

Rapid Changes to Many Board Services and Publication Costs

The last few months have seen many rapid changes in the operations of the Texas State Board of Examiners of Psychologists. Most of these changes are being driven by the mandated 7% cutback in funding for the last six months of fiscal year 2003 and the 9% - 12% cutback mandated for the 2004-2005 biennium.

The agency changed its paper Annual Roster to an online Annual Roster on the agency's website. This change had to be implemented so quickly that it was not possible to alert licensees to this new format.

And there are more changes that have occurred and/or will shortly be in effect.

Online Board Newsletter

In order to save on mailing and printing costs, the agency can no longer provide licensees with a paper version of the newsletter. Instead the information that would have been provided to licensees in a paper newsletter will be provided only on the agency's website: www.tsbep.state.tx.us.

Licensees will be alerted to the advent of a newsletter and/or new articles from the Board via the "New Developments and Requirements" link on the front page of the agency's website. This recently added alert system will allow licensees to quickly view the highlights of changes to the Board, its rules, operations, and fees. A licensee can then select the information that directly applies to them and read the full account on the website.

The agency's website is becoming a more important tool for the agency to communicate with the public, applicants, and licensees. However, with the agency's limited information technology resources, updating information on the website is not as frequent as the Board would prefer.

Increased Publication Fees

The Board will begin charging \$10 for each copy of the Rulebook for requests from the public, training programs, and other interested parties. The annual distribution of Rulebooks to licensees will continue. However, a licensee that requests an additional copy of the Rulebook will have to pay the \$10 fee.

Increased Application Packet Fees

Application for licensure packets will be increased from \$5 to \$10. Each packet has historically included a copy of the current Rulebook and will continue to do so.

Additional Changes in the 2004-2005 Biennium

The potential for additional changes to Board rules, procedures, and fees will continue throughout the biennium. The agency is involved in several across-agency initiatives required by the Legislature including such programs as online application for licenses and outsourcing or consolidation of certain agency functions. Exactly how such initiatives will be implemented has not yet been established.

The Board will keep licensees apprised of these changes through the online newsletter once they have been fully defined and determined. The Board encourages all licensees to make a review of the agency's website an important step in ensuring that they are adhering to Board rules and aware of Board actions and decisions.

Office of Patient Protection Requires Increased Renewal and Application Fees

During the 78th Regular Session, House Bill 2985 was passed by the Texas Legislature. This new law requires the Health Professions Council (HPC) to establish the Office of Patient Protection. In order to fund this new office, all member agencies of the HPC must raise annual renewal fees by \$1 and application fees by \$5.

All of the funds collected through these increased fees will be tagged and may only be expended for the creation of this new office.

As with all renewal and application fees that the Psychology Board collects, these funds will not be allotted to the agency directly. Instead the Board is appropriated for each biennium only limited funds to operate the agency. The surplus collected revenue is expended by the Legislature for other state purposes.

The Health Professions Council was established in 1991 to coordinate activities between 11 health licensing agencies. Member agencies include the agencies which license psychologists, physicians, chiropractors, nurses, physical therapists and a few other health professions.

According to HB 2985, this new Office of Patient Protection (OPP) must be in operation by January 1, 2004. Legislation passed during the third Special Session allowed these collected fees to be transferred to the HPC to establish the office.

The Psychology Board is proposing these increased fees by rule which will go into effect in January 1, 2004 and therefore would first affect January 2004 renewals.

The Office of Patient Protection is required to establish protocols for interaction with the licensing agencies; to serve as the ombudsman for consumer complaints at the licensing agencies on the request of an individual consumer; to assist consumers in obtaining information about the status of complaints; and to review Internet websites of licensing agencies and make recommendations to the agencies on making public information, including information relating to disciplinary actions, understandable to and easily accessible by the public.

