

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



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Diane Moore
Board Administrator

Texas State Board of Examiners of Psychologists Meeting Agenda

May 19, 2022, 10:00 a.m.

Video Conference via Zoom

The May 19, 2022 meeting of the Texas State Board of Examiners of Psychologist will be held by videoconference call, as authorized under Texas Government Code section 551.127. One or more Board members may appear at the scheduled meeting via videoconference call, but the presiding member will be physically present at 333 Guadalupe St., Ste. 3-900, Room 910, Austin, Texas 78701. This location will be open to the public, but seating is limited to first come, first served. Due to health and safety concerns, as well as the size of the available meeting room, public seating will be limited to four (4) individuals.

Members of the public are encouraged to access and participate virtually in this meeting by entering the URL address <https://us02web.zoom.us/j/89565178479> into their web browser. Telephone access numbers and additional videoconference call access information can be found in the attached addendum. An electronic copy of the agenda and meeting materials will be made available at www.bhec.texas.gov prior to the meeting. A recording of the meeting will be made available on the Council's YouTube channel after the meeting is adjourned. To obtain a copy of the recording, please contact the Council's public information officer at Open.Records@bhec.texas.gov.

For members of the public wishing to give public comment, once the public comment item is reached on the agenda after the meeting convenes, the presiding member will allow those who are attending in person to give public comment first and then ask those joining by computer to use the "raise hand" feature to indicate who would like to make a public comment. Those individuals who raise their hand will then be unmuted to give public comment. Once all individuals with raised hands have been given an opportunity to make public comment, the individuals appearing by telephone will be unmuted and asked whether they would like to make a public comment. Please note that public comment is not intended for a discussion or a question-and-answer session with the Board. Additionally, when making a public comment, please identify yourself and whether you are speaking individually or on behalf of an organization. All public comments will be limited to 3 minutes, unless otherwise directed by the presiding officer. In lieu of providing public comment during the meeting, you may submit written public comments via email to General@bhec.texas.gov in advance of the meeting. Please use the email subject line "Public Comment for (enter date of meeting here) Meeting" to ensure your comments are identified as such and directed accordingly. Only those written public comments received by 5pm on the last business day prior to the meeting will be submitted to the board members for their consideration. No written comments received will be read aloud during the meeting.

***Topic requiring either agency action or discussion.**

Please note that the Board may request input during the meeting from any interested parties or members of the public during its discussion of an agenda item.

If you are planning to attend this meeting and need auxiliary aids, services or materials in an alternate format, please contact the Board at least 5 working days before the meeting date. Phone: (512) 305-7700, E-MAIL: General@bhec.texas.gov, TTY/RELAY TEXAS: 711 or 1-800-RELAY TX.

The Board may go into Executive Session to deliberate any item listed on this agenda if authorized under Texas Open Meetings Act, Government Code, Ch. 551.

The Board may discuss and take action concerning any matter on the agenda and in a different order from what it appears herein.

Meeting Agenda for May 19, 2022, 10:00 am

1. Call to Order – Roll Call
2. Public Comments - Public comment is limited to three (3) minutes per individual, unless otherwise directed by the Board Chair. Please note that the Board may not discuss or take action on any matter raised during public comment, except to decide whether to place the matter on the agenda of a future meeting. Limited public comment related to rulemaking may be allowed by the Chair, in his or her sole discretion, prior to the Board taking up any rulemaking topics on the agenda.
3. Chair’s Report
4. Board Administrator Report
 - A. Council Report - FY 2022-Q2 Measures Report
 - B. PSYPACT Update
 - C. ASPPB Update
 - D. DSHS Statewide Health Coordinating Board Update
5. Enforcement Division
 - A. Enforcement Staff:
 - i. Review of Dismissals by Executive Director and Staff
 - ii. Status Reports - FY 2022 – Q2
 - iii. Discussion on ISC Panels*
 - iv. Dismissals for Board ratification*
 - B. Agency Counsel:
 - i. Review of Agreed Orders Approved by Executive Director
 - ii. Agreed Orders for Board Ratification*
 - iii. Review of Contested Cases from the State Office of Administrative Hearings (SOAH)*
6. Committee Reports
 - A. Applications Committee

***Topic requiring either agency action or discussion.**

- i. Appeal of Application Denial* (Per 22 TAC 882.3(b))
 - ii. Application(s) for Licensure*
 - B. Compliance Committee
 - i. Review of Compliance with Agreed Orders
 - C. Jurisprudence Examination Committee
 - D. Rules Committee
- 7. Rulemaking
 - A. New Rules or Proposed Rule Changes Being Considered for Recommendation to the Executive Council*
 - i. Proposed Rule 463.10, Licensed Psychologist
 - ii. Proposed Rule 463.15, Criteria for Degrees Conferred Prior to 1979
 - iii. Proposed Rule 463.12, Temporary License
 - iv. Proposed Rule 463.8, Licensed Psychological Associate
 - v. Proposed Repeal and Replace of Rule 463.35, Professional Development
 - B. Rules Published in the Texas Register and Awaiting Adoption Recommendations*
- 8. Discussion on proposed changes to *Guidelines for the Practice of Telepsychology*
- 9. Recommendations for agenda items for the next Board meeting
- 10. Adjournment

***Topic requiring either agency action or discussion.**

Addendum: Additional Videoconference and Telephone Conference Call Information

When: May 19, 2022 10:00 AM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Psychologists May 19, 2022 Board Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89565178479>

Or One tap mobile :

