, but the Sunset Commission has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions which can be enacted in state law. This section contains the following three components.

A. Brief Description of Issue

B. Discussion

Background. Include enough information to give context for the issue. Information helpful in building context includes:

[7] See also Ohio Attorney General Opinion, 2012 Op. Att'y Gen. No. 2012-033

- What specific problems or concerns are involved in this issue?
- Who does this issue affect?
- What is the agency's role related to the issue?
- Any previous legislative action related to the issue?

C. Possible Solutions and Impact

Provide potential recommendations to solve the problem. Feel free to add a more detailed discussion of each proposed solution, including:

- How will the proposed solution fix the problem or issue?
- How will the proposed change impact any entities or interest groups?
- How will your agency's performance be impacted by the proposed change?
- What are the benefits of the recommended change?
- What are the possible drawbacks of the recommended change?
- What is the fiscal impact of the proposed change?

Complete this section for **each** issue. Copy and paste components A through C as many times as needed to discuss each issue. ***See Major Issue Example.***

Major Issue #1

Description of the Issue:

The Board believes that Section 501.154 of the Psychologists' Licensing Act should be amended to remove the requirement that an annual roster be printed and mailed to each licensee.

Discussion:

Because of budget cuts in fiscal years 2003-05, the Board discontinued the printing and mailing of an annual roster. In lieu of an annual roster however, the public may access a listing of the Board's licensees via the Public Licensee Search function which can be accessed through the Board's website. This search function allows an individual to search the Board's licensees by name, license type, license number, city, or county.

By law the annual roster is required to be distributed to licensees. The Board believes that by providing the public with access to the licensee search function it is fulfilling the spirit of §501.154 in a more cost-effective manner, as well as going a step beyond by making it freely available to the public. Additionally, by providing the public with an online search function, the Board is also improving the accuracy of the information available. Printed rosters are only accurate as of the date of printing, and would become dated almost immediately following publication, whereas the online search function provides the public with current licensee information.

The Board included this same request within its August 2003 Self-Evaluation Report, but no action was taken on the matter.

Possible Solutions and Impact:

Section 501.154 should be amended to reflect the Board's current methodology in providing a listing of its licensees to the public. Given the fact that the Board has been providing an online licensee search function in lieu of an annual roster since approximately 2003, the Board does not anticipate any fiscal impact or negative impact to its performance measures if the changes requested herein are adopted.

Major Issue #2

Description of the Issue:

The Board believes that Section 501.004(a)(1) of the Psychologists' Licensing Act should be amended so that it does not restrict on its face the category of licensees eligible for exemption to only psychologists and psychological associates.

Discussion:

While the statute does not make reference to provisionally licensed psychologists or licensed specialists in school psychology employed by a university, the Attorney General has opined that it is not the employee's title that is relevant when determining exemption, but rather the activity or service performed by the employee. See Op. Tex. Att'y Gen. No. GA-1025. Thus, according to the Attorney General, a provisionally licensed psychologist or licensed specialist in school psychology can enjoy exemption under §501.004(a)(1) for their activities or services rendered as an employee of a university.

Possible Solutions and Impact:

Section 501.004(a)(1) should be amended as follows: "the activity or service of a person, or the use of an official title by the person, who is employed ~~as a psychologist or psychological associate~~ by a regionally accredited institution of higher education if the person…." Alternatively, the statute should be clarified if the Legislature's intent was to prohibit provisionally licensed psychologists and licensed specialists in school psychology from enjoying exemption under §501.004(a)(1).

The Board does not anticipate any fiscal impact or negative impact to its performance measures if the changes requested herein are adopted.

Major Issue #3

Description of the Issue:

The Board believes that Section 501.004(a)(6)(B) of the Psychologists' Licensing Act should be amended to exempt the activity or service of psychologist employed by a governmental agency who uses his or her title of "psychologist."