Additionally, the office may perform the following functions: appear at or present information or testimony to a licensing agency on behalf of consumers as a class; appeal the decisions of licensing agencies to the governing body of the appropriate licensing agency on behalf of consumers as a class but not for individual complainants.

In order to perform its functions, the office is entitled access to the complaints received by a licensing agency and public records of a licensing agency and the records of a licensing agency that are filed with the State Office of Administrative Hearings. Confidentiality provisions for the agencies would extend to the office.

Additionally, the office is required to review and evaluate rules proposed by the agencies and changes to their statutes. The office may report to the Legislature and recommend to the agencies changes in the rules that would be positive for consumers. The office shall recommend changes to the statutes to the Sunset Commission.

Further, the office must provide to the public information about the complaint process at each licensing agency and conduct a public awareness campaign to increase awareness of the telephone complaint system. Since 1991, HPC has coordinated a toll free number – 1-800-821-3205 – to receive complaints against licensees which are then forwarded to the appropriate licensing entity.

The office is also required to use the Internet and other media to provide information to the public regarding complaint procedures and sanction processes used by the licensing agencies. The agency must adopt a standard complaint form to be used by all HPC licensing entities.

The Governor will appoint three public board members from among the public members that serve on the various licensing boards to form the new board for the office. This new board will then hire a director and other staff to operate the office.

Sunset Review of TSBEP

The mission and performance of the Texas State Board of Examiners of Psychologists is currently being reviewed by the Legislature as required under the Texas Sunset Act. The Act provides that the Sunset Commission, composed of legislators and public members, periodically evaluate a state agency to determine if the agency is still needed, and what improvements are needed to ensure that tax dollars are well spent. Based on the recommendations of the Sunset Commission, the Texas Legislature ultimately decides whether an agency continues to operate into the future.

The Sunset review involves three steps. First, Sunset Commission staff evaluate TSBEP and issue a report recommending solutions to problems found. The Sunset Commission then meets to hear public testimony on the agency and the recommendations of the Sunset staff. Based on public input and the Sunset staff report, the Sunset Commission will adopt recommendations for the full Legislature to consider when it convenes in January 2005.

Through the Sunset review, every Texan has the opportunity to suggest ways in which the mission and operations of the TSBEP can be strengthened. If you would like to share your ideas about the agency, please contact Melissa Aerne of the Sunset staff. Suggestions are suggested as soon as possible, so that they can be fully considered by the Commission staff.

Sunset Advisory Commission

P.O. Box 13066

Austin, Texas 78711

512-463-1300

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Information about the Sunset

process can be found at:

www.sunset.state.tx.us

Licensee Alert!!!

A licensee address in the online Annual Roster will be the address of record that the licensee has with the Board. Addresses of record historically have been the addresses printed in the Roster. Addresses of record are provided to any individual who requests this information by phone or in writing from the Board. However, a licensee who uses a home address as the address of record may wish to consider changing the address of record to a business address since it will now be online and more accessible to the public. The online Roster will next be updated after April 1, 2004.

New and Amended Rules

Following is the text of new and amended TSBEP rules finally adopted since the issuance of the June 1, 2003 Rulebook AND the last issue of the newsletter in Summer 2003.

For amended rules, new language is underlined and deleted language is in capital letters and appears in brackets. Also, current text of rules and effective dates may be viewed at: <http://www.sos.state.tx.us> by accessing the TAC viewer.

) - (c) (No change.)

