

BILL ANALYSIS

C.S.H.B. 3406
By: Naishtat
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, licensed psychologists may employ and supervise certain licensed psychological associates, provisionally licensed psychologists, newly licensed psychologists who are not eligible for managed care panels, and graduate students, interns, or residents in psychology. However, some insurance companies' managed care panels will not reimburse a licensed psychologist for work performed by these employees.

C.S.H.B. 3406 seeks to open additional opportunities for provisionally licensed psychologists to obtain required supervised practice hours, help newly licensed psychologists meet requirements for reimbursement of services, and provide for reimbursement from managed care panels for work performed under the supervision of a licensed psychologist by clarifying that a licensed psychologist may delegate certain elements of the psychologist's practice to a temporary license holder, a provisional license holder, a newly licensed psychologist who is not eligible for managed care panels, and a person who meets certain provisional license examination qualifications and is accruing supervised hours as required for licensure as a psychologist.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3406 amends the Occupations Code to authorize a psychologist licensed under the Psychologists' Licensing Act to delegate to a provisionally licensed psychologist, a newly licensed psychologist who is not eligible for managed care panels, a person who holds a temporary psychologist license, and a person who satisfies certain provisional license examination qualifications and is in the process of acquiring the supervised experience required for licensure as a psychologist, any psychological test or service that a reasonable and prudent psychologist could delegate within the scope of sound psychological judgment. The bill authorizes such a delegation if the psychologist determines that the test or service can be properly and safely performed by the person, the person does not represent to the public that the person is authorized to practice psychology, and the test or service will be performed in the customary manner and in compliance with any other law.

C.S.H.B. 3406 establishes that the delegating psychologist remains responsible for the psychological test or service performed by the person to whom the test or service is delegated and that the test or service is considered to be delivered by the delegating psychologist for billing purposes, including bills submitted to third-party payors. The bill requires the person to inform each patient on whom the test or service is performed that the person is being supervised by a licensed psychologist. The bill authorizes the Texas State Board of Examiners of Psychologists to determine whether a psychological test or service may be properly and safely delegated under the bill's provisions and whether a delegated act constitutes the practice of psychology. The bill authorizes a person who is a licensed psychologist and to whom another psychologist delegates a

psychological test or service to represent that the person is engaged in the practice of psychology.

C.S.H.B. 3406 establishes that a person to whom a psychologist delegates a psychological test or service is not considered to be engaged in the independent practice of psychology without a license issued under the Psychologists' Licensing Act unless the person acts with the knowledge that the delegation and the action taken under the delegation violate state law relating to regulation of psychology and counseling.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3406 differs from the original by authorizing a licensed psychologist to delegate certain psychological tests or services to a provisionally licensed psychologist, a newly licensed psychologist who is not eligible for managed care panels, a person who holds a temporary psychologist license, and a person who satisfies certain provisional license examination qualifications and is in the process of acquiring the supervised experience required for licensure as a psychologist, whereas the original authorizes a licensed psychologist to delegate those tests and services to a qualified and properly trained person acting under the psychologist's supervision, including a provisionally licensed psychologist, a newly licensed psychologist who is not eligible for managed care panels, and any other licensed or credentialed service provider.

C.S.H.B. 3406 omits a provision included in the original authorizing a psychologist to delegate a psychological test or service to a person who is a graduate student, intern, or resident in psychology under certain conditions.

C.S.H.B. 3406 differs from the original by establishing that a person to whom a psychologist delegates a psychological test or service is not considered to be engaged in the independent practice of psychology without a license, whereas the original establishes that the person is not considered to be engaged in the practice of psychology without a license.

C.S.H.B. 3406 omits a provision included in the original requiring the Texas State Board of Examiners of Psychologists, in adopting rules on delegation, to promote a psychologist's exercise of professional judgment to decide which psychological tests and services may be safely delegated. The substitute differs from the original in nonsubstantive ways.