

By: Naishtat

H.B. No. 3406

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 licensed under this chapter may delegate 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, 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

1 test or service is delegated, and the test or service is considered  
2 to be delivered by the delegating psychologist for billing  
3 purposes, including bills submitted to third-party payors. The  
4 person must inform each patient on whom the test or service is  
5 performed that the person is being supervised by a licensed  
6 psychologist.

7 (c) The board may determine whether:

8 (1) a psychological test or service may be properly  
9 and safely delegated under this section; and

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

12 (d) A person who is a licensed psychologist and to whom  
13 another psychologist delegates a psychological test or service  
14 under this section may represent that the person is engaged in the  
15 practice of psychology.

16 Sec. 501.352. DELEGATION TO GRADUATE STUDENT, INTERN, OR  
17 RESIDENT IN PSYCHOLOGY. A psychologist may delegate a psychological  
18 test or service to a person who is a graduate student, intern, or  
19 resident in psychology only if:

20 (1) the person is pursuing a course of study to prepare  
21 the person for the profession of psychology under qualified  
22 supervision in a recognized training institution or facility;

23 (2) the test or service is part of the person's  
24 supervised course of study; and

25 (3) the person is designated as a "psychological  
26 intern" or "psychological trainee" or by another title that clearly  
27 indicates the person's training status.

1       Sec. 501.353. PERFORMANCE OF DELEGATED ACT DOES NOT  
2 CONSTITUTE PRACTICE OF PSYCHOLOGY. A person to whom a psychologist  
3 delegates a psychological test or service under Section 501.351(a)  
4 is not considered to be engaged in the practice of psychology  
5 without a license unless the person acts with the knowledge that the  
6 delegation and the action taken under the delegation violates this  
7 subtitle.

8       Sec. 501.354. BOARD RULES REGARDING DELEGATION. In  
9 adopting rules on delegation under this subchapter, the board shall  
10 promote a psychologist's exercise of professional judgment to  
11 decide which psychological tests and services may be safely  
12 delegated.

13       SECTION 2. This Act takes effect September 1, 2011.