

Texas State Board of Examiners of Psychologists

Newsletter Vol. 30, No. 1

Do You Know Where Your License Is?

The Board issues almost 700 new licenses on average each year. All of these licenses are the product of years of intensive education, training, and hard work. So you can imagine the baffled nature of Board members and staff when a license is returned to the Board's office as a result of the licensee failing or refusing to pick up the license from the post office. Presently, the Board has almost 200 calligraphy licenses sitting in its office which were either returned by the post office due to problems with the address, or simply were not claimed by the licensee when notified by the post office.

The Board would like to remind those licensees who have not obtained their calligraphy license of the requirements set forth in Board rule 465.7. According to this rule, licensees are required to display their calligraphy license and current renewal permit in a conspicuous place in the principal office where the licensee practices. Failure to do so could result in a complaint being filed against the licensee.

The Board would also like to remind licensees of their duty to keep their professional file updated pursuant to Board rule 461.6, by reporting any changes to their address and phone number within 90 days. Licensees wishing to update their address or telephone number on file with the Board, should download the *Change of Name or*

Address Form from the Board's website, and submit the form to the Board's office by mail, fax, or email. There is no charge associated with changing an address or phone number.

In the event you never received your original calligraphy license and would like to know whether it was returned to the Board's office, you may email the licensing coordinator for your license type and inquire whether the Board is in possession of your license. Those email addresses can be found in the Staff Directory on the Board's website. Please do not call the Board's office with these inquiries. Any licensee requesting the Board to resend one of the licenses returned to it should ensure that his or her address of record is correct, and must pay a \$10 remailing fee before the license will be mailed. The remailing fee will cover the costs of sending the license by certified mail, and is significantly cheaper than requesting a replacement calligraphy license (\$25). All unclaimed original calligraphy licenses still in the Board's possession after August 31, 2016 will be destroyed. Any licensee wishing to obtain his or her original license after that date will need to order a replacement.

New LSSP Licensing Coordinator and Renewal Coordinator

The Board's long time LSSP Licensing Coordinator, Ms. Carol Erickson, has announced her retirement as of July 31,

2016. Ms. Erickson has been with the Board more than 17 years, over 15 of which she served as the LSSP Licensing Coordinator. Her dedication and service will be missed by Board members and staff alike, but we wish her well in her retirement.

The Board has selected Mr. Alfonso Fernandez, the Board's current Renewal Coordinator, to fill the vacancy left by Ms. Erickson's retirement. Mr. Fernandez will continue to assist with license renewal until the Board can hire and train a replacement Renewal Coordinator, but his primary duties will be those of the LSSP Licensing Coordinator.

During this transition, the Board asks that all licensees whose renewal dates fall in July, August, or September of this year make every effort to renew their license online during normal business hours and well in advance of the deadline. Licensees are encouraged to renew their license online at least 15 days in advance of their renewal date to ensure staff are available to assist them with any problems they may encounter. Licensees who wait until the renewal deadline, or shortly before to begin the online renewal process may find that staff are unavailable to assist them on such short notice.

In the event a licensee is unable to renew a license online prior to the renewal deadline, the licensee should download and mail a renewal form, along with the correct renewal fee, to the Board's office instead. This will ensure the licensee does not incur a late renewal fee. To avoid any such late fees, renewal forms and fees received in the Board's office must be postmarked on or

before the renewal deadline. The Board's renewal form is available for download on its website at www.tsbep.texas.gov/form-bank.

Noteworthy Rule Changes Adopted at the February and May 2016 Board Meetings

The following summaries reflect important rule changes adopted at the February and May Board meetings of this year. While meant to highlight the more significant changes adopted, this article is not intended to serve as a comprehensive list of each rule change adopted at those meetings.

Licensees, applicants, and members of the public should not rely solely upon this article for an explanation of all the changes adopted at either meeting, and remain responsible for compliance with the Board's rules, regardless of whether an applicable rule change appears in this article or not. For the most current version of the Board's rules, please consult [Title 22, Part 21 of the Texas Administrative Code](#). Unless stated otherwise within the body of the rule, adopted changes generally become effective 20 days after the date on which they are filed in the office of the secretary of state.

FEBRUARY 25, 2016 BOARD MEETING

463.8 Licensed Psychological Associate

This rule was amended such that, effective September 1, 2017, the 450 hours of supervised experience required for licensure must have been obtained as part of a course of study from a regionally accredited institution of higher education. The rule was also amended to expand the number of degrees eligible for licensure under the rule

from masters degree only, to any graduate degree.

463.9 Licensed Specialist in School Psychology

This rule was amended primarily in order to clarify and consolidate the requirements for licensure as a specialist in school psychology into one rule. The rule changes did not make any significant changes to licensing criteria, however, effective September 1, 2017, the number of hours of weekly supervision for interns will increase from one hour to two. Compare the penultimate sentence in subsection (c)(1) with subsection (c)(2)(I). Additionally, several licensing criteria found originally in Board rule 465.38, were imported into this rule with this change. This was done in an effort to group related provisions under the same rule, i.e. licensing criteria under 463.9, supervision standards under 465.2, and practice standards under 465.38.