US: +13462487799,,89565178479# or +16699009128,,89565178479#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656

Webinar ID: 895 6517 8479

International numbers available: <https://us02web.zoom.us/j/89565178479>

2nd QUARTER PERFORMANCE MEASURES

FISCAL YEAR 2022

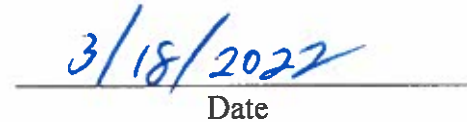
Submitted to the
Governor's Office of Budget and Planning
and the Legislative Budget Board

by

Texas Behavioral Health Executive Council

March 18, 2022


Executive Director


Date

Efficiency/Output Measures with Cover Page and Update Explanation
87th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

3/18/2022 10:07:37AM

Agency code: **510**

Agency name: **Behavioral Health Executive Council**

| Type/Strategy/Measure | 2022 Target | 2022 Actual | 2022 YTD | Percent of Annual Target | Target Range |
|--------------------------|----------------|----------------|-------------|-----------------------------|---------------------|
| Output Measures | | | | | |
| <u>1-1-1 LICENSING</u> | | | | | |
| 1 # NEW LICENSEES ISSUED | | | | | |
| Quarter 1 | 7,800.00 | 2,544.00 | 2,544.00 | 32.62 % * | 1,560.00 - 2,340.00 |

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would issue 7,800 new licenses per fiscal year, or 1,950 per quarter. During the first quarter of FY 22, the agency exceeded its target by 8%, issuing 2,544 new licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued during the first quarter of FY 21 was 1,789. This number has now increased to 2,544, all in the scope of one year, due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The Council believes that its initial projection was too low, and will make adjustments during the next LAR.

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

| Type/Strategy/Measure | 2022 Target | 2022 Actual | 2022 YTD | Percent of Annual Target | Target Range |
|--------------------------|----------------|----------------|-------------|-----------------------------|---------------------|
| Output Measures | | | | | |
| 1 # NEW LICENSEES ISSUED | | | | | |
| Quarter 2 | 7,800.00 | 2,205.00 | 4,749.00 | 60.88 % * | 3,510.00 - 4,290.00 |

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would issue 7,800 new licenses per fiscal year, or 1,950 per quarter. During the second quarter of FY 22, the agency exceeded its target by issuing 2,205 for the quarter, for a total of 4,749 YTD new licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued during the second quarter of FY 21 was 1,997. This number has now increased to 2,205 all in the scope of one year, due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The Council believes that its initial projection was too low, and will make adjustments during the next LAR.

2 # LICENSE RENEWALS

* Varies by 5% or more from target.

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|------------------------|----------------|----------------|-------------|-----------------------------|----------------------|
| Output Measures | | | | | |
| 2 # LICENSE RENEWALS | | | | | |
| Quarter 1 | 42,000.00 | 7,564.00 | 7,564.00 | 18.01 % * | 8,400.00 - 12,600.00 |

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would renew 42,000 licenses per fiscal year, or 10,500 per quarter. During the first quarter of FY 22, the agency fell short of its target by 7%, renewing 7,564 licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

All license renewals are required to be submitted online and are approved automatically by the online licensing system, unless they are under audit or the agency hasn't received their fingerprint criminal history results. Licensing staff have little control over how many licensees will choose to renew their license, and therefore how many renewals get processed. The Council believes that its initial projection was too high, and will make adjustments during the next LAR.

* Varies by 5% or more from target.

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| Type/Strategy/Measure | 2022 Target | 2022 Actual | 2022 YTD | Percent of Annual Target | Target Range |
|-----------------------|----------------|----------------|-------------|-----------------------------|--------------|
|-----------------------|----------------|----------------|-------------|-----------------------------|--------------|

Output Measures

2 # LICENSE RENEWALS

| | | | | | |
|------------------|-----------|----------|-----------|-----------|-----------------------|
| Quarter 2 | 42,000.00 | 6,751.00 | 14,315.00 | 34.08 % * | 18,900.00 - 23,100.00 |
|------------------|-----------|----------|-----------|-----------|-----------------------|

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would renew 42,000 licenses per fiscal year, or 10,500 per quarter. During the second quarter of FY 22, the agency fell short of its target, renewing 6,751 licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

All license renewals are required to be submitted online and are approved automatically by the online licensing system, unless they are under audit or the agency hasn't received their fingerprint criminal history results. Licensing staff have little control over how many licensees will choose to renew their license, and therefore how many renewals get processed. The Council believes that its initial projection was too high, and will make adjustments during the next LAR.

2-1-1 ENFORCEMENT

1 COMPLAINTS RESOLVED

* Varies by 5% or more from target.

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Agency code: 510

Agency name: Behavioral Health Executive Council

| Type/Strategy/Measure | 2022 Target | 2022 Actual | 2022 YTD | Percent of Annual Target | Target Range |
|------------------------|----------------|----------------|-------------|-----------------------------|-----------------|
| Output Measures | | | | | |
| 1 COMPLAINTS RESOLVED | | | | | |
| Quarter 1 | 1,000.00 | 195.00 | 195.00 | 19.50 % * | 200.00 - 300.00 |

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would resolve 1,000 complaints per fiscal year, or 250 per quarter. During the first quarter of FY 22, the agency fell short of this measure by 5%, resolving 195 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints resolved during the first quarter of FY 21 was 104. This number has now increased to 195, due to the dedication and efficiency of the enforcement and legal staff. The Council believes that its initial projection was correct, and that its target will be met or exceeded by the end of the fiscal year, assuming the Council is able to maintain full or close-to-full staffing levels. However, the Council will monitor this target to determine if adjustments need to be made during the next LAR.