Discussion:

Section 501.004(a)(6) was added by Tex. H.B. 807, 83rd Leg., R.S. (2013) to restrict the use of the title "psychologist" by governmental employees performing exempt activities or services to those individuals licensed as psychologists. The Board does not believe it was intended to restrict the exemption for activities and services granted by the statute. However, as it is currently written, the statute precludes exemption for a licensed psychologist delivering psychological services within the course and scope of his/her employment with a governmental agency if the individual uses his/her rightful title of "psychologist."

Possible Solutions and Impact:

Section 501.004(a)(6)(B) should be amended as follows: "does not represent that the person is a psychologist, unless licensed as such."

The Board does not anticipate any fiscal impact or negative impact to its performance measures if the changes requested herein are adopted.

Major Issue #4

Description of the Issue:

The Board believes that Section 501.054(a) of the Psychologists' Licensing Act should be amended whereby the terms of the board members within each category of board member are staggered so as to prevent the loss of all psychologists, psychological associates, or public members at the end of a given term. By way of illustration, the terms of both psychological associate board members currently serving on the Board are set to expire on October 31, 2017.

Discussion:

The Board is concerned that a substantial loss of institutional knowledge could be lost if, through a series of natural expirations and resignations, the expiration date for the terms of all members of a category of board members were to fall on the same date. The Board believes the public, as well as agency operations, would be best served if the expiration dates of the board members within a given category (i.e. psychologists, psychological associates, public members) were staggered, thereby ensuring a continuity of leadership and experience during a transition from existing members to new members.

Possible Solutions and Impact:

Amend Section 501.054(a) to allow for staggered terms of board members within each category set forth in Section 501.051(a).

The Board does not anticipate any fiscal impact or negative impact to its performance measures if the changes requested herein are adopted.

Major Issue #5

Description of the Issue:

The Board believes that Section 611.0045(b) of the Health and Safety Code should be amended to reflect the standard for withholding records under HIPAA, 45 C.F.R. §164.524(a)(3)(i).

Discussion:

HIPAA, 45 C.F.R. §164.524(a)(3)(i), sets forth a higher standard for withholding information from a patient than Tex. Health & Safety Code Ann. §611.0045(b). Pursuant to HIPAA, 45 C.F.R. §160.203, a state law which is contrary to HIPAA's provisions is preempted, and according to the *Preemption Analysis of Texas Laws Relating to the Privacy of Health Information & the Health Insurance Portability & Accountability Act & Privacy Rules (HIPAA)* (November 1, 2004) (Tex. Att'y Gen.*)*, the standards for withholding patient information set forth in §611.0045(b) are preempted by federal law.

The Board is concerned that the different standards set forth in state and federal law may serve to confuse licensees and the public when faced with situations where records are being withheld, or where a practitioner seeks to withhold records.

Possible Solutions and Impact:

Amend Section 611.0045(b) of the Health and Safety Code to reflect the proper standard for withholding records. The Board has previously amended its rule found at 22 TAC, Pt. 21, §465.22(c)(8)(C) to reflect the standard set forth in HIPAA.

The Board does not anticipate any fiscal impact or negative impact to its performance measures if the changes requested herein are adopted.

Major Issue #6

Description of the Issue:

The Board believes that Section 501.003 of the Psychologists' Licensing Act should be amended to include the term "diagnose," or a derivative of that term.

Discussion:

Due to the past and present litigation surrounding the issue of whether chiropractic doctors[8] and licensed marriage and family therapists[9] may diagnose their patients/clients, the Board

[8] See Tex. Bd. of Chiropractic Examiners v. Tex. Med. Ass'n, 375 S.W.3d 464, 488 (Tex. App.-Austin 2012, pet. denied).

believes that its enabling legislation should be amended to remove all doubt and reduce the likelihood of future costly litigation. The Board's rules provide that psychological services include the ability to diagnose, i.e. Board rule 465.1(10), and the Board relied in good faith upon the authority found in §501.003 when it enacted its rules. According to §501.003, the scope of practice for licensees of this agency includes *evaluating, testing*, and treating patients and clients, as well as providing services that include the application of established principles, methods, and procedures of *describing, explaining*, and ameliorating behavior. To read §501.003 in such a manner that does not include the authority to diagnose would be counterintuitive to the commonly understood meaning of the terms used, create a vacuous hole in the scope of practice for this agency's licensees, and serve only to exacerbate the well documented shortage of qualified mental health care providers available to the citizenry.