463.10 Provisionally Licensed Psychologist

Separate and apart from a structural cleanup of this rule, the most significant change adopted in this rule was subsection (d), which pertains to the newly created trainee status for provisional applicants. Based upon the requirement set forth in Board rule 461.10 that either a license or trainee status is necessary to practice psychology in Texas in non-exempt settings, effective September 1, 2016, any individual engaged in the delivery of psychological services as part of their post-doctoral year of supervised experience, must apply for provisional licensure with the Board and receive his or her provisional trainee status, i.e. be

approved to sit for the EPPP and Jurisprudence exams. Any post-doctoral experience obtained without a license, trainee status, or exemption within this state will be considered the unlawful practice of psychology and cannot be considered for licensure purposes.

463.11 Licensed Psychologist

Several significant rule changes were adopted regarding this rule. The first change is a shift from requiring *2 years* of supervised experience for full licensure, to requiring a minimum of *3,500 hours* of supervised experience. With certain exceptions, at least 1,750 hours must be obtained as a provisional trainee or provisionally licensed psychologist (i.e., post-doctoral year), and at least 1,750 hours must be obtained through a formal internship that is part of the doctoral degree program. See Board rule 463.11(d). Each period of supervised experience must be obtained in not more than 24 consecutive months. See Board rule 463.11(d)(1)(A).

The rule changes adopted also greatly revise the “Gap rule,” i.e. the rule governing gaps in supervised experience, and expand the number of accredited internships recognized. With regard to the Gap rule, waivers are no longer necessary for any gaps occurring within a period of supervised experience, so long as the period of supervised experience (i.e., pre-doctoral internship or post-doctoral year) is completed within 24 consecutive months. Rather, the new Gap rule focuses on gaps between the conferral date of the degree and the post-doctoral year, and the completion date of the post-doctoral year and the date of

application for licensure. See Board rule 463.11(d)(1)(B). With regard to the expansion of accredited internships recognized, the new rule now includes not only APA accredited internships, but those accredited by the Canadian Psychological Association (CPA), as well as those which are members of APPIC. See Board rule 463.11(d)(2)(A).

The rule changes also added a new section concerning licensure following retraining, whereby applicants who did not take part in a pre-doctoral internship are afforded the opportunity to obtain full licensure once they have completed a formal retraining program. See Board rule 463.11(d)(4).

Lastly, the effective date of these rule changes is September 1, 2017. However, until that date the current rules will continue to apply. See Board rule 463.11(e).

465.1 Definitions

This rule was amended to make several changes to the various definitions set forth in the rule, but one significant change was to the definition of “Forensic psychological services.” This definition was changed to make clear that forensic psychological services do not include evaluations, proceedings, or hearings under the Individuals with Disabilities Education Improvement Act (IDEIA).

465.2 Supervision

Several significant changes were adopted regarding this rule. First and foremost, any reader familiar with this rule will notice the markedly different structure and organization of the rule. The complete

reorganization of this rule, together with the importing of supervision requirements from other rules should serve to put a reader on notice to pay careful attention to the changes made to this rule. The rule has been organized into four distinct subsections. Subsection (a) contains those supervision requirements generally applicable to all supervisory relationships; subsection (b) contains those supervision requirements applicable to supervisory relationships involving students, interns, residents, fellows, and trainees; subsection (c) contains those supervision requirements applicable to supervisory relationships involving PLPs and LPAs; and subsection (d) contains those supervision requirements applicable to supervisory relationships involving LSSP interns and trainees.

Many of the generally applicable supervision requirements set forth in subsection (a) have simply been carried over from the previous version of the rule, or imported from other rules to provide for a more intuitive grouping of supervision standards. However, some new requirements were adopted as well. Such noteworthy additions include the provisions related to remote or electronic supervision set forth in subsection (a)(7), and the duty to include the dates, times, and length of supervision when documenting supervision activities set forth in (a)(9).

With regard to subsection (b), many of the requirements set forth in this portion of the rule have simply been carried over from the previous version of the rule, or imported from other rules. Some notable changes adopted however include the ability of

supervisors practicing under a restricted license to provide supervision in limited situations, if approved by the Board in advance (see (b)(3)); the duty to document a supervisee's performance and provide that documentation to the supervisee (see (b)(4)); and the duty of supervisors to provide at least one hour of supervision per week to provisional trainees (See (b)(6)).

With regard to subsection (c), the most notable and important change is the requirement that supervisors provide at least one hour of individual supervision each week. The one hour requirement may be reduced, on a proportional basis, for any supervisees who work on a part-time basis. This requirement was effective May 5, 2016.

