

By: Coleman

H.B. No. 3266

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the conduct that constitutes the practice of  
3 psychology.

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

5 SECTION 1. Section 501.003, Occupations Code, is amended to  
6 read as follows:

7 Sec. 501.003. DEFINITION: PRACTICE OF PSYCHOLOGY. (a) In  
8 this chapter:

9 (1) "Practice of psychology" means:

10 (A) the observation, description, diagnosis,  
11 evaluation, assessment, interpretation, or treatment of and  
12 intervention in human behavior by applying education, training,  
13 methods, and procedures for the purpose of:

14 (i) preventing, predicting, treating,  
15 remediating, or eliminating:

16 (a) symptomatic, maladaptive, or  
17 undesired behavior;

18 (b) emotional, interpersonal,  
19 learning, substance use, neuropsychological, cognitive, or  
20 behavioral disorders or disabilities, including those that  
21 accompany medical problems; or

22 (c) mental illness;

23 (ii) evaluating, assessing, or  
24 facilitating, by a license holder or a person who represents the

1 person to the public by a title or description of services that  
2 includes the word "psychological," "psychologist," or  
3 "psychology," the enhancement of individual, group, or  
4 organizational effectiveness, including evaluating, assessing, or  
5 facilitating:

6 (a) personal effectiveness;  
7 (b) adaptive behavior;  
8 (c) interpersonal relationships;  
9 (d) academic, vocational, and life  
10 adjustment;

11 (e) health; or  
12 (f) individual, group, or  
13 organizational performance;

14 (iii) providing psychological,  
15 neuropsychological, and psychoeducational evaluation, therapy, and  
16 remediation as well as counseling, psychoanalysis, psychotherapy,  
17 hypnosis, biofeedback, and behavioral analysis and therapy;

18 (iv) providing professional psychological  
19 expertise and services in legal proceedings; or

20 (v) consulting with others, including other  
21 mental health professionals, physicians, school personnel, or  
22 organizations within the scope of the provider's competency and  
23 training with respect to services provided for a specific  
24 individual; or

25 (B) the supervision of an activity or service  
26 described by Paragraph (A).

27 (2) "Psychological [section, — "psychological]

1 services" means acts or behaviors that are included within the  
2 purview of the practice of psychology.

3 (b) A person is engaged in the practice of psychology  
4 [~~within the meaning of this chapter~~] if the person:

5 (1) when providing or offering to provide  
6 psychological services to another in a professional relationship,  
7 represents the person to the public by a title or description of  
8 services that includes the word "psychological," "psychologist,"  
9 or "psychology";

10 (2) provides or offers to provide psychological  
11 services to individuals, groups, organizations, or the public in a  
12 professional relationship;

13 (3) is a psychologist or psychological associate  
14 employed as described by Section 501.004(a)(1) who offers or  
15 provides psychological services, other than lecture services, to  
16 the public for consideration separate from the salary that person  
17 receives for performing the person's regular duties; or

18 (4) is employed as a psychologist or psychological  
19 associate by an organization that sells psychological services,  
20 other than lecture services, to the public for consideration.

21 (c) A person is not engaged in the [The] practice of  
22 psychology based solely on the person offering, regardless of  
23 whether the person is solicited, advice, counsel, or guidance  
24 addressing or affecting the mental, emotional, or behavioral health  
25 of another, if the person does not represent that the person is  
26 licensed under this chapter or engaged in the delivery of  
27 psychological services and does not represent that the advice,

1 counsel, or guidance is psychological in nature, and:

2 (1) the advice, counsel, or guidance is not offered in  
3 the context of a professional relationship;

4 (2) if the person is offering the advice, counsel, or  
5 guidance in connection with the person's occupation, the primary  
6 focus of the occupation is not the delivery of mental, emotional, or  
7 behavioral health care services; or

8 (3) the advice, counsel, or guidance is offered  
9 through an organized or structured program or peer support service  
10 that is designed to support or assist a person with a  
11 self-identified goal of changing or improving certain aspects of  
12 the person's mental, emotional, or behavioral health [~~includes~~  
13 ~~providing or offering to provide services to an individual or~~  
14 ~~group, including providing computerized procedures, that include~~  
15 ~~the application of established principles, methods, and procedures~~  
16 ~~of describing, explaining, and ameliorating behavior;~~

17 [~~(2) addresses normal behavior and involves~~  
18 ~~evaluating, preventing, and remediating psychological, emotional,~~  
19 ~~mental, interpersonal, learning, and behavioral disorders of~~  
20 ~~individuals or groups, as well as the psychological disorders that~~  
21 ~~accompany medical problems, organizational structures, stress, and~~  
22 ~~health;~~

23 [~~(3) includes:~~

24 [~~(A) using projective techniques,~~  
25 ~~neuropsychological testing, counseling, career counseling,~~  
26 ~~psychotherapy, hypnosis for health care purposes, hypnotherapy,~~  
27 ~~and biofeedback; and~~

1                   ~~[(B) evaluating and treating mental or emotional~~  
2 ~~disorders and disabilities by psychological techniques and~~  
3 ~~procedures; and~~

4                   ~~[(4) is based on:~~

5                   ~~[(A) a systematic body of knowledge and~~  
6 ~~principles acquired in an organized program of graduate study; and~~

7                   ~~[(B) the standards of ethics established by the~~  
8 ~~profession].~~

9                   SECTION 2. This Act takes effect September 1, 2017.