

By: Zerwas

H.B. No. 808

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a psychologist to delegate the  
3 provision of certain care to a person under the psychologist's  
4 supervision, including a person training to become a psychologist.

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

6 SECTION 1. Chapter 501, Occupations Code, is amended by  
7 adding Subchapter H to read as follows:

8 SUBCHAPTER H. PRACTICE BY PSYCHOLOGIST

9 Sec. 501.351. GENERAL AUTHORITY TO DELEGATE. (a) A  
10 psychologist licensed under this chapter may delegate to a  
11 provisionally licensed psychologist, a newly licensed psychologist  
12 who is not eligible for managed care panels, a person who holds a  
13 temporary license issued under Section 501.263, and a person who  
14 satisfies Section 501.255(a) and is in the process of acquiring the  
15 supervised experience required by Section 501.252(b)(2) any  
16 psychological test or service that a reasonable and prudent  
17 psychologist could delegate within the scope of sound psychological  
18 judgment if the psychologist determines that:

19 (1) the test or service can be properly and safely  
20 performed by the person;

21 (2) the person does not represent to the public that  
22 the person is authorized to practice psychology; and

23 (3) the test or service will be performed in the  
24 customary manner and in compliance with any other law.

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

9       (c) The board may determine whether:

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

12           (2) a delegated act constitutes the practice of  
13 psychology under this chapter.

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

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

25       SECTION 2. This Act takes effect September 1, 2013.