Moreover, the Board does not believe this requested change constitutes an encroachment upon any other regulated health profession because psychologists are already recognized as making or authorized to make diagnoses under various other laws. By way of example:

- Psychologists must, when preparing a report under Chapter 46B of the Code of Criminal Procedure, state the specific criteria supporting their diagnosis. See Tex. Crim. Proc. Code Ann. §46B.025(a)(4).
- Psychologists must, when preparing a report under Chapter 56 of the Code of Criminal Procedure, state a diagnosis in their report. See Tex. Crim. Proc. Code Ann. §56.39(c)(2).
- Chapter 81 of the Civil Practice and Remedies Code recognizes that psychologists provide mental health services, which include diagnoses. See Tex. Civ. Prac. & Rem. Code Ann. §81.001(1)-(2).
- Psychologists may be utilized within TDCJ-Institutional Division's in-person therapeutic communities, which include diagnostic processes. See Tex. Gov't Code Ann. §501.0931.
- Board licensees may conduct professional examinations under the Special Senses and Communications Disorders Act, Ch. 36, Health and Safety Code. These professional examinations constitute a diagnostic evaluation. See Tex. Health & Safety Code Ann. §36.003(4).
- The authority of occupational therapists to diagnose is differentiated from that of a psychologist in the Occupational Therapy Act. See Tex. Occ. Code Ann. §454.006(c).
- 42 USCS §295p(11) includes diagnostic services when defining "psychologist" and the services they provide.
- 42 CFR 410.32(b)(2)(iii) recognizes psychologists ability to provide diagnostic psychological and neuropsychological testing services.
- 42 CFR 410.71(d) includes diagnostic services when defining "psychologist" and the services they provide.
- 42 CFR 424.32(a)(2) requires that a claim for psychological services must include appropriate diagnostic coding using ICD-9-CM.

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[9] See Tex. State Bd. of Exam'rs of Marriage & Family Therapists v. Tex. Med. Assoc., 458 S.W.3d 552 (Tex. App.-Austin 2014, pet. filed).

- 42 CFR 410.43 includes psychologists amongst the providers eligible to provide partial hospitalization services necessary for the diagnosis of an individual's condition.
- 42 CFR 410.33(a)(2)(iii) references diagnostic psychological testing services personally furnished by a psychologist.
- 34 CFR 300.308 recognizes that school psychologists, i.e. licensed specialists in school psychology, are qualified to conduct diagnostic examinations of school children.

Possible Solutions and Impact:

To further reinforce the existing authority granted by §501.003, and in an effort to avoid needless and costly litigation in the future, Section 501.003 should be amended to include the term "diagnose," or a derivative of that term.

The Board does not anticipate any fiscal impact or negative impact to its performance measures if the changes requested herein are adopted.

Major Issue #7

Description of the Issue:

The Board is concerned about the interplay between Tex. Occ. Code Ann. §501.351(b) and Chapter 35 of the Texas Penal Code. More specifically, the Board questions whether a licensed psychologist may submit a bill or invoice to a third-party payer pursuant to Tex. Occ. Code Ann. §501.351(b) under the licensed psychologist's own name, without indicating that the psychological services rendered were provided by a supervisee of the licensed psychologist?