* Varies by 5% or more from target.

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| Type/Strategy/Measure | 2022 Target | 2022 Actual | 2022 YTD | Percent of Annual Target | Target Range |
|------------------------|----------------|----------------|-------------|-----------------------------|-----------------|
| Output Measures | | | | | |
| 1 COMPLAINTS RESOLVED | | | | | |
| Quarter 2 | 1,000.00 | 89.00 | 284.00 | 28.40 % * | 450.00 - 550.00 |

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would resolve 1,000 complaints per fiscal year, or 250 per quarter. During the second quarter of FY 22, the agency fell short of this measure by resolving 89 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

At the beginning of FY 21, the agency inherited over 1,300 pending complaints. Due to the dedication and efficiency of the enforcement and legal staff, the pending complaints at the end of the second quarter of FY22 is down to 594. Additionally, the agency is projecting to receive around 500 complaints this year. Due to these two factors, the Council believes that its initial projection to resolve 1,000 complaints per year was too high for FY22, and will make adjustments during the next LAR.

2 COMPLAINTS PENDING

* Varies by 5% or more from target.

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| Type/Strategy/Measure | 2022 Target | 2022 Actual | 2022 YTD | Percent of Annual Target | Target Range |
|------------------------|----------------|----------------|-------------|-----------------------------|-------------------|
| Output Measures | | | | | |
| 2 COMPLAINTS PENDING | | | | | |
| Quarter 1 | 1,000.00 | 579.00 | 579.00 | 57.90 % * | 950.00 - 1,050.00 |

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that there would be 1,000 complaints pending during FY 2022. During the first quarter of FY 22, the agency exceeded this measure by only having 579 complaints pending.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints pending at the beginning of FY 21 was 1,379. This number has now decreased to 579, all in the scope of one year, due to the dedication and efficiency of the enforcement and legal staff. The Council believes that its initial projection was too high, and will make adjustments during the next LAR.

* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

| Type/Strategy/Measure | 2022 Target | 2022 Actual | 2022 YTD | Percent of Annual Target | Target Range |
|------------------------|----------------|----------------|-------------|-----------------------------|-------------------|
| Output Measures | | | | | |
| 2 COMPLAINTS PENDING | | | | | |
| Quarter 2 | 1,000.00 | 594.00 | 594.00 | 59.40 % * | 950.00 - 1,050.00 |

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that there would be 1,000 complaints pending during FY 2022. During the second quarter of FY 22, the agency exceeded this measure by only having 594 complaints pending.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints pending at the beginning of FY 21 was over 1,300. This number has now decreased to 594, all in the scope of one year, due to the dedication and efficiency of the enforcement and legal staff. Additionally, the agency is projecting to only receive around 500 complaints this year. Due to these two factors, the Council believes that its initial projection of 1,000 complaints pending is too high for FY22, and will make adjustments during the next LAR.

Efficiency Measures1-1-1 LICENSING

1 AVG TIME TO PROCESS APP (DAYS)

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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|-----------------------|----------------|----------------|-------------|-----------------------------|--------------|
|-----------------------|----------------|----------------|-------------|-----------------------------|--------------|

Efficiency Measures

1 AVG TIME TO PROCESS APP (DAYS)

| | | | | | |
|------------------|-------|-------|-------|-----------|---------------|
| Quarter 1 | 60.00 | 54.39 | 54.39 | 90.65 % * | 57.00 - 63.00 |
|------------------|-------|-------|-------|-----------|---------------|

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected the average issuance time for licenses would be 60 days. During the first quarter of FY 22, the agency exceeded this measure by having an average license issuance time of only 55 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance during the first quarter of FY 21 was 78 days. This number has now decreased to 55 days, all in the scope of one year, due to the dedication and efficiency of the licensing staff. The Council believes that its initial projection was correct, and that its target will continue to be met or exceeded assuming the Council is able to maintain full or close-to-full staffing levels. However, the Council will monitor this target to determine if adjustments need to be made during the next LAR.

* Varies by 5% or more from target.

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|--|----------------|----------------|-------------|-----------------------------|-----------------|
| Efficiency Measures | | | | | |
| 1 AVG TIME TO PROCESS APP (DAYS) | | | | | |
| Quarter 2 | 60.00 | 47.74 | 51.26 | 85.43 % * | 57.00 - 63.00 |
| <u>Explanation of Variance:</u> FACTORS CAUSING THE VARIANCE: In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected the average issuance time for licenses would be 60 days. In the second quarter of FY 22, the agency exceeded this measure by having an YTD average license issuance time of only 48 days. | | | | | |
| <u>HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:</u> The average time for license issuance specific to the second quarter of FY 21 was 95 days. This number has now decreased to 48 days, all in the scope of one year, due to the dedication and efficiency of the licensing staff. The Council believes that its initial projection was correct, and that its target will continue to be met or exceeded assuming the Council is able to maintain full or close-to-full staffing levels. However, the Council will monitor this target to determine if adjustments need to be made during the next LAR. | | | | | |
| 2-1-1 ENFORCEMENT | | | | | |
| 1 AVG TIME/COMPLAINT RESOLUTION | | | | | |
| Quarter 1 | 750.00 | 783.16 | 783.16 | 104.42 % | 712.50 - 787.50 |
| Quarter 2 | 750.00 | 681.26 | 751.23 | 100.16 % | 712.50 - 787.50 |

* Varies by 5% or more from target.

***TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
2nd QUARTER MEASURES
FY 2022***

Number of Licenses Renewed (from ald12)

| | |
|------|------|
| LSSP | 412 |
| LIC | 602 |
| LPA | 89 |
| LPC | 2652 |
| MFTA | 37 |
| MFT | 351 |
| LBSW | 367 |
| LMSW | 1062 |
| LCSW | 1163 |
| AP | 16 |

| | |
|-------|------|
| Total | 6751 |
|-------|------|

Number of Licenses Issued (from ald11 and BO)

| | |
|--------------|-----|
| LPA | 10 |
| PLP | 100 |
| LIC | 52 |
| LSSP | 21 |
| LPCA | 554 |
| LPC | 128 |
| LPC Upgrade | 358 |
| MFTA | 51 |
| MFT | 69 |
| MFT Upgrade | 46 |
| LBSW | 36 |
| LMSW | 424 |
| LCSW | 119 |
| AMEC Upgrade | 0 |
| LMSW Upgrade | 20 |
| LCSW Upgrade | 210 |
| TEMP SW | 7 |

| | |
|-------|------|
| Total | 2205 |
|-------|------|

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
2nd QUARTER MEASURES
FY 2022

Number of Complaints Resolved (from BO report)

| | |
|--------|----|
| LP/LPA | 13 |
| LSSP | 2 |
| LPC | 29 |
| MFT | 6 |
| SW | 39 |
| Total | 89 |

Percent of Complaint Resolved Within Six Months (from BO report)

| | | |
|---------------------|----------|-----|
| 1 st Qtr | 52/195 = | 27% |
| 2 nd Qtr | 23/89 = | 26% |
| 3 rd Qtr | | |
| 4 th Qtr | | |
| YTD | 75/284 = | 27% |

Percent of Complaints Resolved resulting in Disciplinary Action (from BO report)

| | | |
|---------------------|----------|-----|
| 1 st Qtr | 15/195 = | 8% |
| 2 nd Qtr | 9/89 = | 11% |
| 3 rd Qtr | | |
| 4 th Qtr | | |
| YTD | 24/284 = | 9% |

Average Time for Complaint Resolution (from BO report)

| | |
|---------------------|--|
| 1 st Qtr | 152,716 days to resolve 195 complaints = 783.16 days |
| 2 nd Qtr | 60,632 days to resolve 89 complaints = 681.26 days |
| 3 rd Qtr | |
| 4 th Qtr | |
| YTD | 213,348 days to resolve 284 complaints = 751.23 days |

Average Time for Application Processing (from BO report) (**Bold averages only**)

| | | |
|---------------------|--|------------|
| 1 st Qtr | 130,155 days to process 2,393 applications = | 54.39 days |
| 2 nd Qtr | 102,066 days to process 2,138 applications = | 47.74 days |
| 3 rd Qtr | | |
| 4 th Qtr | | |
| YTD | 232,221 days to process 4,531 applications = | 51.26 days |

Calculations reviewed by: _____

Date: _____

| | | |
|------------------------|--|---------------|
| LPA Initial | 460 days to process 12 applications = | 38.34 |
| LPA Final | 1,880 days to process 10 applications = | 188.00 |
| Old LIC Final | 668 days to process 1 applications = | 668.00 |
| LIC Initial | 3,949 days to process 99 applications = | 39.89 |
| LIC Final | 6,524 days to process 52 applications = | 125.47 |
| LSSP | 766 days to process 21 applications = | 36.48 |
| LPC Initial | 12,065 days to process 128 applications = | 94.26 |
| LPCA Initial | 23,220 days to process 554 applications = | 41.92 |
| LPC Upgrade | 1,782 days to process 358 applications = | 4.98 |
| MFTA Exam | 10,272 days to process 104 applications = | 98.77 |
| MFT License | 7,400 days to process 69 applications = | 107.25 |
| MFTA License | 980 days to process 51 applications = | 19.22 |
| MFTA Upgrade | 1,035 days to process 46 applications = | 22.50 |
| SW License | 25,046 days to process 416 applications = | 60.21 |
| SW OOS License | 12,236 days to process 163 applications = | 75.07 |
| SW Upgrade | 10,535 days to process 230 applications = | 45.81 |
| Temp SW License | 700 days to process 7 applications = | 100.00 |

- Those in **BOLD** are the applications we have more control over (i.e. we are not waiting for them to take and pass a national exam).

**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
ANNUAL MEASURES
FY 2022**

| | |
|---|-----|
| Number of Jurisdictional Complaints Received (from BO report) | 105 |
| Number of Complaints Pending (from BO report) | 594 |
| Closed | 61 |
| Investigation Completed | 169 |
| Under Investigation | 364 |

Percent of Licensees With No Recent Violations

| | |
|---------------------------|---------------------------------|
| <i>Total</i> | <i>373 disciplinary actions</i> |
| <i>Less duplicates</i> | <i>-75 duplicates</i> |
| <i>Total unduplicated</i> | <i>298 disciplinary actions</i> |

