

BILL ANALYSIS

S.B. 2001
By: Watson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties and mental health stakeholders note the need to revise the statutory description of conduct that constitutes the practice of psychology in order to ensure the state's authority to enforce the regulation of psychologists. S.B. 2001 seeks to provide this revision.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2001 amends the Occupations Code to revise the conduct that constitutes the practice of psychology by removing the statutory description of that practice and instead defining "practice of psychology" as the observation, description, diagnosis, evaluation, assessment, interpretation, or treatment of and intervention in human behavior through the application of education, training, methods, and procedures for the purpose of:

- preventing, predicting, treating, remediating, or eliminating certain behaviors, certain disorders or disabilities, or mental illness;
- evaluating, assessing, or facilitating, by a license holder or a person who represents the person to the public by a title or description of services that includes the word "psychological," "psychologist," or "psychology," the enhancement of individual, group, or organizational effectiveness, including evaluating, assessing, or facilitating personal effectiveness, adaptive behavior, interpersonal relationships, academic, vocational, and life adjustment, health, or individual, group, or organizational performance;
- providing psychological, neuropsychological, and psychoeducational evaluation, therapy, and remediation as well as counseling, psychoanalysis, psychotherapy, hypnosis, and biofeedback; or
- consulting with others, including other mental health professionals, physicians, school personnel, or organizations within the scope of the provider's competency and training with respect to services provided for a specific individual.

The bill includes the supervision of such an activity or service in that definition. The bill specifies that the act of engaging in the practice of psychology by representing oneself to the public by a title or description of services that includes the word "psychological," "psychologist," or "psychology" means so representing oneself when providing or offering to provide psychological services to another in a professional relationship and that engaging in the practice of psychology by providing or offering to provide psychological services to individuals, groups, organizations, or the public means providing or offering to provide such services in a

professional relationship.

S.B. 2001 establishes that a person is not engaged in the practice of psychology based solely on the person offering, regardless of whether the person is solicited, advice, counsel, or guidance addressing or affecting the mental, emotional, or behavioral health of another, if the person does not represent that the person is licensed accordingly or engaged in the delivery of psychological services and does not represent that the advice, counsel, or guidance is psychological in nature, and one of the following conditions apply: the advice, counsel, or guidance is not offered in the context of a professional relationship; if the person is offering the advice, counsel, or guidance in connection with the person's occupation, the primary focus of the occupation is not the delivery of mental, emotional, or behavioral health care services; or the advice, counsel, or guidance is offered through an organized or structured program or peer support service that is designed to support or assist a person with a self-identified goal of changing or improving certain aspects of the person's mental, emotional, or behavioral health.

EFFECTIVE DATE

September 1, 2017.