

SUBJECT: Continuing the Texas State Board of Examiners of Psychologists

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — Delisi, Laubenberg, Coleman, Dawson, Jackson, McReynolds, Solis, Truitt

0 nays

1 absent — Zedler

WITNESSES: For — J. Paul Burney and Bob McPherson, Texas Psychological Association

Against — None

On — Melissa Aerne, Sunset Advisory Commission; Arthur Hernandez, Texas State Board of Examiners of Psychologists; Geoffrey Shute, Texas Association of Psychological Associates;(Registered, but did not testify: Sherry Lee, Texas State Board of Examiners of Psychologists)

BACKGROUND: The Texas State Board of Examiners of Psychologists, created in 1969, licenses psychologists, including psychological associates and school psychology specialists, enforces laws relating to the practice of psychology, and investigates and resolves complaints about psychologists. The board's nine members serve staggered six-year terms and are appointed by the governor. The board has a fiscal 2004-05 budget of \$1.4 million, with a staff of 12 in fiscal 2005. The board recovers all costs from fees on psychologists.

The board underwent Sunset review in 1993 and was continued by the 73rd Legislature. If not continued by the 79th Legislature, the board will be abolished September 1, 2005.

DIGEST: CSHB 1015 would continue the Texas State Board of Examiners of Psychologists until September 1, 2017. It would abolish the Psychological Associate Advisory Committee, require input from stakeholders in the rulemaking process, require the board to analyze complaints to identify trends, prioritize investigations, change requirements for provisional

licenses, add requirements for the board's oral examination, permit the board to approve continuing education courses developed by a third-party, require a sanctions schedule, and allow the board to receive quarterly criminal background checks for members.

The bill also would add standard Sunset provisions governing conflicts of interest, gubernatorial designation of the presiding officer, grounds for removing a board member, training of board members, policy and rule making, use of technology, and complaint resolution. It would add two other provisions, common to health licensing boards, about requiring one public member at informal settlement conferences and refunds under an agreed settlement order.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 1015 appropriately would continue the Texas State Board of Examiners of Psychologists. The board adequately regulates the practice of psychology in Texas but could better serve the public and the profession with a few changes.

The input function served by the Psychological Associate Advisory Committee is not needed because CSHB 1015 would require input from all stakeholders in the rulemaking process. Psychological associates — masters-level psychologists — are an important stakeholder group and their perspective would be adequately represented in all applicable rulemaking.

Although the board currently prioritizes all complaints, almost all of them fall into one category. CSHB 1015 instead would prioritize complaints by severity, giving priority to those that could cause the greatest harm. Identifying trends in complaints is important because it would allow the board to better inform its licensees of common sources of complaints across the industry.

The board's oral examination should be reviewed by an independent workgroup and needs better refinement to ensure that the exam is confined to knowledge of psychological principles. The board and the profession believe that the exam is important to the evaluation of potential psychologists because it offers an opportunity to determine an applicant's judgment in real-life scenarios, so keeping the modified exam should help maintain the quality of psychology services available to Texans.

The board has the resources to make the changes in CSHB 1015, according to the Legislative Budget Board (LBB), which estimates that the provisions of this bill would not cost the state. While many agencies have been required to operate with fewer resources, the board has retained enough staff and funding to incorporate these changes into its operations.

OPPONENTS
SAY:

The changes proposed in CSHB 1015 would require additional funds to implement, and there is no additional funding included in either the House or the Senate versions of the general appropriations bill. Like all regulatory boards, the State Board of Examiners of Psychologists has reduced staff and funding in response to legislative requests over the past few years. This has left them without any leeway in their budget to accommodate new expenses such as the complaint trend analysis and licensure changes in CSHB 1015. In addition, the board would be required to convene a workgroup to evaluate the oral examination, which could not include board members, but no additional funding is proposed for travel or reimbursement of expenses for the professional members.

The oral examination should be removed from the licensure process, according to the Sunset staff report. The oral examination does not add significant value to the evaluation of a psychologist's competency nor is it validated. The face-to-face test can be more of a personality evaluation than a real examination of knowledge and skills. Many states do not use an oral examination, and five recently have done away with theirs.

OTHER
OPPONENTS
SAY:

The bill would not go far enough in standardizing the types of continuing education that psychologists must take to renew their licenses. The current board rules are vague, and some psychologists may get their continuing education hours from unacceptable sources. The board should be required to adopt rules about what sorts of offerings meet continuing education requirements and should not be permitted simply to adopt other bodies' recommendations.

NOTES:

The original version of the bill would have eliminated the oral examination and did not include the provision for board approval of continuing education courses.

According to the fiscal note prepared by the LBB, the bill would result in no significant fiscal implication to the state.

The companion bill, SB 406 by Jackson, has been referred to the Senate Government Organization Committee.