

SUBJECT: Allowing psychologist certification and provisional and temporary licenses

COMMITTEE: Public Health — committee substitute recommended

VOTE: 5 ayes — Berlanga, Janek, Maxey, McDonald, Rodriguez

0 nays

4 absent — Hirschi, Coleman, Delisi, Glaze

SENATE VOTE: On final passage, May 8 — 30-0

WITNESSES: (*On House companion bill, HB 2933*):

For — Robert H. McPherson, Ph.D., David White, Jerry Grammer, Ph.D.,
Texas Psychological Association

Against — None

On — Barbara Holthaus, State Board of Examiners of Psychologists

DIGEST: CSSB 1478 would amend the definition and application of a psychologist certificate and allow provisional and temporary licenses in addition to full licensure under the Psychologists' Certification and Licensing Act. CSSB 1478 would also make confidential the investigation files of the Board of Examiners of Psychologists and make other technical and conforming changes to the act.

The act would take effect September 1, 1995, at which time the board could issue and renew certificates and provisional licenses. Certificates, licenses or disciplinary actions issued, renewed or occurring before the effective date of the bill would be governed by current law.

Certification. The board by rule would be required to adopt a certification program for a person who is exempt from licensure because the person is employed by a governmental agency, public school district or higher education institution but wishes to hold a board-issued credential.

The board could establish all requirements for certification and could assess a certification fee, require continuing education and revoke, cancel or suspend a certificate or enforce complaints against the certificate holder.

A person employed as a psychologist or psychological associate who offers or provides services to the public for compensation in addition to the salary received for performance of regular duties would be required to hold a license.

Provisional license. A provisional license would refer to a credential issued by the board to a person who has satisfied preliminary requirements for a psychologist license and who is required to practice as a psychologist under supervision.

Statutory provisions referring to "certification" of applicants meeting the above description would be changed to refer to "provisional licensure." A person would not be eligible for full licensure unless the person first holds a provisional license.

Temporary license. The board could grant temporary licenses (instead of certificates or provisional licenses) to persons who apply for permanent licensure, including individuals applying for reciprocity. Individuals would no longer be required to be sponsored. A temporary license would be valid until the approval or denial of a permanent license or at the latest for 18 months.

Investigations. Information regarding a complaint and investigation of a individual licensed by the board would not be subject to disclosure under the Open Records Act and would not be subject to discovery, subpoena or other means of legal compulsion.

Information could only be disclosed to the board and its agents or employees, a party to the disciplinary proceeding, a law enforcement agency, a governmental agency or to a legislative committee to conduct an inquiry regarding state hospitals or schools.

The board would be required to provide the license holder with access to all information the board intends to offer into evidence at the hearing not

later than the 30th day from the receipt of the request from the license holder.

Patient identity would be protected unless the patient initiates the disciplinary action or consents in writing to the release of the patient's records.

NOTES: The committee substitute added provisions allowing a provisional license and distinguishing between a provisional license and certification, as well as technical and conforming amendments throughout the Psychologists' Certification and Licensing Act.