

TSBEP Newsletter

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Renewal Fees Raised to Fund State Employee Pay Increase

The Legislature mandated that classified state employees would receive increases in salaries at a rate of 4% in fiscal year 2006 and by 3% in fiscal year 2007.

Additionally, the Legislature granted a salary increase for the Executive Director of this agency, the first since 1999.

Regulatory agencies, unlike other types of agencies, were required to pay for these salary increases for their employees by raising fees over and above the Comptroller's Biennial Revenue Estimate for each regulatory agency.

In order to meet this mandate, the Board has raised the renewal fees for licensed psychologists by \$6 per year and licensed psychological associates, provisionally licensed psychologists, and licensed specialists in school psychology by \$5 per year. These renewal fee increases went into effect September 1, 2005.

Other recent raises in renewal fees were for the following, as mandated by the Legislature. In 2004 the renewal fees were raised by \$1 to fund the Office of Patient Protection. In 2002, the renewal fees were raised by \$5 or \$3 to fund the Texas Online service of online renewal.

New and Amended Rules

463.1 Types of Licensure.

(1)-(2) No change.

(3) Provisionally Licensed Psychologist. This is a doctoral level license to practice psychology under the supervision of a licensed psychologist. This license is a prerequisite for licensure as a psychologist. Requirements for provisionally licensed psychologist are found in 463.10 of this

title (relating to Provisionally Licensed Psychologist) and 463.14 of this title. An individual who is provisionally licensed in accordance with rule 463.10(c) and who is currently licensed to independently practice psychology in another state may practice without supervision after submission of an application for licensure as a psychologist to the Board. Upon notification from the Board that such an applicant has not met the qualifications for licensure as a psychologist, the provisionally licensed psychologist must obtain supervision within 30 days in order to continue to practice.

(4) No change.

~~461.31. Psychological Associate Advisory Committee (the PAAC)~~

~~The PAAC is an advisory committee to the Board. In compliance with Texas Government Code, Title 10, Chapter 2110, pertaining to state agency advisory committees, the following provisions are established by rule.~~

~~(1) The PAAC's purpose is to develop and recommend for Board consideration rules pertaining to psychological associates, as provided in Subchapter H, Psychological Associate Advisory Committee of the Act.~~

~~(2) The PAAC's function is to develop and recommend rules to the Board pertaining to the following areas, which are demarcated in "501.357 of the Act:~~

~~(A) the license qualifications for licensed psychological associates;~~

~~(B) the supervision requirements for licensed psychological associates practicing less than five years;~~

~~(C) the permitted activities and services within the practice of licensed psychological associates;~~

~~(D) the schedule of disciplinary actions required by "501.404 of the Act that apply to licensed psychological associates;~~

~~(E) the continuing education requirements for licensed psychological associates;~~

~~(F) the proportional billing guidelines for services rendered by licensed psychological associates with less than five years experience; and~~

~~(C) the guidelines, including additional educational requirements, for practice with minimal supervision for licensed psychological associates with five or more years of experience.~~

~~(3) The PAAC reports directly to the Board. The PAAC shall designate one of its members to present a recommended rule, the PAAC's rationale for the rule, and any supporting materials, to the Board either orally or in writing at a regularly scheduled meeting of the Board.~~

~~(4) In conjunction with the agency's budgeting process, the Board shall annually evaluate the PAAC on measures required by Chapter 2110.006 of the Government Code.~~

~~(5) The abolition date for the PAAC is set for September 1, 2005.~~

463.10. Provisionally Licensed Psychologist

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

(c) An applicant for provisional licensure as a psychologist who is accredited by CPQ or the National Register or who is a specialist of ABPP will have met the following requirements for provisional licensure: submission of an official transcript which indicates the date the doctoral degree in psychology was awarded or conferred, submission of documentation of the passage of the national psychology examination at the doctoral level at the Texas cut-off score, and submission of three acceptable reference letters. All other requirements for provisional licensure must be met by these applicants. Additionally, these applicants must provide documentation sent directly from the qualifying entity to the Board office declaring that the applicant is a current member in the organization and has had no disciplinary action from any state or provincial health licensing board.