Number of individuals (unduplicated) licensed as of 8/31/2021: 71,662

$$71,662 - 298 = 71,364$$

$$71,364/71,662 = 99.59\%$$

Recidivism Rate

| | |
|--|-----|
| <i>Individuals with disciplinary actions FY 19 – FY 21</i> | 298 |
| <i>Individuals with 2 or more disciplinary actions</i> | 49 |

$$49/298 = 16.45\%$$

Calculation Reviewed by: _____

Date: _____



PSYPACT COMMISSION

NEWSLETTER

April 2022

Volume 3, Issue 1

**Reducing regulatory
barriers.
Increasing access to
mental healthcare.**

A Message from the Chair Don Meck

Hopefully we will begin to experience normality again. Even with the pandemic, we have increased our membership by four this legislative session; Idaho, Indiana, Washington and Wisconsin. We have active legislation in 6 states as well as the Commonwealth of the Northern Mariana Islands. We are now 31 member states strong and providing needed psychological services to the citizens we represent. Qualified psychologists, through PSYPACT, are able to provide these services to enhance the psychological well-being of others and provide continuity of care. What was a good idea has become a real solution. Let's have another productive year and continue to grow. Thanks for your continued involvement with PSYPACT.

Donald S. Meck, Ph.D., J.D., ABPP
Chair, PSYPACT Commission

Upcoming Meetings

- April 25, 2022 - PSYPACT Compliance Committee
- May 3, 2022 - PSYPACT Finance Committee
- May 12, 2022 - PSYPACT Rules Committee
- May 17, 2022 - PSYPACT Requirements Review Committee
- May 23, 2022 - PSYPACT Training and Public Relations Committee
- June 17, 2022 - PSYPACT Executive Board
- July 14, 2022 - PSYPACT Commission Mid-Year Meeting
- November 17, 2022 - PSYPACT Commission Annual Meeting

PSYPACT Commissioners

Lori Rall

Alabama

Heidi Paakkonen

Arizona

Lisa Fitzgibbons

Arkansas

Nate Brown

Colorado

Shauna Slaughter

Delaware

LaTrice Herndon

District of Columbia

Don Meck

Georgia

To Be Named

*Idaho (*Effective July 1, 2022)*

Cecilia Abundis

Illinois

To Be Named

*Idaho (*Effective July 1, 2022)*

To Be Named

*Indiana (*Effective July 1, 2022)*

David Fye

Kansas

Brenda Nash

Kentucky

Jayne Boulos

Maine

Lorraine Smith

Maryland

Robin McLeod

Minnesota

Pam Groose

Missouri

Kris Chiles

Nebraska

Gary Lenkeit

Nevada

Deborah Warner

New Hampshire

To Be Named

New Jersey

Susan Hurt

North Carolina

Ronald Ross

Ohio

Teanne Rose

Oklahoma

Christina Stuckey

Pennsylvania

Mark Fleming

Tennessee

Patrick Hyde

Texas

Jennifer Falkenrath

Utah

Jaime Hoyle

Virginia

To Be Named

*Washington (*Effective date to be determined by Washington Dept. of Health)*

Scott Fields

West Virginia

Mariann Burnett-Atwell

ASPPB



IMPORTANT ANNOUNCEMENT

The PSYPACT Commission is now active on social media sites.



We invite you to follow us on our Facebook, Twitter and LinkedIn pages.
Please click the links to be taken to our pages. We look forward to connecting with you!



Updates from the Committees

Finance Committee: The Finance Committee met on January 13, 2022 and finalized the budget and 2021 year end review. The Finance Committee will meet again on May 3, 2022 at 12 PM EST.

Rules Committee: The Rules Committee met on January 19, 2022 and presented the Executive Board with recommendations for consideration and referral to the full Commission. The Rules Committee will meet again on May 12, 2022 at 11 AM EST.

Requirements Review Committee: The Requirements Review Committee met on January 25, 2022 to discuss correspondence that has been received and made recommendations to report to the Executive Board. The next meeting of this committee is set for May 17, 2022 at 3 PM EST.

Training and Public Relations Committee: The Training and Public Relations Committee met January 6 and 20, 2022. Within these meetings the Committee discussed making updates and finalized information to be added to the PSYPACT website. The next PSYPACT Training and Public Relations Committee meeting is scheduled for May 23, 2022 at 11 AM EST.

Executive Board: A meeting for the PSYPACT Executive Board was held on February 2, 2022. During the meeting minutes from the October 7, 2022 meeting were approved and are available on the PSYPACT website. Additionally, PSYPACT Executive Director, Janet Orwig provided updates to the Executive Board. The PSYPACT Executive Board also motioned to approve reports from the Finance Committee, Rules Committee, Requirements Review Committee and the Training and Public Relations Committee. The next PSYPACT Commission Executive Board meeting will be held on June 17, 2022 at 10 AM EST.

2022 PSYPACT Executive Board

| | |
|--------------------------|-------------------------|
| Chair | Don Meck |
| Vice Chair | Pam Goose |
| Treasurer | Teanne Rose |
| Member at Large | Gary Lenkeit |
| Member at Large | Patrick Hyde |
| Ex Officio Member | Mariann Burnetti-Atwell |

Committee Members

| | |
|--|--------------------------------------|
| Rules Committee | Finance Committee |
| Don Meck | Teanne Rose |
| Pam Goose | Jaime Hoyle |
| Deborah Warner | Heidi Paakkonen |
| Patrick Hyde | |
| Susan Hurt | |
| Training and Public Relations Committee | Requirements Review Committee |
| Heidi Paakkonen | Gary Lenkeit |
| Lori Rall | Christina Stuckey |
| Mariann Burnetti-Atwell | Ron Ross |
| | Compliance Committee |
| | Scott Fields |
| | Lisa Fitzgibbons |
| | Jaime Hoyle |

New Commissioner Welcome

The PSYPACT Commission would like to officially welcome Ms. Brenda Nash as the newly appointed commissioner for the state of Kentucky.