Discussion:

Section 501.351 of the Psychologists' Licensing Act was signed into law on June 14, 2013 by then Governor Rick Perry, and became effective on September 1, 2013. See Tex. H.B. 808, 83rd Leg., R.S. (2013). Section 501.351 grants licensed psychologists the general authority to delegate any psychological test or service that a reasonable and prudent psychologist could delegate within the scope of sound psychological judgment, if certain criteria are met. The authority to delegate extends only to those individuals set forth in Tex. Occ. Code Ann. §501.351(a). Section 501.351(b) goes on to provide that any test or service provided by a delegate is considered to be delivered by the delegating psychologist for billing purposes, including bills submitted to third-party payors.

While the Board certainly understands that Section 501.351 grants licensed psychologists the authority to delegate as set forth in that section and submit bills or invoices for services rendered by their delegates, the Board seeks guidance as to whether a licensed psychologists must reveal the identity of the actual service provider when submitting bills to third-party payors.

Despite the language in Section 501.351(b) indicating that delegated tests or services are considered to be delivered by the delegating psychologist, the Board is concerned that the

prohibition against insurance fraud found in Chapter 35 of the Texas Penal Code may nevertheless require licensees to notify third-party payors that the test or service was rendered by a supervisee, rather than the billing psychologist. Given the fact that many third-party payors condition reimbursement upon licensure or provide for scaled reimbursement depending upon licensure status, a prosecutor or grand jury could view a licensee's failure to divulge this information as false or misleading.

Possible Solutions and Impact:

The Board is not requesting a statutory change per se, but rather bringing this issue to the attention of the Sunset Commission in the event the Commission feels changes are warranted. The Board would however appreciate clarification, or at a minimum the perspective of the Sunset Commission on this particular issue.

Out of an abundance of caution, and to ensure that its licensees remain well within the confines of the law, the Board has not repealed its rule whereby licensees must reveal the identity of the actual provider when reporting their services to third-party payors. See Board rule 465.15(a)(4) However, should the Commission recommend the Board do so, or provide further clarification or guidance that makes clear a licensee's ability to bill for services rendered by a supervisee without revealing the identity of the actual provider, the Board will implement the necessary changes.

The Board does not anticipate any fiscal impact or negative impact to its performance measures if the changes requested herein are adopted.

To the extent necessary, the Board hereby incorporates by reference, as if set forth verbatim herein, those requested statutory changes referenced under the Board's description of its Licensing and Enforcement Programs as well.

X. Other Contacts

A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

Texas State Board of Examiners of Psychologists
Exhibit 14: Contacts

Interest Groups
(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
David White Texas Psychological Association	1464 E. Whitestone Blvd., Ste. 401, Cedar Park, Texas 78613	888-872-3435	tpa_dwhite@att.net

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Laurie Klose Texas Association of School Psychologists	P.O. Box 141023 Austin, Texas 78714-1023	512-791-4701	lktasp10@gmail.com
Betty Dawson Texas Association of Psychological Associates	P.O. Box 601374 Dallas, Texas 75360	817-588-0476	bedawson@swbell.net
American Psychological Association	750 First St., NE Washington, DC 20002-4242	800-374-2721	state@apa.org

Table 16 Exhibit 14 Interest Groups

Interagency, State, or National Associations

(that serve as an information clearinghouse or regularly interact with your agency)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Janet Orwig Association of State and Provincial Psychology Boards	P.O. Box 3079 Peachtree City, Georgia 30269	678-216-1175	jorwig@asppb.org

Table 17 Exhibit 14 Interagency, State, and National Association

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Joe Thrash, Assistant Attorney General, OAG	P.O. Box 12548 Austin, TX 78711-2548	512-475-4685	Joe.thrash@oag.state.tx.us
Trevor Whitney, LBB Analyst, Legislative Budget Board	Robert E. Johnson Bldg., 5th Fl. 1501 N. Congress Ave. Austin, Texas 78701	512-463-8203	Trevor.Whitney@lbb.state.tx.us
John Monk, Administrative Officer Health Professions Council	333 Guadalupe, Ste. 2-220 Austin, TX 78701	512-305-8550	jmonk@hpc.texas.gov
Kara Crawford, Analyst Governor's Office for Budget and Policy	Office of the Governor State Insurance Bldg. Austin, TX 78701	512-463-9036	Kara.crawford@gov.texas.gov
Luis Moreno, ACO Comptroller of Public Accounts	LBJ Office Bldg. 111 E. 17th St. Austin, TX 78774	512-936-3660	Luis.Moreno@cpa.texas.gov