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

~~(a) An applicant who provides documentation that the applicant is ~~has been~~ actively licensed and in good standing as a psychologist in another jurisdiction ~~for at least 5 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 (apart from disciplinary action related to Continuing Education) 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 accept or reject licensure for persons holding the CPQ credential.~~

463.24. Oral Examination Work Group

(a)The Board establishes a work group of oral examination consultants for the purpose of improving the consistency of the administration and the objectivity of the examination. Qualifications of the consultants are set by Board rule 463.23. Members of the work group must be approved by the board or its designee.

(b)The work group will include persons interested in or affected by the regulation of the practice of psychology, including faculty members of college or university psychology departments and licensees with varying levels of experience.

(c)The work group shall:

(1)review audiotapes of passed or failed examinations;

(2)review analyses of the performance of persons who failed the examination provided under Section 501.256(e);

(3)assess scoring criteria and clinical scenarios used in the administration of the examination;

(4)recommend improvements to standardize the administration of the examination; and

(5)conduct other appropriate tasks.

(d)The Chair of the Work Group will be appointed by the Board from among the consultants. The Chair will call the meetings of the consultants and direct the work group's activities.

(e)The Chair of the Board's Oral Examination Committee will serve as the Board's liaison to the oral examination work group. This Board member will communicate the mission, goals and tasks to the work group. This Board member will serve as a resource to the work group but will not directly participate in the evaluation of the oral examination. This Board member will be responsible for ensuring that the recommendations of the work group approved by the Board are implemented.

(f)The work group will report at least biennially to the board the group's recommendations for improving the consistency of the administration and objectivity of the oral examination. The board will modify the oral examination, as necessary, based

on the work group's recommendations for the next administration of the oral examination.

(g)The first report of the work group must be submitted to the board no later than January 2006. Necessary modifications to the oral examination based on the recommendations of the work group must be made to the exam by the January 2007 examination.

470.2. Definitions. The following words and terms, when used in this chapter,

shall have the following meanings, unless the context clearly indicates otherwise;

(1) – (12) (No change.)

(13)Disciplinary Review Panel--Committee appointed by the Chair,including at least one public member, to conduct informal settlement conferences concerning disciplinary actions and to make recommendations to the Board.

(14)–(26) (No change.)

470.21. Disciplinary Guidelines

(a)Purpose. The Purpose of the guidelines is to:

(1)-(3) (No change.)

(b)Limitations. The board shall render the final decision in a contested case and has the responsibility to assess sanctions against licensees who are found to have violated the Act. The board welcomes recommendations of administrative law judges as to the sanctions to be imposed, but the board is not bound by such recommendations. A sanction should be consistent with sanctions imposed in other similar cases and should reflect the board's determination of the seriousness of the violation and the sanction required to deter future violations. A determination of the appropriate sanction is reserved to the board. The appropriate sanction is not a proper finding of fact or conclusion of law. This chapter shall be construed and applied so as to preserve board member discretion in the imposition of sanctions and remedial measures pursuant to the Act's provisions related to methods of discipline and administrative penalties. This chapter shall be further construed and applied so as to be consistent with the Act, and shall be limited to the extent as otherwise proscribed by statute and board rule. This rule will be construed and applied so as to preserve Board members' discretion in the imposition of sanctions and remedial matters pursuant to Psychologists' Licensing Act, Subchapters I and K. This rule shall be further

~~construed and applied so as to be consistent with the entire Psychologists' Licensing Act and shall be limited to the extent as otherwise proscribed by state law and Board rule.~~

(c)Revocation. The Board shall revoke the license of any licensee if the Board determines that the continued practice of psychology by the licensee poses a harm to the public. Licensees who violate the following Board rules shall be subject to revocation without reference to subsections (e) through ~~(g)~~ ~~(i)~~ of this section:

(1)465.13(b)(3) and (b)(6) pertaining to certain forms of sexual impropriety with current patients;

(2)465.33(d) as it pertains to sexual relations, defined in 465.33(c), with current patients; and

(3)469.7(d)(5), (d)(8), and (d)(10) pertaining to certain felony convictions and judgments. ~~judgements~~

(d)-(g) (No change.)

