

BILL ANALYSIS

Senate Research Center
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S.B. 1339
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1339 addresses mental health provider shortages through fair practice by fully utilizing professionals in the workforce today. S.B. 1339 will increase the number of qualified psychology providers, have no fiscal impact to the state, and will not change scope of practice. S.B. 1339 will not lower quality standards but will increase access and affordability of psychology services provided by a licensed psychological associate (LPA) by maximizing the resources we have available.

Currently, LPAs must practice under the supervision of a licensed psychologist. This restriction is a permanent limitation to the associate license no matter how much training or experience an LPA has, they must always be supervised by a psychologist forever.

While some LPAs receive substantial, direct supervision from a psychologist, many LPAs receive only minimal supervision (one hour per week), particularly those with many years of experience. To an average citizen, there is often little to distinguish between the services provided by a psychologist and an LPA, except for the person's title.

Texas faces a shortage of mental health care providers. Allowing LPAs to practice independently will allow LPAs to offer services in more rural counties where a supervising psychologist may not currently be available.

S.B. 1339 would allow an LPA to practice independently, without supervision, if they meet certain increased requirements. Statute would continue to require an LPA to hold a master's degree from an accredited university or college in a program that is primarily psychological in nature, but this recommendation would require the degree to consist of a minimum of 60 semester credit hours (rather than the 42 semester hours currently required in rule).

S.B. 1339 would also require an LPA to obtain at least 3,000 hours of supervised practice by a licensed psychologist after receiving their degree to be eligible to practice independently. Statute would continue to require the Texas State Board of Examiners of Psychologists (TSBEP) to set standards for the issuance of licenses to LPAs, but TSBEP would need to update its rules to reflect the new requirements.

LPAs are strategically positioned to impact the mental health shortage in Texas. Just like many professions, timely supervision of new graduates is a vital tool to assure care quality is passed from provider to provider. Unlike other professions, LPAs must endure supervision long after best practices have been learned and supervision turns from beneficial to burdensome, on both parties. Allowing unsupervised practice of LPAs frees psychologist from working as managers, and allows both professionals to serve a vulnerable population.

As proposed, S.B. 1339 amends current law relating to the licensing and practice of psychological associates.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Board of Examiners of Psychologists in SECTION 5 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 501.259, Occupations Code, as follows:

Sec. 501.259. New heading: LICENSING OF AND PRACTICE BY PSYCHOLOGICAL ASSOCIATE. (a) Prohibits a person from being licensed as a psychological associate unless the person:

(1) holds at least a master's degree or its equivalent in psychology from a regionally accredited institution of higher education (IHE);

(2) completes at least 60 hours of graduate course work at a regionally accredited IHE in the professionally accepted foundation areas of psychology, including scientific and professional ethics and the laws governing the practice of psychology;

(3) completes at least 6 but not more than 12 semester hours of practicum, internship, or structured experience as part of the 60 hours required in Subdivision (2); and

(4) passes a nationally recognized qualifying examination determined to be appropriate by the Texas State Board of Examiners of Psychologists (TSBEP), and a jurisprudence examination administered by TSBEP. Deletes existing text requiring TSBEP to set standards for the issuance of licenses to psychological personnel who hold a master's degree from an accredited university or college in a program that is primarily psychological in nature.

(b) Requires a person who begins required graduate course work at a regionally accredited IHE before August 1, 2019, to complete 48 hours of the graduate course work described by Subsection (a)(2) to satisfy the requirements of that subdivision, notwithstanding Subsection (a)(2). Provides that this subsection expires August 1, 2029.

(c) Requires TSBEP to designate a person who holds a license authorized by this section by the title "psychological associate." Deletes existing text requiring TSBEP to designate a person who holds a license authorized by this section by a title that includes the adjective "psychological" followed by a noun such as "associate," "assistant," "examiner," or "technician." Creates this subsection from existing text.

(d) Provides that a psychological associate who completes at least 3,000 hours of supervised experience after the date the psychological associate is licensed to engage in the practice of psychology as a psychological associate is not required to be supervised by a psychologist.

(e) Provides that for purposes of Subsection (d), experience is supervised only if the experience is supervised by a psychologist in the manner provided by TSBEP's supervision guidelines.

(f) Provides that this section does not prohibit a psychological associate who has completed the 3,000 hours of supervised experience described by Subsection (d) from practicing under the supervision of a psychologist for the purpose of obtaining competency in the application of new techniques, or as required by TSBEP in response to a complaint filed with TSBEP or as part of a disciplinary action taken by TSBEP.

SECTION 2. Amends Section 32.024, Human Resources Code, by adding Subsection (11), to require the executive commissioner of the Health and Human Services Commission (HHSC) to establish a separate provider type for psychological associates licensed under Chapter 501

(Psychologists), Occupations Code, for purposes of enrollment as a provider for and reimbursement under the medical assistance program.

SECTION 3. Amends Section 32.027(1), Human Resources Code, to include a licensed psychological associate in the list of mental health care professionals HHSC is required to assure that a recipient of medical assistance under this chapter (Medical Assistance Program) may select, subject to appropriations.

SECTION 4. Amends Section 1451.001(18), Insurance Code, to redefine "psychological associate."

SECTION 5. Requires TSBEP to adopt rules necessary to implement the changes made by this Act as soon as practicable.

SECTION 6. (a) Provides that a person is entitled to engage in the practice of psychology as a psychological associate without being supervised by a psychologist and without fulfilling the educational and experience requirements prescribed by Section 501.259, Occupations Code, as amended by this Act, if, before January 1, 2018, the person submits to TSBEP certain proofs.

(b) Authorizes TSBEP to renew an expired psychological associate license of a person and authorize the person to engage in the practice of psychology as a psychological associate without being supervised by a psychologist and without fulfilling the educational and experience requirements prescribed by Section 501.259, Occupations Code, as amended by this Act, if, before January 1, 2018, the person submits TSBEP proof of fulfilling certain requirements.

SECTION 7. Makes application of Sections 501.259(a) and (b), Occupations Code, as amended by this Act, prospective.

SECTION 8. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

SECTION 9. Effective date: September 1, 2017.