

Changes to the Psychologists' Licensing Act as a Result of Sunset Review

Many licensees inquire as to why renewal fees are so high. The Board is well aware of the high fees that its licensees pay and points this out to the Legislature in the agency's public testimonies and its biannual appropriation requests to the Legislature.

The 79th Texas Legislature took the advice of the Texas Sunset Advisory Commission and continued the Texas State Board of Examiners of Psychologists as an independent state agency for 12 more years.

Early in the process, staff of the Commission recommended that the Board be combined with some other health licensing agencies, but this was not the final recommendation of the Sunset Commission. The Board in its response to the review testified that it has proven itself to be an efficient and effective mechanism for protecting the public and regulating the practice of psychology in the state. Further, it maintained that consolidation could not be expected to improve on this record.

Another recommendation of the Commission was to eliminate the Oral Examination as a requirement for independent licensure as a psychologist. The Board did not support this recommendation and countered the arguments that were offered in support of the exam's elimination. The result was that the final form of the legislation was to keep the Oral Exam requirement intact.

However, there were various important changes to the Act by the Sunset legislation. All licensees are encouraged to read the legislation for themselves, as well as the analysis, that is available at www.capitol.state.tx.us. The bill is House Bill 1015 by Representative Vickie Truitt.

The Board can be expected to pass rules to implement the new requirements in the Act in the next few months.

A few of those changes in the legislation that are most important are as follows.

(1) The Board is mandated to establish a Work Group on the Oral Examination to improve the consistency of the administration and objectivity of the exam. The Work Group is given specific tasks to accomplish and is required to report biennially to the Board. The Board is directed to modify the exam as necessary based on the Work Groups recommendations.

(2) The Board is allowed to issue a temporary license to persons who are licensed in another state and who wish temporary privileges to practice in this state provided that certain conditions are met, including supervision.

- (3) The Governor is given authority to designate the Board Chair.
- (4) The Board is given the authority to conduct Texas Department of Public Safety criminal record checks on all licensees quarterly.
- (5) The Board is given authority to approve continuing education courses that have been developed or approved by national and state associations of licensees or other mental health practitioners and by institutions of higher education.
- (6) The Psychological Associate Advisory Committee is abolished.
- (7) The Board is required to have provisions for negotiated rulemaking and for soliciting comments from affected parties.

The Board is concerned that it was not provided with additional funding to enable it to make the programming changes that are necessary to implement these changes. Additionally, its overall budget was reduced by 5% over the appropriations it was given in the previous biennium, thereby further curtailing the Board's ability to operate, much less to make new required changes. This will remain a challenge for the Board to address in the next biennium.

As a final note, the Board wishes to thank all licensees who have taken the time and made the effort to contact their legislators regarding this important Sunset legislation.