~~(h)Aggravation. The following may be considered as aggravating factors so as to merit more severe or restrictive sanction or action by the Board:~~

~~(1)Patient harm and the type and severity thereof;~~

~~(2)Economic harm to any individual or entity and the severity thereof;~~

~~(3)Increased potential for harm to the public;~~

~~(4)Attempted concealment of misconduct;~~

~~(5)Premeditated conduct;~~

~~(6)Intentional misconduct;~~

~~(7)Prior written warnings or written admonishments from any supervisor or governmental agency or official regarding statutes or regulations pertaining to the licensee's practice of psychology;~~

~~(8)Prior misconduct of a similar or related nature;~~

~~(9)Disciplinary history;~~

~~(10)Likelihood of future misconduct of a similar nature;~~

~~(11)Violation of a Board order;~~

~~(12)Failure to implement remedial measures to correct or alleviate harm arising from the misconduct;~~

~~(13)Lack of rehabilitative potential;~~

~~(14)Motive; and;~~

~~(15) Any relevant circumstances or facts increasing the seriousness of the misconduct.~~

~~(i) Extenuation and Mitigation. The absence of the circumstances listed as subsection (g) (1)-(10) of this section, as well as the presence of the following factors, may be considered as extenuating and mitigating factors so as to merit less severe or less restrictive sanctions or actions by the Board:~~

~~(1) Self-reported and voluntary admissions of misconduct;~~

~~(2) Implementation of remedial measures to correct or mitigate harm arising from the misconduct;~~

~~(3) Motive;~~

~~(4) Rehabilitative potential;~~

~~(5) Prior community service;~~

~~(6) Relevant facts and circumstances reducing the seriousness of the misconduct; and,~~

~~(7) Relevant facts and circumstances lessening responsibility for the misconduct.~~

470.22. Schedule of Sanctions

(a) These disciplinary sanction guidelines are designed to provide guidance in assessing sanctions for violations of the Psychologists' Licensing Act and Board Rules of conduct. The ultimate purpose of disciplinary sanctions is to protect the public, deter future violations, offer opportunities for rehabilitation if appropriate, punish violators, and deter others from violations. These guidelines are intended to promote consistent sanctions for similar violations, facilitate timely resolution of cases, and encourage settlements.

(1) The standard sanctions outlined below shall apply to cases involving a single violation of the Act, and in which there are no aggravating or mitigating factors that apply. The board may impose more restrictive sanctions when there are multiple violations of the Act. The board may impose more or less severe or restrictive sanctions, based on any aggravating and/or mitigating factors listed in §470.23 of this chapter (relating to Aggravating and Mitigating Factors) that are found to apply in a particular case.

(2) The standard and minimum sanctions outlined below are applicable to first time violators. The board shall consider more severe sanctions if the person is a repeat offender.

(3) The maximum sanction in all cases is revocation of the license, which may be accompanied by an administrative penalty of up to \$1,000 per violation. In accordance with §501.452 of the Act, each day the violation continues is a separate violation.

(4) Each violation constitutes a separate offense, even if arising out of a single act.

(5) If the licensee acknowledges a violation and agrees to comply with terms and conditions of remedial action through an agreed order, the standard sanctions may be

reduced. Furthermore, additional, case-specific conditions may be introduced in an agreed order.

(6) Failure to list a type of violation or Board Rule in this rule does not enjoin or prevent the Board from taking disciplinary action for such a violation.

(b) The following standard sanctions shall apply to violations of the Act and Rules:

(1) Reprimand, assessment of up to \$1,000 in administrative penalties per violation per day, administrative costs, and continuing education in the appropriate areas for the following offenses:

(A) repeated failure to timely report continuing education [461.11];

(B) basic supervision violation [Rule 465.2];

(C) advertising or specialty title violations [Rule 465.6];

(D) informed consent [Rule 465.11];

(E) misuse of professional services by a third party [Rule 465.14];

(F) fee and third party financial arrangements [Rule 465.15];

(G) technical teaching violations [most of Rule 465.19];

(H) technical research violations [Rule 465.20(a)];

(I) records violations [Rule 465.22];

(J) providing services to those served by others [Rule 465.34];

(K) technical violation of some other law pertaining to the practice of psychology [Rule 465.37];

(L) technical violations of supervision rules and other laws pertaining to school psychology [Rule 465.38]; and

(M) failure to post complaint notice or inform another about the Board's complaint process [Rule 469.2].