Verification of PSYPACT Credentials

Available at www.verifypsypact.org, users of the site can search for all licensed psychologists who currently hold an active APIT or TAP.

Executive Director's Report

Janet Orwig

Happy Spring! I want to welcome our newest Commissioner, Brenda Nash (Kentucky). We all look forward to working with you! As can be seen in the Legislative Activity section of this newsletter, we have had a busy 2022 legislative year so far. We have seen bills pass in Idaho, Indiana, Washington and Wisconsin. Unfortunately, we saw legislation in Florida after passing the House fail to move forward in the Senate but are hopeful for next year!

Thank you to all who have graciously volunteered to serve on Committees. We have set up our second quarter committee meetings. The complete list of upcoming meetings can be found on the PSYPACT website at <https://psypact.org/page/Meetings>.

As always, I cannot thank you enough for all you do for PSYPACT. We are off to a good start in 2022!

Janet P. Orwig, MBA, CAE
PSYPACT Executive Director

Communications Update



Interest in PSYPACT continues to grow! We hear daily from psychologists interested in learning more about the compact and how they can participate and use an email listserv to provide periodic updates about important application updates and information as new states introduce and enact PSYPACT legislation. To date, we have over 5,700 participants in the PSYPACT listserv. To sign up, email us at info@psypact.org or visit <https://psypact.org/page/Listserv>.

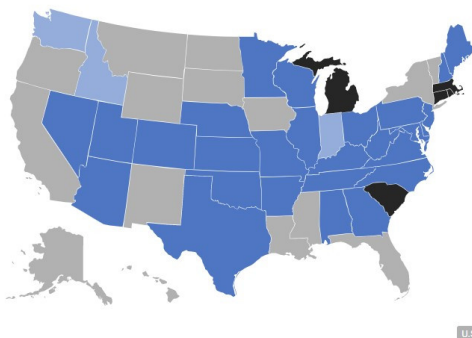


Did you know?

PSYPACT is available to host webinars and provide presentations for psychologists in your state to learn more about PSYPACT and how it works. If you are interested, contact us at info@psypact.org. Additional training materials can also be found on the PSYPACT website at www.psypact.org.

Legislative Activity

2022 Legislative Session Update



Currently, 31 states participate in PSYPACT including Alabama, Arizona, Arkansas, Colorado, Delaware, District of Columbia, Georgia, Illinois, Kansas, Kentucky, Maine, Maryland, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Idaho (effective July 1, 2022), Indiana (effective July 1, 2022) and Washington (Effective Date to TBD by Washington Department of Health). As the 2022 legislative sessions began we saw legislation introduced in 6 states. We currently have legislation introduced in Connecticut as CT H 5046, Rhode Island as RI H 7501 and RI S 2605, Commonwealth of the Northern Mariana Islands as CNMI HB 22-80. We also have carryover legislation in Massachusetts as MA S 2542, Michigan as MI H 5489 and South Carolina as SC H 3833.

Staff Contact Information

Janet Orwig
PSYPACT Executive Director
jorwig@asppb.org

Jessica Cheaves
PSYPACT Coordinator
jcheaves@asppb.org

Magan Spearing
PSYPACT Specialist
mspearing@asppb.org

PSYPACT by the Numbers

TELEPSYCHOLOGY

6150 5608

ASPPB
E. Passports
Issued

PSYPACT
APITs
Issued

TEMPORARY PRACTICE

347 230

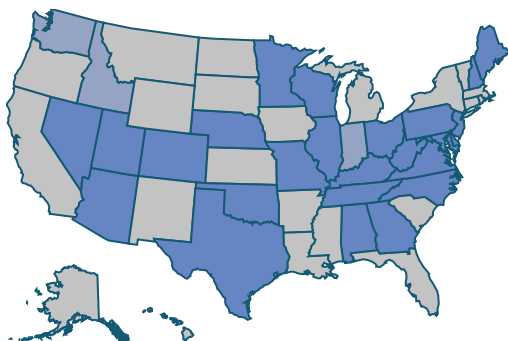
ASPPB
IPCs Issued

PSYPACT
TAPs Issued

STATE LEVEL BREAKDOWN

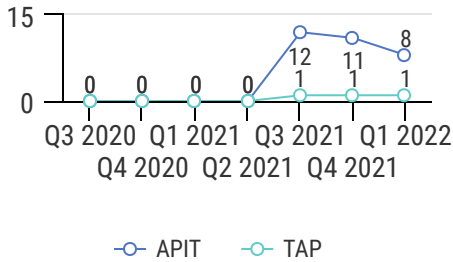
| State | APITs | TAPs | State | APITs | TAPs |
|----------------------|-------|------|----------------|-------|------|
| ALABAMA | 31 | 3 | NEBRASKA | 45 | 1 |
| ARIZONA | 181 | 8 | NEVADA | 80 | 3 |
| ARKANSAS | 4 | 0 | NEW HAMPSHIRE | 76 | 5 |
| COLORADO | 318 | 6 | NEW JERSEY | 231 | 4 |
| DELAWARE | 98 | 1 | NORTH CAROLINA | 251 | 5 |
| DISTRICT OF COLUMBIA | 208 | 6 | OHIO | 200 | 4 |
| GEORGIA | 276 | 9 | OKLAHOMA | 44 | 1 |
| ILLINOIS | 526 | 14 | PENNSYLVANIA | 613 | 7 |
| KANSAS | 39 | 4 | TENNESSEE | 83 | 4 |
| KENTUCKY | 33 | 0 | TEXAS | 588 | 27 |
| MAINE | 27 | 0 | UTAH | 125 | 6 |
| MARYLAND | 514 | 9 | VIRGINIA | 446 | 9 |
| MINNESOTA | 118 | 0 | WEST VIRGINIA | 7 | 1 |
| MISSOURI | 195 | 6 | WISCONSIN | 8 | 0 |

