

BILL ANALYSIS

Senate Research Center
83R1338 EES-F

H.B. 808
By: Zerwas (Deuell)
Health & Human Services
4/29/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, licensed psychologists may employ and/or supervise provisionally licensed psychologists (PLP) and newly licensed psychologists who are not eligible for managed care panels. PLPs have completed their doctoral program and have graduated from university with a doctoral degree. They are currently pursuing a state license and must work under the supervision of a licensed psychologist. However, some insurance companies' managed care panels will not reimburse the licensed psychologist for the work performed by these personnel.

H.B. 808 makes clear that a licensed psychologist employing a PLP or a newly licensed psychologist may delegate certain elements of his or her practice to these individuals, so that insurance companies' managed care panels will reimburse the psychologist for the work performed. This will open many additional opportunities for a PLP to obtain his or her required supervised practice hours and will help newly licensed psychologists who currently have to be licensed up to three years before some managed care panels will reimburse for their services.

H.B. 808 amends current law relating to the authority of a psychologist to delegate the provision of certain care to a person under the psychologist's supervision, including a person training to become a psychologist.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 501, Occupations Code, by adding Subchapter H, as follows:

SUBCHAPTER H. PRACTICE BY PSYCHOLOGIST

Sec. 501.351. GENERAL AUTHORITY TO DELEGATE. (a) Authorizes a psychologist licensed under this chapter 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 license issued under Section 501.263 (Temporary License), and a person who satisfies Section 501.255(a) (relating to authorizing applicants to take an examination for a provisional license) and is in the process of acquiring the supervised experience required by Section 501.252(b)(2) (relating to a requirement that a person has had at least two years of supervised experience in the field of psychology to be licensed) 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) Provides 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 the test or service is considered to be delivered by the delegating psychologist for billing purposes, including bills submitted to third-party payors. 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.

(c) Authorizes the Texas State Board of Examiners of Psychologists (TSBEP) to determine whether a psychological test or service authorized is properly and safely delegated under this section and whether a delegated act constitutes the practice of psychology under this chapter.

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

Sec. 501.352. PERFORMANCE OF DELEGATED ACT DOES NOT CONSTITUTE PRACTICE OF PSYCHOLOGY. Provides that a person to whom another psychologist delegates a psychological test or service under Section 501.351(a) is not considered to be engaged in the independent practice of psychology without a license issued under this chapter unless the person acts with the knowledge that the delegation and the action taken under the delegation violate this subtitle.

SECTION 2. Effective date: September 1, 2013.