

BILL ANALYSIS

C.S.H.B. 1015
By: Truitt
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas State Board of Examiners of Psychologists (Board) was created in 1969 by the 61st Legislature to regulate the profession of psychology. To accomplish its mission, the Board licenses qualified psychologists, provisionally licensed psychologists, psychological associates, and specialists in school psychology; ensures compliance with the Psychologists' Licensing Act and Board rules by investigating and resolving complaints and taking disciplinary action when necessary; and providing information to licensees and the public.

The Psychology Board is subject to the Sunset Act and will be abolished on September 1, 2005, unless continued by the Legislature. As a result of its review of the Psychology Board, the Sunset Advisory Commission recommended continuation of the agency and several statutory modifications that are contained in this legislation.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Examiners of Psychologists in SECTION 15, SECTION 16 and SECTION 20 of this bill.

ANALYSIS

Continuation of the Board

C.S.H.B. 1015 continues the Texas State Board of Examiners of Psychologists until September 1, 2017.

Licensing Process

C.S.H.B. 1015 prohibits the Board from evaluating applicants' personal characteristics during its oral examination for licensure of psychologists. The bill also requires the Board to define by rule the standards used to determine the passage of the oral exam and establish a working group to periodically evaluate and suggest improvements to the oral exam. The bill authorizes the Board to issue a temporary license to a psychologist licensed in another state for a limited time and purpose. The bill streamlines the licensing process for applicants already licensed for independent practice in another state by prohibiting the Board from restricting the issuance of a psychologist or provisional license based on the number of years the applicant has practiced independently, authorizing provisional license holders to practice without the supervision of a psychologist while the Board processes their application, and authorizing the Board to accept national credentials as the basis for issuing a provisional license. The bill also authorizes the Board to approve continuing education courses that are developed or approved by accepted third-party providers.

Enforcement Process

C.S.H.B. 1015 requires the Board to prioritize and investigate complaints based on the severity of alleged conduct and degree of harm to public health and safety and to adopt a schedule of sanctions that matches the severity of the sanction to the type of violation. The Board must also have at least one public member of the Board be present at all informal settlement conferences and must analyze complaints to identify trends and issues related to violations. The bill updates

standard Sunset across-the-board language requiring the Board to maintain information on written complaints and notify parties about policies for and status of complaints.

Enforcement Tools

C.S.H.B. 1015 provides for the Board to submit information about its licensees to the Department of Public Safety for quarterly criminal record checks. The bill also authorizes the Board to order licensees to refund up to the amount the person paid for services as part of an agreement resulting from an informal settlement conference.

Stakeholder Input in Rule Development Process

C.S.H.B. 1015 abolishes the Psychological Associate Advisory Committee and instead requires the Board to seek input from all licensee groups and stakeholders early in its rule development process. The bill also adds standard Sunset across-the-board language requiring the Board to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution.

Conflict of Interest and Board Member Provisions

C.S.H.B. 1015 updates standard Sunset across-the-board language prohibiting Board members and high-level employees, and spouses from serving as an officer or employee of a related Texas trade association. The bill adds standard Sunset language requiring the Governor to designate the Board's presiding officer. The bill updates standard Sunset language requiring Board members to complete training before assuming their duties, and to separate its policymaking duties from the agency's management functions. The bill also updates standard Sunset language specifying the grounds for removing a Board member.

Administrative Process

C.S.H.B. 1015 adds standard Sunset across-the-board language requiring the Board to make effective use of technology in its delivery of services and provision of information to the public.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute retains the Board's requirement for an oral examination for the licensure of psychologists that was removed in the original bill. The substitute adds language to prohibit the oral examination from assessing applicants' personal characteristics and requires the Board to define by rule the standards used to determine the passage of the oral examination. It also establishes a working group to periodically evaluate and suggest improvements to the oral examination.

The substitute adds a provision to authorize the Board to approve continuing education courses that are developed or approved by accepted third-party providers, including national and state associations that represent license holders, other mental health associations, and institutions of higher education.

The substitute removes a provision from the original bill that changed the basis of late license renewal from a licensing examination to the standard renewal fee.

The substitute makes a technical change to reflect a title change, from "diplomate" to "specialist," to conform to a new title for psychologists certified by the American Board of Professional Psychology.

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