Numbers current as of 03/31/2022

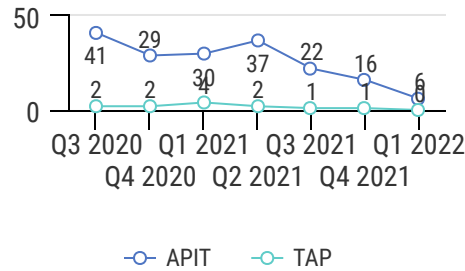


Looking at PSYPACT State Trends

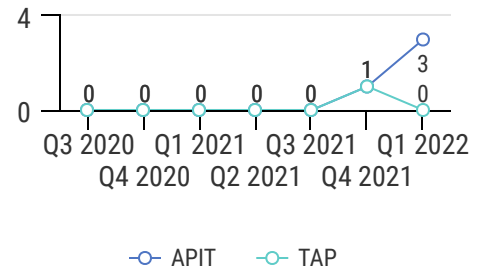
Alabama



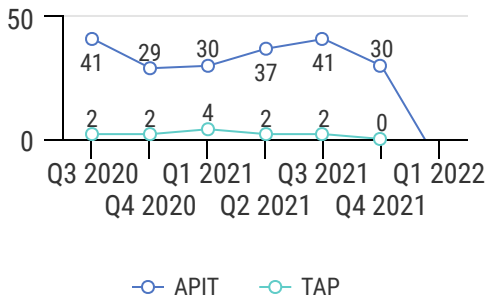
Arizona



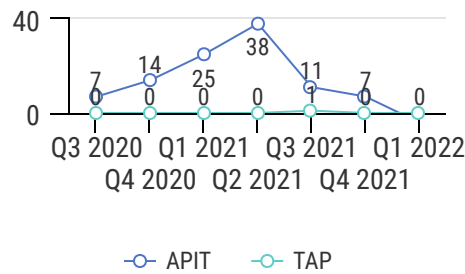
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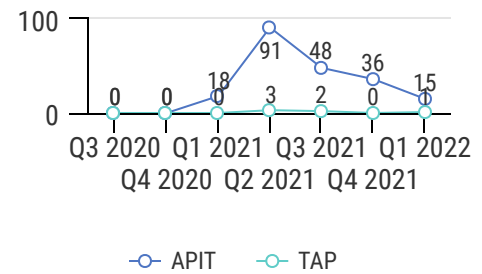
Colorado



