

By: Laubenberg

H.B. No. 1546

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a psychologist to delegate certain acts to a person under the psychologist's supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 501, Occupations Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. PRACTICE BY PSYCHOLOGIST

Sec. 501.351. GENERAL AUTHORITY TO DELEGATE. (a) A psychologist may delegate to a qualified and properly trained person acting under the psychologist's supervision any psychological test or service that a reasonable and prudent psychologist could delegate within the scope of sound psychological judgment if the psychologist determines that:

(1) the test or service can be properly and safely performed by the person;

(2) the person does not represent to the public that the person is authorized to practice psychology; and

(3) the test or service will be performed in the customary manner and in compliance with any other law.

(b) The delegating psychologist remains responsible for the psychological test or service performed by the person to whom the test or service is delegated.

(c) The board may determine whether:

(1) a psychological test or service may be properly

1 and safely delegated under this section; and

2 (2) a delegated act constitutes the practice of
3 psychology under this chapter.

4 Sec. 501.352. PERFORMANCE OF DELEGATED ACT DOES NOT
5 CONSTITUTE PRACTICE OF PSYCHOLOGY. A person to whom a psychologist
6 delegates a psychological test or service under Section 501.351(a)
7 is not considered to be engaged in the practice of psychology
8 without a license unless the person acts with the knowledge that the
9 delegation and the action taken under the delegation violates this
10 chapter.

11 Sec. 501.353. LIMITATION ON BOARD RULES REGARDING
12 DELEGATION. The board may not adopt a rule that operates as an
13 absolute prohibition or restriction on the delegation of
14 psychological acts. The board shall promote a psychologist's
15 exercise of professional judgment to decide which psychological
16 tests and services may be safely delegated.

17 SECTION 2. This Act takes effect September 1, 2007.