(2) Probated suspension, monitoring of professional practice by independent professional, assessment of up to \$1,000 in administrative penalties per violation per day, administrative costs, and continuing education in the appropriate areas for the following offenses:

(A) employment of unlicensed and non-exempt individuals [Rule 465.4];

(B) one-time incompetence, including violations related to evaluations, testing, use of professional judgment, forensic services, or treatment plans [includes Rules 465.9, 465.10, 465.16, 465.17, 465.18, and 465.25];

(C) breach of confidentiality [Rule 465.12];

(D)sexual harassment of any type [Rule 465.33(c)];

(E)dual relationships, conflicts and personal problems [Rule 465.13];

(F)improper termination, abandonment of clients, and disposition of a professional practice [Rules 465.21 and 465.32]; and

(G)failure to remedy or report a violation of the Rules by another [Rule 465.35].

(3)Actual suspension for a period of time, followed by a period of probated suspension with the terms and conditions outlined in paragraph (2) for the following offenses:

(A)Sexual relationship with prohibited classes other than current patients (former patients, students, supervisees) or any type of sexual impropriety [Rule 465.33];

(B)Commission of a crime listed in Board Rule 469.7, other than those that lead to automatic revocation as outlined in Rule 470.21;

(C)Use of alcohol or drugs in a way that impairs professional competency, as outlined in Section 501.401(3) of the Act; and

(D)Failure to abide by a Board order, as outlined in Rule 461.15.

(4)The types of violations that would automatically lead to revocation are enumerated in Rule 470.21 and are not subject to aggravating or mitigating circumstances. These offenses include sexual relationships with current patients, severe criminal offenses, and fraud in obtaining a license.

470.23. Aggravating and Mitigating Circumstances

(a)Aggravation. The following may be considered aggravating factors meriting more severe or restrictive sanctions or actions by the Board.

(1)Patient harm and the type and severity thereof;

(2)Economic harm to any individual or entity and the severity thereof;

(3)Increased potential for harm to the public;

(4)Attempted concealment of misconduct;

(5)Premeditated conduct;

(6)Intentional misconduct;

(7)Prior written warnings or written admonishments from any supervisor or governmental agency or official regarding statutes or regulations pertaining to the licensee's practice of psychology;

(8)Prior misconduct of a similar or related nature;

(9) Disciplinary history;

(10) Likelihood of future misconduct of a similar nature;

(11) Violation of a Board order;

(12) Failure to implement remedial measures to correct or alleviate harm arising from the misconduct;

(13) Lack of rehabilitative potential;

(14) Motive; and

(15) Any relevant circumstances or facts increasing the seriousness of the misconduct.

(b) Extenuation and Mitigation. The absence of the circumstances listed as subsection (a) (1)-(15) of this section, as well as the presence of the following factors, may be considered as extenuating and mitigating factors so as to merit less severe or less restrictive sanctions or actions by the Board:

(1) Self-reported and voluntary admissions of misconduct;

(2) Implementation of remedial measures to correct or mitigate harm arising from the misconduct;

(3) Motive;

(4) Rehabilitative potential;

(5) Prior community service;

(6) Relevant facts and circumstances reducing the seriousness of the misconduct; and

(7) Relevant facts and circumstances lessening responsibility for the misconduct.

473.3. Annual Renewal Fees (Not Refundable)

(a) Psychological Associate Licensure -- ~~\$96~~ \$91

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

(c) Provisionally Licensed Psychologist-- ~~\$91~~ \$86

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

(e) Psychologist Licensure-- ~~\$187~~ \$181

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

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

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

(i)Licensed Specialist in School Psychology -- ~~\$39~~ \$34

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