

1-1 By: Zerwas (Senate Sponsor - Deuell) H.B. No. 808
 1-2 (In the Senate - Received from the House April 4, 2013;
 1-3 April 8, 2013, read first time and referred to Committee on Health
 1-4 and Human Services; May 9, 2013, reported favorably by the
 1-5 following vote: Yeas 7, Nays 0; May 9, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14			X	
1-15	X			
1-16	X			

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

1-19 relating to the authority of a psychologist to delegate the
 1-20 provision of certain care to a person under the psychologist's
 1-21 supervision, including a person training to become a psychologist.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 501, Occupations Code, is amended by
 1-24 adding Subchapter H to read as follows:

1-25 SUBCHAPTER H. PRACTICE BY PSYCHOLOGIST

1-26 Sec. 501.351. GENERAL AUTHORITY TO DELEGATE. (a) A
 1-27 psychologist licensed under this chapter may delegate to a
 1-28 provisionally licensed psychologist, a newly licensed psychologist
 1-29 who is not eligible for managed care panels, a person who holds a
 1-30 temporary license issued under Section 501.263, and a person who
 1-31 satisfies Section 501.255(a) and is in the process of acquiring the
 1-32 supervised experience required by Section 501.252(b)(2) any
 1-33 psychological test or service that a reasonable and prudent
 1-34 psychologist could delegate within the scope of sound psychological
 1-35 judgment if the psychologist determines that:

1-36 (1) the test or service can be properly and safely
 1-37 performed by the person;

1-38 (2) the person does not represent to the public that
 1-39 the person is authorized to practice psychology; and

1-40 (3) the test or service will be performed in the
 1-41 customary manner and in compliance with any other law.

1-42 (b) The delegating psychologist remains responsible for the
 1-43 psychological test or service performed by the person to whom the
 1-44 test or service is delegated, and the test or service is considered
 1-45 to be delivered by the delegating psychologist for billing
 1-46 purposes, including bills submitted to third-party payors. The
 1-47 person must inform each patient on whom the test or service is
 1-48 performed that the person is being supervised by a licensed
 1-49 psychologist.

1-50 (c) The board may determine whether:

1-51 (1) a psychological test or service may be properly
 1-52 and safely delegated under this section; and

1-53 (2) a delegated act constitutes the practice of
 1-54 psychology under this chapter.

1-55 (d) A person who is a licensed psychologist and to whom
 1-56 another psychologist delegates a psychological test or service
 1-57 under this section may represent that the person is engaged in the
 1-58 practice of psychology.

1-59 Sec. 501.352. PERFORMANCE OF DELEGATED ACT DOES NOT
 1-60 CONSTITUTE PRACTICE OF PSYCHOLOGY. A person to whom a psychologist
 1-61 delegates a psychological test or service under Section 501.351(a)

2-1 is not considered to be engaged in the independent practice of
2-2 psychology without a license issued under this chapter unless the
2-3 person acts with the knowledge that the delegation and the action
2-4 taken under the delegation violate this subtitle.

2-5 SECTION 2. This Act takes effect September 1, 2013.

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