Table 18 Exhibit 14 Liaisons at Other State Agencies

XI. Additional Information

A. Texas Government Code, Sec. 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. *See Exhibit 15 Example.*

Texas State Board of Examiners of Psychologists
Exhibit 15: Evaluation of Agency Reporting Requirements

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
N/A					

Table 19 Exhibit 15 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

B. Has the agency implemented statutory requirements to ensure the use of "first person respectful language"? Please explain and include any statutory provisions that prohibits these changes.

The Board has found only one instance in its rules where a change must be made. The Board will make the required change as soon as possible to ensure compliance with Ch. 392, Government Code.

C. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.

Texas State Board of Examiners of Psychologists
Exhibit 16: Complaints Against the Agency[10] — Fiscal Years 2013 and 2014

	Fiscal Year 2013	Fiscal Year 2014
Number of complaints received	0	3
Number of complaints resolved	0	3
Number of complaints dropped / found to be without merit	0	3
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	N/A	24-48 hours

Table 20 Exhibit 16 Complaints Against the Agency

D. Fill in the following charts detailing your agency's Historically Underutilized Business (HUB) purchases. *See Exhibit 17 Example.*

Texas State Board of Examiners of Psychologists
Exhibit 17: Purchases from HUBs

Fiscal Year 2013

Category	Total $ Spent	Total HUB $ Spent	Percent	Agency Specific Goal*	Statewide Goal
Heavy Construction					11.2%
Building Construction					21.1%
Special Trade					32.7%
Professional Services					23.6%
Other Services	$23,204	$ 368	1.59%	2%	24.6%
Commodities	$17,105	$12,035	70.36%	25%	21.0%
TOTAL	$40,309	$12,403	30.77%		

Table 21 Exhibit 17 HUB Purchases for FY 2013

* If your goals are agency specific-goals and not statewide goals, please provide the goal percentages and describe the method used to determine those goals. (TAC Title 34, Part 1, Chapter 20, Rule 20.13)

[10] The Board rarely receives written complaints. While the Board does receive disputes over matters such as whether a refund should be issued or licensing criteria have been met, those matters cannot be characterized as complaints. Complaints received by the Board typically consist of phone calls to the Executive Director complaining of purported miscommunications or tardy replies to inquiries from the public, or they consist of callers who requested confidential information from the Enforcement Division and who were transferred to the Executive Director when they become upset due to their request being denied. Agency staff do not track such phone calls, but any serious issues with Board responsiveness would be reflected in the customer service survey results.

Fiscal Year 2014

Category	Total $ Spent	Total HUB $ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction					11.2%
Building Construction					21.1%
Special Trade					32.7%
Professional Services					23.6%
Other Services	$24,071	0	0%	2%	24.6%
Commodities	$25,645	$11,327	44.17%	50%	21.0%
TOTAL	$49,716	$11,327	22.78%		

Table 22 Exhibit 17 HUB Purchases for FY 2014

Fiscal Year 2015

Category	Total $ Spent	Total HUB $ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction					11.2%
Building Construction					21.1%
Special Trade					32.7%
Professional Services					23.6%
Other Services	N/A	N/A	N/A	.5%	24.6%
Commodities	N/A	N/A	N/A	45%	21.0%
TOTAL	N/A	N/A	N/A		

Table 23 Exhibit 17 HUB Purchases for FY 2015

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.15b)