[(D) EXCEPTIONS FOR EXPERIENCE. FOR PURPOSES OF LICENSURE AS A PSYCHOLOGIST, IF AN APPLICANT HAS BEEN LICENSED FOR 15 YEARS OR MORE IN ANOTHER JURISDICTION AS A PSYCHOLOGIST AND PROVIDES WRITTEN VERIFICATION OF NO DISCIPLINARY ACTIONS BY THE LICENSING ENTITY OF THAT JURISDICTION OR BY ANY OTHER LICENSING ENTITY OF A JURISDICTION IN WHICH THE APPLICANT HAS HELD LICENSURE AS A PSYCHOLOGIST, THE FOLLOWING REQUIREMENTS FOR LICENSURE MAY BE APPLIED:]

[(1) SUBSECTION (C)(2)(B)(III) OF THIS SECTION MAY BE SATISFIED BY HAVING ONE FULL-TIME EQUIVALENT LICENSED PSYCHOLOGIST AS A PRIMARY SUPERVISOR;]

[(2) SUBSECTION (C)(2)(B)(IX) OF THIS SECTION MAY BE WAIVED;]

[(3) SUBSECTION (C)(2)(B)(XI) OF THIS SECTION MAY BE WAIVED;]

[(4) SUBSECTION (C)(2)(C)(IX) OF THIS SECTION MAY BE WAIVED;]

[(5) SUBSECTION (C)(2)(C)(XII) OF THIS SECTION MAY BE WAIVED; AND]

[(6) SUBSECTION (C)(2)(C)(XIII) OF THIS SECTION MAY BE FILLED BY HAVING ONE FULL-TIME LICENSED PSYCHOLOGIST AS A PRIMARY SUPERVISOR WHO IS EMPLOYED FULL TIME AT THE AGENCY AND WHO IS A SCHOOL PSYCHOLOGIST.]

463.13. Requirements for Experienced Out-of-State Applicants.

An applicant who provides documentation that the applicant has been actively licensed and in good standing as a psychologist in another jurisdiction for at least 5 [YEARS]consecutive years immediately preceding the filing of the application, must meet the following requirements, which are a substitute for Board rule 463.11:

(1) The applicant must have already obtained provisional licensure and must document that the applicant is a provisionally licensed psychologist in good standing.

(2) Supervised experience. The applicant must affirm that the applicant has received 3,000 hours of experience supervised by a psychologist licensed in the state where the supervision took place. At least half of these hours (1,500 hours) must have been completed after the doctoral degree was conferred or completed. The formal internship year may be met either before or after the doctoral degree was conferred or completed, as indicated on the official transcript.

(3)The applicant must document that the applicant has not received any disciplinary action by any other jurisdiction and that there is no pending action or complaint against the applicant in any other jurisdiction.

(b)Licensees holding the Certification of Professional Qualification in Psychology (CPQ) Credential Granted by the Association of State and Provincial Psychology Boards (ASPPB). An out-of-state licensee holding a CPQ credential granted by the ASPPB meets the requirements of Board rule 463.11. In addition, out-of-state licensees who hold a CPQ credential must meet requirements (a)(1) and (a)(3) listed above. The Board reserves the right to [TOO] accept or reject licensure for persons holding the CPQ credential.

463.20. Refunds of Application and Examination Fees

a. Application fees are non-refundable and non-transferable.

b. The national psychology examination fee is partially refundable if an applicant is scheduled for a computerized exam but fails to take the scheduled examination. A portion of the original examination fee to the Professional Examination Service (PES) for the exam is retained by PES; the remainder of the fee is refunded by PES to the applicant. The portion of the fee that is paid to the Board, which is referred to as the professional fee, is non-refundable. An exception is if the Board approves on a one time basis the transfer of the professional fee to another scheduled examination upon review of documentation from the applicant of a extreme extenuating circumstances.

c. The Jurisprudence examination fee is non-transferable and non-refundable. An exception is that if the applicant fails to return the exam by the postmark deadline date due to a mail delivery problem that the applicant can prove, the Board may approve the transfer of the fee to another take of the exam or refund the fee if a subsequent fee has been paid upon review of the applicant's explanation.

