

1-1 By: Zerwas (Senate Sponsor - Schwertner) H.B. No. 807
 1-2 (In the Senate - Received from the House April 15, 2013;
 1-3 April 17, 2013, read first time and referred to Committee on Health
 1-4 and Human Services; May 15, 2013, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 15, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Deuell	X			
1-9 Huffman			X	
1-10 Nichols	X			
1-11 Schwertner	X			
1-12 Taylor	X			
1-13 Uresti	X			
1-14 West	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the practice of psychology; authorizing a fee.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Sections 593.004 and 593.005, Health and Safety
 1-22 Code, are amended to read as follows:
 1-23 Sec. 593.004. APPLICATION FOR DETERMINATION OF MENTAL
 1-24 RETARDATION. (a) In this section, "authorized provider" means:
 1-25 (1) a physician licensed to practice in this state;
 1-26 (2) a psychologist licensed to practice in this state;
 1-27 (3) a professional licensed to practice in this state
 1-28 and certified by the department; or
 1-29 (4) a provider certified by the department before
 1-30 September 1, 2013.
 1-31 (b) A person believed to be a person with mental
 1-32 retardation, the parent if the person is a minor, or the guardian of
 1-33 the person may make written application to an authorized provider
 1-34 [the department, a community center, a physician, or a psychologist
 1-35 licensed to practice in this state or certified by the department]
 1-36 for a determination of mental retardation using forms provided by
 1-37 the department.
 1-38 Sec. 593.005. DETERMINATION OF MENTAL RETARDATION. (a) In
 1-39 this section, "authorized provider" has the meaning assigned by
 1-40 Section 593.004.
 1-41 (a-1) An authorized provider [A physician or psychologist
 1-42 licensed to practice in this state or certified by the department]
 1-43 shall perform the determination of mental retardation. The
 1-44 department may charge a reasonable fee for certifying an authorized
 1-45 provider [a psychologist].
 1-46 (b) The authorized provider [physician or psychologist]
 1-47 shall base the determination on an interview with the person and on
 1-48 a professional assessment that, at a minimum, includes:
 1-49 (1) a measure of the person's intellectual
 1-50 functioning;
 1-51 (2) a determination of the person's adaptive behavior
 1-52 level; and
 1-53 (3) evidence of origination during the person's
 1-54 developmental period.
 1-55 (c) The authorized provider [physician or psychologist] may
 1-56 use a previous assessment, social history, or relevant record from
 1-57 a school district, a public or private agency, or a [another]
 1-58 physician or psychologist if the authorized provider [physician or
 1-59 psychologist] determines that the assessment, social history, or
 1-60 record is valid.
 1-61 (d) If the person is indigent, the determination of mental

2-1 retardation shall be performed at the department's expense by an
2-2 authorized provider [~~a physician or psychologist licensed in this~~
2-3 ~~state or certified by the department~~].

2-4 SECTION 2. Section 501.004(a), Occupations Code, is amended
2-5 to read as follows:

2-6 (a) This chapter does not apply to:

2-7 (1) the activity or service of a person, or the use of
2-8 an official title by the person, who is employed as a psychologist
2-9 or psychological associate by a [~~governmental agency or~~] regionally
2-10 accredited institution of higher education if the person performs
2-11 duties the person is employed by the [~~agency or~~] institution to
2-12 perform within the confines of the [~~agency or~~] institution;

2-13 (2) the activity or service of a student, intern, or
2-14 resident in psychology if:

2-15 (A) the person is pursuing a course of study to
2-16 prepare for the profession of psychology under qualified
2-17 supervision in a recognized training institution or facility;

2-18 (B) the activity or service is part of the
2-19 person's supervised course of study; and

2-20 (C) the person is designated as a "psychological
2-21 intern," as a "psychological trainee," or by another title that
2-22 clearly indicates the person's training status;

2-23 (3) the activity or service of a licensed
2-24 professional, other than a person licensed under this chapter, if:

2-25 (A) the activity or service is permitted under
2-26 the person's license; and

2-27 (B) the person does not represent that the person
2-28 is a psychologist or describe the service provided by using the term
2-29 "psychological";

2-30 (4) the activity or service of a recognized member of
2-31 the clergy who is acting within the person's ministerial
2-32 capabilities if the person does not:

2-33 (A) represent that the person is a psychologist;
2-34 or

2-35 (B) describe the service provided by using the
2-36 term "psychological"; [~~or~~]

2-37 (5) the voluntary activity or service of a person
2-38 employed by or working on behalf of a charitable nonprofit
2-39 organization if the person does not:

2-40 (A) represent that the person is a psychologist;
2-41 or

2-42 (B) describe the service provided by using the
2-43 term "psychological"; or

2-44 (6) the activity or service of a person who is employed
2-45 by a governmental agency if the person:

2-46 (A) performs duties the person is employed by the
2-47 agency to perform within the confines of the agency; and

2-48 (B) does not represent that the person is a
2-49 psychologist. ["

2-50 SECTION 3. Section 501.153(c), Occupations Code, is amended
2-51 to read as follows:

2-52 (c) A psychologist is exempt from this section if the
2-53 psychological services provided and the psychologist's use of an
2-54 official title are within the scope of the psychologist's
2-55 employment as described by Section 501.004(a)(1) or (6).

2-56 SECTION 4. This Act takes effect immediately if it receives
2-57 a vote of two-thirds of all the members elected to each house, as
2-58 provided by Section 39, Article III, Texas Constitution. If this
2-59 Act does not receive the vote necessary for immediate effect, this
2-60 Act takes effect September 1, 2013.

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