

By: Zerwas

H.B. No. 807

A BILL TO BE ENTITLED

AN ACT

relating to the practice of psychology; authorizing a fee.

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

SECTION 1. Sections 593.004 and 593.005, Health and Safety Code, are amended to read as follows:

Sec. 593.004. APPLICATION FOR DETERMINATION OF MENTAL RETARDATION. (a) In this section, "authorized provider" means:

(1) a physician licensed to practice in this state;

(2) a psychologist licensed to practice in this state;

(3) a professional licensed to practice in this state and certified by the department; or

(4) a provider certified by the department before September 1, 2013.

(b) A person believed to be a person with mental retardation, the parent if the person is a minor, or the guardian of the person may make written application to an authorized provider ~~[the department, a community center, a physician, or a psychologist licensed to practice in this state or certified by the department]~~ for a determination of mental retardation using forms provided by the department.

Sec. 593.005. DETERMINATION OF MENTAL RETARDATION. (a) In this section, "authorized provider" has the meaning assigned by Section 593.004.

(a-1) An authorized provider ~~[A physician or psychologist~~

1 ~~licensed to practice in this state or certified by the department]~~
2 shall perform the determination of mental retardation. The
3 department may charge a reasonable fee for certifying an authorized
4 provider ~~[a psychologist]~~.

5 (b) The authorized provider ~~[physician or psychologist]~~
6 shall base the determination on an interview with the person and on
7 a professional assessment that, at a minimum, includes:

8 (1) a measure of the person's intellectual
9 functioning;

10 (2) a determination of the person's adaptive behavior
11 level; and

12 (3) evidence of origination during the person's
13 developmental period.

14 (c) The authorized provider ~~[physician or psychologist]~~ may
15 use a previous assessment, social history, or relevant record from
16 a school district, a public or private agency, or a ~~[another]~~
17 physician or psychologist if the authorized provider ~~[physician or~~
18 ~~psychologist]~~ determines that the assessment, social history, or
19 record is valid.

20 (d) If the person is indigent, the determination of mental
21 retardation shall be performed at the department's expense by an
22 authorized provider ~~[a physician or psychologist licensed in this~~
23 ~~state or certified by the department]~~.

24 SECTION 2. Section 501.004(a), Occupations Code, is amended
25 to read as follows:

26 (a) This chapter does not apply to:

27 (1) the activity or service of a person, or the use of

1 an official title by the person, who is employed as a psychologist
2 or psychological associate by a [~~governmental agency or~~] regionally
3 accredited institution of higher education if the person performs
4 duties the person is employed by the [~~agency or~~] institution to
5 perform within the confines of the [~~agency or~~] institution;

6 (2) the activity or service of a student, intern, or
7 resident in psychology if:

8 (A) the person is pursuing a course of study to
9 prepare for the profession of psychology under qualified
10 supervision in a recognized training institution or facility;

11 (B) the activity or service is part of the
12 person's supervised course of study; and

13 (C) the person is designated as a "psychological
14 intern," as a "psychological trainee," or by another title that
15 clearly indicates the person's training status;

16 (3) the activity or service of a licensed
17 professional, other than a person licensed under this chapter, if:

18 (A) the activity or service is permitted under
19 the person's license; and

20 (B) the person does not represent that the person
21 is a psychologist or describe the service provided by using the term
22 "psychological";

23 (4) the activity or service of a recognized member of
24 the clergy who is acting within the person's ministerial
25 capabilities if the person does not:

26 (A) represent that the person is a psychologist;

27 or

1 (B) describe the service provided by using the
2 term "psychological"; ~~[or]~~

3 (5) the voluntary activity or service of a person
4 employed by or working on behalf of a charitable nonprofit
5 organization if the person does not:

6 (A) represent that the person is a psychologist;
7 or

8 (B) describe the service provided by using the
9 term "psychological"; or

10 (6) the activity or service of a person who is employed
11 by a governmental agency if the person:

12 (A) performs duties the person is employed by the
13 agency to perform within the confines of the agency; and

14 (B) does not represent that the person is a
15 psychologist. ["]

16 SECTION 3. Section 501.153(c), Occupations Code, is amended
17 to read as follows:

18 (c) A psychologist is exempt from this section if the
19 psychological services provided and the psychologist's use of an
20 official title are within the scope of the psychologist's
21 employment as described by Section 501.004(a)(1) or (6).

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2013.