463.25. Foreign Graduates

(a) Prior to submitting an application for licensure, the potential applicant shall provide the Board with documents and evidence to establish that his/her formal education is equivalent to a masters or doctoral degree, as required by the Psychologists' Licensing Act and Rules and Regulations of the Board, granted by a United States university that is regionally accredited. The registrar of the University of Texas at Austin must certify that, after reviewing the required documentation, the degree is equivalent to a masters or doctoral degree granted from a regionally accredited educational institution. The potential applicant shall provide the Board with the following:

(1) An original or certified copy of a diploma or other certificate of graduation, which will be returned, and a photostatic copy of such a document, which shall be retained.

(2) - (7) (No change)

(b)(No change)

469.1. Timeliness of Complaints

A complaint is timely filed if it is received by the Board, in proper form, within five years of the date of the termination of professional services. A complaint alleging sexual misconduct,[AS DEFINED BY THE BOARD RULES], by a licensee [OR ALLEGING THE INFLICTION OF PHYSICAL HARM UPON A CLIENT OR PATIENT BY A LICENSEE] is timely filed if received within ten years of the termination of services or the patients reaching the age of majority. [OCCURRENCE OF THE ALLEGATIONS.]

469.3. Standardized Complaint Form

(a) - (b) (No change.)

(c) The complaint form must be physically delivered to the Board office, mailed to the Boards offices, or faxed to the Board. [IN PERSON OR BY MAIL SERVICE TO BE CONSIDERED FILED. FAX TRANSMITTAL AND OR E-MAIL DO NOT CONSTITUTE PHYSICAL DELIVERY.]

[(D) ALL REQUIRED RELEASE FORMS MUST BE SIGNED, WITNESSED AND RETURNED TO THE BOARD, ALONG WITH THE COMPLAINT FORM, BEFORE A COMPLAINT CAN BE PROCESSED.]

469.4. Complaint Investigation

(a) (No change.)

(b) The [INVESTIGATION] Enforcement Division shall [DISPOSE OF] investigate all complaints in a timely manner. A schedule shall be established for conducting each phase of a complaint that is under the control of the Board not later than the 30th day after the date the complaint is received by the Board. The schedule shall be kept in the information file of the complaint, and all parties shall be notified of the projected time requirements for pursuing the complaint. A change in the schedule must be noted in the complaint information file, and all parties to the complaint must be notified in writing not later than the seventh day after the date the change is made.

(c) The Board will dismiss complaints at a regularly scheduled Board Meeting. Any person who files a complaint will be notified by letter of Board action to dismiss the complaint and the legal basis and/or reason for the dismissal.

(d) The services of a private investigator shall be retained only in the event that staff investigator positions are vacant or inadequate to provide essential investigative services. The services of a private investigative agency shall be obtained in accordance with the states procurement procedures.[OF THE GENERAL SERVICES COMMISSION.]

469.5. Complaint Disposition

(a) - (b) (No change.)

(c) Complaints that do not state a violation of the Board's Act or rules shall be dismissed. [RETURNED TO THE COMPLAINANT.] If the complaint alleges a violation of another agency's Act or rules, the complaint shall be referred to the appropriate agency.

(d) Complaints that state a violation of the Board's Act and rules shall be investigated by an investigator assigned by the Manager of the [INVESTIGATION] Enforcement Division.

(e) (No change.)

(f) The [INVESTIGATION] Enforcement Division Manager and the counsel for the Board shall review the investigation report, evidence and the case file of the complaint to determine if there is sufficient evidence to demonstrate a violation of the Board's Act, rules, or order to recommend probable cause to the Board.

(g) A complaint for which the staff determines probable cause shall be referred to a Disciplinary Review Panel of the Board for an informal conference. [COUNSEL FOR] The Board shall serve the Respondent with a Notice of Violations and Informal Settlement Conference.

(h) (No change.)

469.6. Temporary Suspension of a License

(a) An executive committee of the Board, consisting of the Board Chair, [COMPLAINTS COMMITTEE CHAIR, AND A PUBLIC MEMBER,] and two other Board members shall temporarily suspend the license of a licensee under the Act if the executive committee determines, based on evidence or information presented to the committee, that the continued practice by the licensee constitutes a continuing or imminent threat to the public welfare.