With regard to subsection (d), many of the requirements set forth in this portion of the rule were imported from Board rule 463.9 or 465.38. Some notable changes adopted however include the repeal of the requirement that LSSPs practice under supervision for the first year following licensure; the requirement that LSSP trainees receive at least one hour of supervision per week (see (d)(1)); the requirement that LSSP supervisors have three years of independent practice experience before being qualified to serve as a supervisor (see (d)(2)); the duty of supervisors to sign certain educational documents (see (d)(3)); the duty to document all supervision sessions and include certain information in the supervision documentation (see (d)(4)); and the duty to ensure that certain procedural safeguards are in place to guard against

misuse or abuse of supervisees (see (d)(5)-(6)).

465.38 Psychological Services for Public Schools

Several changes were adopted regarding this rule, those changes ranging from structural to substantive. The most notable change adopted was subsection (g) pertaining to informed consent. This change makes clear that parental consent obtained in accordance with the Individuals with Disabilities Education Improvement Act and U.S. Dept. of Education rules will satisfy informed consent requirements under the Board's rules, and that no additional or separate consent is required. See Board rule 465.38(g).

469.11 Legal Actions Reported and Reciprocal Discipline

This rule was amended in two important aspects. First, licensees are no longer required to report arrests, but instead need only report any conviction, sentence, dispositive agreement, or order placing the licensee on community supervision or pretrial diversion. Any report must be made in writing within 30 days of the underlying event. See Board rule 469.11(a)(1). Second, a licensee's duty to report administrative or disciplinary actions initiated against the licensee by other health regulatory agencies was expanded to include any agency or office within the federal government. This change goes on to require the licensee to supplement his or her report with a copy of any order, letter or determination setting forth the final

disposition of the matter. See Board rule 469.11(a)(4).

MAY 26, 2016 BOARD MEETING

461.10 License Required

This rule was amended to clarify that the activities or services of a post-doctoral fellow or resident in psychology are exempt from the Board's jurisdiction (i.e. licensure requirements) under Section 501.004(a)(2) of the Psychologists' Licensing Act if the individual is (1)enrolled in a formal post-doctoral program, (2)under the supervision of a psychologist, and (3)designated by a title reflecting his or her supervisory status.

465.39 Emergency Rule – LSSP Supervisor Qualifications

This emergency rule was adopted to ensure that LSSP supervisors who were qualified to provide supervision under the previous version of Board rule §465.38(5), but who are not qualified under current Board rule 465.2(d)(2), will be able to continue providing supervision to students and interns who are currently enrolled in school psychology training programs and undergoing the supervised experience necessary for licensure under Board rule §463.9. While the emergency rule will expire on August 31, 2016, the expiration will not affect the validity of any supervised experience acquired from a supervisor qualified under the rule.

469.13 Non-Compliance with Professional Development Requirements

This rule was amended to make clear that when submitting proof of professional

development hours in connection with a renewal, a licensee must show that the professional development hours were obtained during the renewal year, rather than the 45 day grace period following the renewal deadline. With this amendment, CE complaints will no longer be dismissed when it is shown by a licensee that the requisite professional development hours for a specific renewal year were obtained during the 45 day grace period following that renewal year. In the event a licensee fails to obtain the requisite professional development hours during his or her renewal year, a CE complaint will be opened against the licensee and the licensee must choose to:

1. pay a \$500 administrative fee (not considered disciplinary action and available one-time only), following receipt of which the complaint will be dismissed;
2. accept an agreed order of disciplinary action, e.g. \$750 administrative penalty, reprimand;
3. proceed to an informal settlement conference; or
4. resign his or her license in lieu of further adjudication.

This rule change will not alter the Board's ability to dismiss CE complaints opened against licensees who obtain the requisite professional development hours during their renewal year, but who simply fail to report the hours in connection with their renewal.

**TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS DISCIPLINARY SANCTIONS RATIFIED AT THE
MAY 26, 2016 BOARD MEETING**

NAME	CITY	NATURE/INFRACTION	DISCIPLINARY ACTION	DATE
Busick, Carole Ann, Ph.D.	Houston	Violation of Tex. Penal Code § 37.10 and failure to comply with a Board order.	Revocation.	05/26/16
LeFan, James Holland, Ph.D.	Austin	Provided psychological services outside of a defined relationship and failed to provide appropriate information about the change in the nature of services to clients.	Probated suspension, administrative penalty, and additional professional development.	05/26/16
Lilly, Bobbie L Hart, Ph.D.	Cleburne	Failed to report a complaint on another health license.	Reprimand, administrative penalty, and additional professional development.	05/26/16
Reitman, E. Edward, Ph.D.	Houston	Report failed to identify the limits of certainty with which judgments were made.	Administrative penalty and professional development.	05/26/16
Ruiz, Diana Delinda, Ph.D.	Los Fresnos	Failure to provide timely the required professional development.	Administrative penalty and professional development.	05/26/16