Yes[11]. The policy is to purchase commodities and other services from HUB vendors in specified percentages. The percentages are adjusted annually based upon the agency's performance during the prior year and anticipated needs. Currently, the agency's goal is to purchase at least 45% of commodities from HUB vendors and .5% for all other services. *See 2016-17 LAR HUB Supporting Schedule.* According to Board policy, the agency will attempt to obtain at least three bids, including a minimum of two bids from HUBs, on all commodity purchases in excess of $5,000. The vast majority of agency purchases however, involve commodities or IT services from set-aside vendors or DIR. Additionally, agency expenditures for other services include such things as contracts with (1)licensees who administer the Oral Examination, (2)licensees who serve on the Jurisprudence Examination Consultants Workgroup, (3)licensees who serve on the Vignette Writing Workgroup, (4)licensees who serve on the Oral Examination

[11] See also 22 Tex. Admin. Code §461.35 (Tex. State Bd. of Examiners of Psychologists, Use of Historically Underutilized Businesses (HUBS).

Consultants Workgroup, and (5) licensees who serve as professional reviewers in complaint cases. Given the highly particularized nature of the services utilized by the Board, it is difficult to secure the services needed from HUB vendors.

If a performance shortfall occurs, goal percentages for the next fiscal year are adjusted.

F. For agencies with contracts valued at $100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of $100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.14)

N/A

G. For agencies with biennial appropriations exceeding $10 million, answer the following HUB questions.

1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Sec. 2161.062; TAC Title 34, Part 1, rule 20.26)

N/A

2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Sec. 2161.066; TAC Title 34, Part 1, rule 20.27)

N/A

3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Sec. 2161.065; TAC Title 34, Part 1, rule 20.28)

N/A

H. Fill in the charts below detailing your agency's Equal Employment Opportunity (EEO) statistics. *See Exhibit 18 Example.*

Texas State Board of Examiners of Psychologists
Exhibit 18: Equal Employment Opportunity Statistics

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	1	0	8.99%	0	19.51%	0	39.34%
2014	1	0	8.99%	0	19.51%	0	39.34%

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	1	0	8.99%	0	19.51%	0	39.34%

Table 24 Exhibit 18 EEO Statistics for Officials/Administration

2. *Professional*

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	6	0	11.33%	17%	17.4%	83%	59.14%
2014	7	14%	11.33%	14%	17.4%	71%	59.14%
2015	7	14%	11.33%	14%	17.4%	71%	59.14%

Table 25 Exhibit 18 EEO Statistics for Professionals

3. *Technical*

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	0	N/A	14.16%	N/A	21.36%	N/A	41.47%
2014	0	N/A	14.16%	N/A	21.36%	N/A	41.47%
2015	0	N/A	14.16%	N/A	21.36%	N/A	41.47%

Table 26 Exhibit 18 EEO Statistics for Technical

4. *Administrative Support*

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	7	0	13.57%	14%	30.53%	100%	65.62%
2014	6	17%	13.57%	17%	30.53%	83%	65.62%
2015	6	17%	13.57%	17%	30.53%	83%	65.62%

Table 27 Exhibit 18 EEO Statistics for Administrative Support

5. *Service / Maintenance*

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	0	N/A	14.68%	N/A	48.18%	N/A	40.79%
2014	0	N/A	14.68%	N/A	48.18%	N/A	40.79%
2015	0	N/A	14.68%	N/A	48.18%	N/A	40.79%

Table 28 Exhibit 18 EEO Statistics for Service and Maintenance

6. Skilled Craft

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	0	N/A	6.35%	N/A	47.44%	N/A	4.19%
2014	0	N/A	6.35%	N/A	47.44%	N/A	4.19%
2015	0	N/A	6.35%	N/A	47.44%	N/A	4.19%

Table 29 Exhibit 18 EEO Statistics for Skilled Craft

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

Yes, the Board has an equal opportunity policy. *See TSBEP Affirmative Action Plan.* The Board addresses EEO shortfalls by re-examination of its EEO efforts under its Affirmative Action Plan to determine what is causing the shortfall, and then taking corrective actions based upon its findings following the re-examination.

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.