

By: Gonzales

H.B. No. 3301

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and practice of psychological associates.

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

SECTION 1. Section 501.002(4), Occupations Code, is amended to read as follows:

(4) "Psychological associate" means a person licensed ~~[who holds a license]~~ to engage in the practice of psychology as a psychological associate ~~[issued]~~ under Section 501.252 ~~[501.259]~~.

SECTION 2. The heading to Section 501.252, Occupations Code, is amended to read as follows:

Sec. 501.252. APPLICATION FOR PSYCHOLOGIST OR PSYCHOLOGICAL ASSOCIATE LICENSE ~~[APPLICATION]~~.

SECTION 3. Section 501.252, Occupations Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) A person may not be licensed as a psychological associate unless the person:

(1) is provisionally licensed as a psychological associate under this chapter; and

(2) has had at least three years of supervised experience in the field of psychological services, one year of which may be as part of the master's program and at least two years of which began after the date the person's master's degree was conferred by an institution of higher education.

1 (c) For purposes of Subsections [~~Subsection~~] (b)(2) and
2 (b-1)(2), experience is supervised only if the experience is
3 supervised by a psychologist in the manner provided by the board's
4 supervision guidelines.

5 SECTION 4. Section 501.255(a), Occupations Code, is amended
6 to read as follows:

7 (a) An applicant may take an examination for a provisional
8 license if the applicant:

9 (1) is applying for a provisional license as a
10 psychologist and has received:

11 (A) a doctoral degree in psychology from a
12 regionally accredited educational institution conferred on or
13 after January 1, 1979; or

14 (B) a doctoral degree in psychology, or the
15 substantial equivalent of a doctoral degree in psychology in both
16 subject matter and extent of training, from a regionally accredited
17 educational institution conferred before January 1, 1979;

18 (2) is applying for a provisional license as a
19 psychological associate and has received a master's degree from a
20 regionally accredited educational institution with at least 45
21 hours of coursework in psychology;

22 (3) has attained the age of majority;

23 (4) [~~(3)~~] has good moral character;

24 (5) [~~(4)~~] is physically and mentally competent to
25 provide psychological services with reasonable skill and safety, as
26 determined by the board;

27 (6) [~~(5)~~] is not afflicted with a mental or physical

1 disease or condition that would impair the applicant's competency
2 to provide psychological services;

3 (7) [~~(6)~~] has not been convicted of a crime involving
4 moral turpitude or a felony;

5 (8) [~~(7)~~] does not use drugs or alcohol to an extent
6 that affects the applicant's professional competency;

7 (9) [~~(8)~~] has not engaged in fraud or deceit in making
8 the application; and

9 (10) [~~(9)~~] except as provided by Section 501.263, has
10 not:

11 (A) aided or abetted the practice of psychology
12 by a person not licensed under this chapter in representing that the
13 person is licensed under this chapter;

14 (B) represented that the applicant is licensed
15 under this chapter to practice psychology when the applicant is not
16 licensed; or

17 (C) practiced psychology in this state without a
18 license under this chapter or without being exempt under this
19 chapter.

20 SECTION 5. Section 501.259, Occupations Code, is amended to
21 read as follows:

22 Sec. 501.259. PRACTICE BY [~~LICENSING OF~~] PSYCHOLOGICAL
23 ASSOCIATE. (a) A psychological associate is not required to be
24 supervised by a psychologist [~~The board shall set standards for the~~
25 ~~issuance of licenses to psychological personnel who hold a master's~~
26 ~~degree from an accredited university or college in a program that is~~
27 ~~primarily psychological in nature~~].

1 (b) The board shall designate a person who holds a
2 psychological associate license [~~authorized by this section~~] by the
3 [a] title [~~that includes the adjective~~] "psychological associate."
4 [~~followed by a noun such as "associate," "assistant," "examiner,"~~
5 ~~or "technician."~~]

6 SECTION 6. The heading to Section 501.303, Occupations
7 Code, is amended to read as follows:

8 Sec. 501.303. RENEWAL OF EXPIRED LICENSE [~~BY OUT-OF-STATE~~
9 ~~PRACTITIONER~~].

10 SECTION 7. Section 501.303, Occupations Code, is amended by
11 amending Subsection (b) and adding Subsections (c) and (d) to read
12 as follows:

13 (b) A [The] person renewing a license under Subsection (a)
14 must pay to the board a fee that is equal to the amount of the
15 examination fee for the license.

16 (c) Except as provided by Subsection (d), the board may
17 renew without reexamination an expired psychological associate
18 license of a person who:

19 (1) was licensed as a psychological associate; and

20 (2) is currently licensed in good standing and has
21 been practicing for the two years preceding the date the person
22 applied for renewal as:

23 (A) a licensed specialist in school psychology;

24 (B) a licensed marriage and family therapist
25 under Chapter 502;

26 (C) a licensed professional counselor under
27 Chapter 503; or

1 (D) a social worker licensed under Chapter 505.

2 (d) An applicant for renewal under Subsection (c) who is
3 currently licensed as a marriage and family therapist, licensed
4 professional counselor, or social worker must pass a jurisprudence
5 examination before renewing the person's psychological associate
6 license under Subsection (c).

7 SECTION 8. Section 32.024, Human Resources Code, is amended
8 by adding Subsection (gg) to read as follows:

9 (gg) The department shall provide reimbursement under the
10 medical assistance program for psychological services provided by a
11 psychological associate licensed under Chapter 501, Occupations
12 Code.

13 SECTION 9. Section 1451.001(18), Insurance Code, is amended
14 to read as follows:

15 (18) "Psychological associate" means an individual
16 licensed as a psychological associate by the Texas State Board of
17 Examiners of Psychologists [~~who practices solely under the~~
18 ~~supervision of a licensed psychologist~~].

19 SECTION 10. Not later than December 1, 2007, the Texas State
20 Board of Examiners of Psychologists shall adopt rules necessary to
21 implement the changes made by this Act.

22 SECTION 11. (a) The Texas State Board of Examiners of
23 Psychologists shall issue a psychological associate license to a
24 qualified applicant under this section who:

25 (1) applies for a license under this section not later
26 than September 1, 2008;

27 (2) pays the application fee;

1 (3) has provided psychological services, as that term
2 is defined in Section 501.003, Occupations Code, as an employee of a
3 governmental agency or regionally accredited institution of higher
4 education during the five years preceding the date the applicant
5 files an application for a license under this section;

6 (4) has received a graduate degree in psychology from
7 a regionally accredited educational institution;

8 (5) has passed the examinations required by the Texas
9 State Board of Examiners of Psychologists for a psychological
10 associate license; and

11 (6) meets the requirements in Sections
12 501.255(a)(3)-(10), Occupations Code.

13 (b) This section expires September 1, 2009.

14 SECTION 12. The changes in law made by this Act governing
15 the requirements for a psychological associate license under
16 Chapter 501, Occupations Code, apply only to an application for a
17 license filed on or after the effective date of this Act. An
18 application for a license filed before the effective date of this
19 Act is governed by the law in effect on the date the application was
20 filed, and the former law is continued in effect for that purpose.

21 SECTION 13. If before implementing any provision of this
22 Act a state agency determines that a waiver or authorization from a
23 federal agency is necessary for implementation of that provision,
24 the agency affected by the provision shall request the waiver or
25 authorization and may delay implementing that provision until the
26 waiver or authorization is granted.

27 SECTION 14. This Act takes effect September 1, 2007.