



Dear Mass Violence Prevention & Community Safety Select Committee,

Thank you for taking this time during the COVID pandemic to seek feedback on the needs of the mental health workforce. The Texas Psychological Association represent the voices of over 4,500 psychologists practicing in Texas. We are writing today to stress the importance of liability protections for mental health providers who report persons that they believe are a risk to themselves or others.

Under Texas law, medical and mental health providers must keep all patient communications and records confidential.¹ However, there are exceptions to this confidentiality requirement. Specifically, providers may disclose confidential information to law enforcement if they determine that there is a probability of imminent injury to the patient or others.² The legislature assumedly created the exception with the intent of preventing such harm.

Shortly after the acts of violence in El Paso and Midland-Odessa, Governor Abbott tasked relevant licensure agencies with reminding providers that this exception exists. Providers are aware that they are statutorily authorized to disclose confidential information when there is a probability of imminent injury, yet the threat of costly litigation, even if the provider is ultimately successful, continues to have a chilling effect on reporting.

In the last legislative session, Representative Senfronia Thompson authored a bill that would have resolved the concerns of psychologists and other providers. House Bill 461 would have provided express immunity from civil liability for a provider who reports in good faith. The bill made it through House Public Health and both House floor votes without a single dissenting vote. Unfortunately, the bill moved too slowly through the process, and it did not make it out of Senate Health and Human Services.

We sincerely appreciate this committee's and the legislature's efforts to seek recommendations on the mental health workforce needs of the state. We believe that passing a similar liability protection bill next session would have an immediate impact on violence prevention and community safety in this state. Thank you for your consideration, and please contact us with any questions.

Sincerely,

Jessica Magee, Executive Director
Texas Psychological Association

¹ Tex. Health & Safety Code §611.002(a).

² Tex. Health & Safety Code §611.004(a)(2).