(b) - (e) (No change.)

469.7. Persons with Criminal Backgrounds

(a) - (b) (No change.)

(c) In determining whether a criminal conviction directly relates to the performance of a licensee, the Board shall consider the factors listed in the Texas Occupations Code, Chapter 53. [CIVIL STATUTES, ARTICLE 6252.13C(4)(B).]

(d) Those crimes which the Board considers as directly related to the performance of a licensee include but are not limited to: (1) [ANY FELONY OR MISDEMEANOR OF WHICH FRAUD, DISHONESTY, OR DECEIT IS AN ESSENTIAL ELEMENT] a misdemeanor and/or felony offense under the following titles of the Texas Penal Code:

(a) Title 5, pertaining to offenses against the person (for example, homicide, kidnapping, sexual offenses, and assaultive offenses);

(b) Title 7, pertaining to offenses against property (for example, arson, robbery, burglary, theft, fraud, money laundering, and insurance fraud);

(c) Title 8, pertaining to offenses against public administration (for example, bribery, perjury, and obstruction of justice);

(d) Title 9, pertaining to offenses against public order and decency (for example, disorderly conduct and public indecency);

(e) Title 10, pertaining to offenses against public health and safety (for example, weapons offenses, gambling, and intoxication offenses); and

(f) Title 4, pertaining to the offenses of attempting or conspiring to commit the offenses listed in subsections (a) - (e).

(2) any criminal violation of the Psychologists' Licensing Act or other statutes regulating or pertaining to the profession of psychology;

(3) any criminal violation of statutes regulating other professions in the healing arts, which includes, but is not limited to medicine and nursing;

(4) any crime involving moral turpitude;

(5) [MURDER] any offense involving the failure to report abuse;

(6) [BURGLARY] any state or federal drug offense, including violations of the Controlled Substances and Dangerous Drugs Act;

and

(7) [ROBBERY] any other misdemeanor or felony that the Board may consider in order to promote the public safety and welfare,

as well as the intent of the Act and these rules.

[(8) RAPE;]

[(9) THEFT;]

[(10) CHILD MOLESTING;]

[(11) SUBSTANCE ABUSE.]

(e) In determining whether a criminal conviction directly affects a person's present fitness [ACTIVITY], the Board shall consider the factors listed in Texas Occupations Code, Section 53.023. [CIVIL STATUTES, ARTICLE 6252-13C(4)(C)(1)-(6).]

(f) - (g) (No change.)

469.8. Rehabilitation Guidelines

(a) In the event of revocation or suspension of a license due to non-compliance with the rules of the Board and/or its ethical principles, the Board, in its discretion, may implement a plan of rehabilitation. The plan shall outline the steps the person must follow in order to be considered for relicensure or removal of suspension. Completion of the plan may lead to consideration of submission of an application for relicensure; removal of suspension; removal of supervision requirements. In the event the licensee has not met the Board's criteria for rehabilitation, the plan may be revised, expanded, and/or continued depending upon the progress of the rehabilitation program. The licensee, before beginning the options outlined in subsection (b), must address any outstanding or after-acquired complaints.

(b) The Board may follow one or more options in devising a rehabilitation program:

(1) The individual may be supervised in all or selected areas of activities related to his/her practice as a licensee by a licensed psychologist approved by the Board for a specified length of time.

(A) The Board will specify the focus of the supervision.

(B) The Board will specify the number of hours per week required in a face-to-face supervisory contract.

(C) The supervisor will provide periodic and timely reports to the Board concerning the progress of the supervisee.

(D) Any fees for supervision time will be the responsibility of the supervisee.

[(E) THE SUPERVISOR IS ACTING AS A 'FRIEND' OF THE BOARD. JUDGEMENTS OF THE SUPERVISOR ARE TO BE MADE INDEPENDENTLY AND WITHOUT REFERENCE TO BOARD OPINIONS.]

(2) - (4) (No change.)

469.13. Non-compliance with Continuing Education Requirements

(a) (No change.)

(b) Any licensee who has failed to submit proof of full compliance with "461.11 of this title (relating to Continuing Education) shall be referred to the [INVESTIGATION] Enforcement division pursuant to a complaint for non-compliance with "461.15 of this title (relating to Compliance with Act, Rules, Board Directives and Orders) on the forty-fifth day after the original renewal date for the license. The filing of a complaint under this provision shall be in addition to any penalties or requirements assessed by the licensing division for renewal.

469.14. Monitoring of Licensees

(a) The Compliance [DIVISION] Committee is responsible for monitoring licensees who are ordered by the Board to perform certain acts. The Compliance [DIVISION] Committee ascertains that the licensee performs the required acts within the designated time period.

(b) The Compliance [DIVISION] Committee is responsible for implementing the preventive approach of the Board to enforcement of the Act and the Rules of the Board by identifying and monitoring licensees who represent a risk to the public

469.15. Disciplinary Action for Persons with Dual Licensure

A disciplinary action taken by the Board against a licensee is considered a disciplinary action against all licenses that the licensee holds with the Board.

[471.2. RENEWAL FORMS

PSYCHOLOGICAL ASSOCIATE AND PROVISIONALLY LICENSED PSYCHOLOGIST RENEWAL FORMS SHALL CONTAIN A SPACE TO INDICATE CURRENT EMPLOYMENT SETTING. IF THE SETTING IS EXEMPT, AS DEFINED IN "501.004 OF THE PSYCHOLOGISTS' LICENSING ACT, THE SUPERVISOR'S SIGNATURE IS NOT NEEDED. ALL OTHER PSYCHOLOGICAL ASSOCIATE AND PROVISIONALLY LICENSED PSYCHOLOGIST RENEWAL FORMS MUST INCLUDE THE NAME AND SIGNATURE OF THE SUPERVISOR.]

471.2. Renewal Forms

Licensed psychological associates and provisionally licensed psychologists who do not practice in an exempt setting must include the name and license number of their supervisor on renewal forms. Licensed psychologists and licensed specialists in school psychology must list their supervisees on their renewal forms. Licensed psychologists must indicate on their renewal forms that they have updated their online profile information. All licensees should indicate their current employment setting on their renewal forms.

473.1. Application Fees (Not Refundable)

(a) Psychological Associate Licensure -- \$185 [\$180]

(b) Provisionally Licensed Psychologist -- \$335 [\$330]

(c) Licensure -- \$175 [\$170]

(d) Reciprocity -- \$475 [\$470]

(e) Licensed Specialist in School Psychology -- \$215 [\$210]

473.3. Annual Renewal Fees (Not Refundable)

(a) Psychological Associate Licensure --\$91 [\$90]

(b) Psychological Associate Licensure over the age of 70 -- \$16 [\$15]

(c) Provisionally Licensed Psychologist -- \$86 [\$85]

(d) Provisionally Licensed Psychologist over the age of 70 -- \$16 [\$15]

(e) Psychologist Licensure -- \$181 [\$180]

(f) Psychologist Licensure over the age of 70 -- \$16 [\$15]

(g) Psychologist Health Service Provider Status -- \$21 [\$20]

(h) Psychologist Health Service Provider status over the age of 70 – No Fee

(i) Licensed Specialist in School Psychology -- \$34 [\$33]

(j) Licensed Specialist in School Psychology over the age of 70 -- \$14 [\$13]

Wanted: I & O Psychologists!

The Board is seeking licensed psychologists who specialize in industrial and organizational psychology to serve as Oral Examiners. If you would like to know more about the qualifications to become an examiner and are interested in this kind of service to the Board and the profession, please contact Brian Creath, Executive Assistant, at the Board Office.