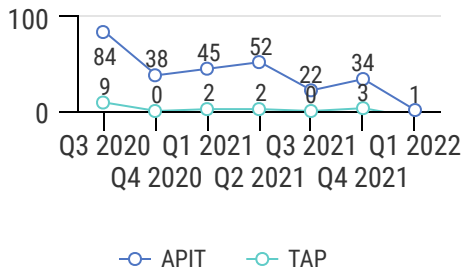
Delaware



District of Columbia



Georgia



Illinois



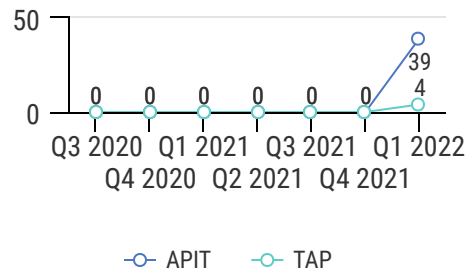
Idaho

N/A

Indiana

N/A

Kansas

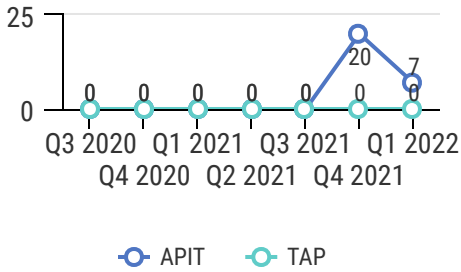


Kentucky

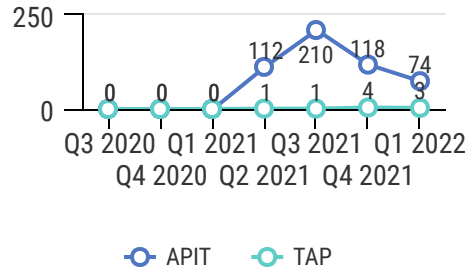


Looking at PSYPACT State Trends

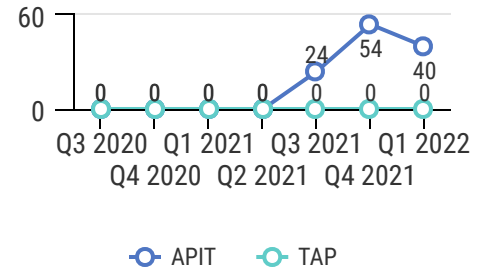
Maine



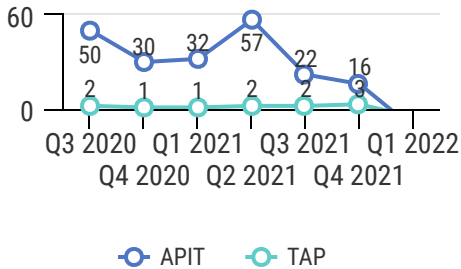
Maryland



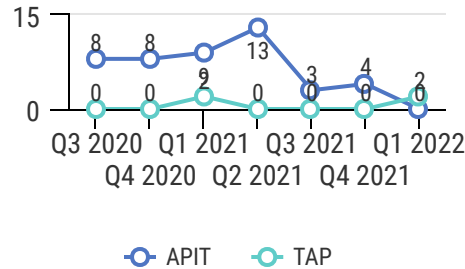
Minnesota



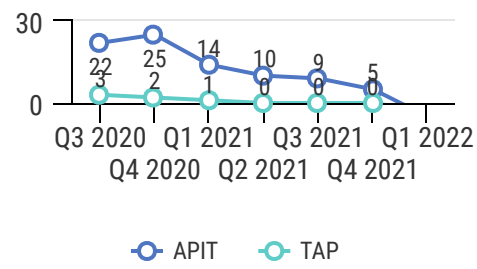
Missouri



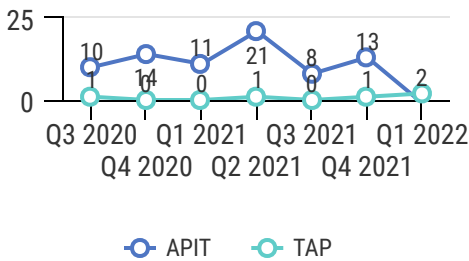
Nebraska



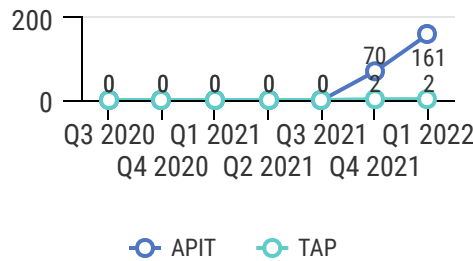
Nevada



New Hampshire



New Jersey



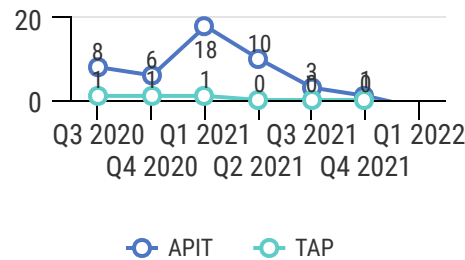
North Carolina



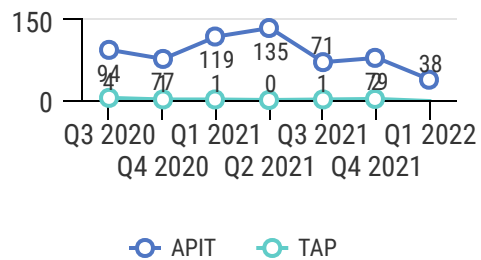
Ohio



Oklahoma

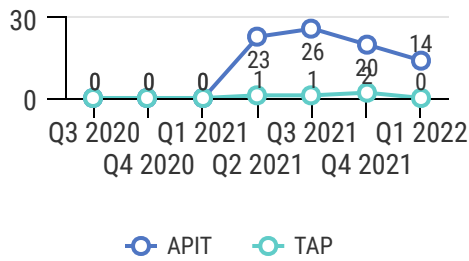


Pennsylvania

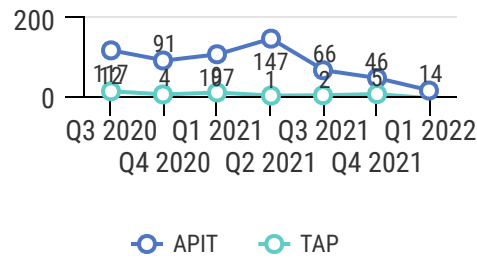


Looking at PSYPACT State Trends

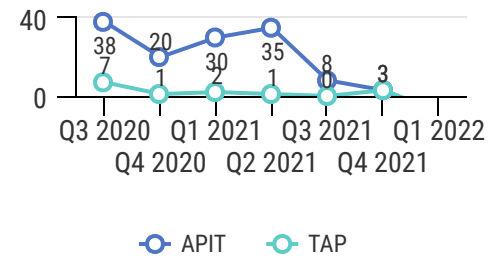
Tennessee



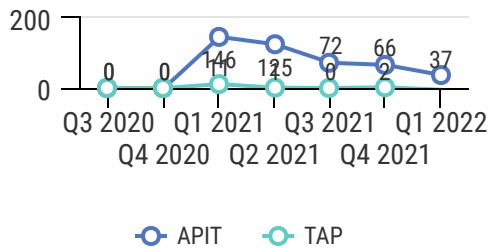
Texas



Utah



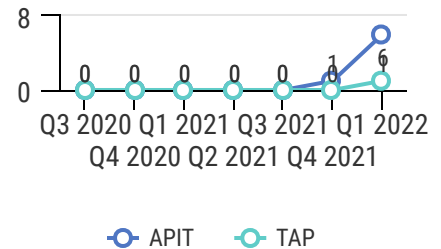
Virginia



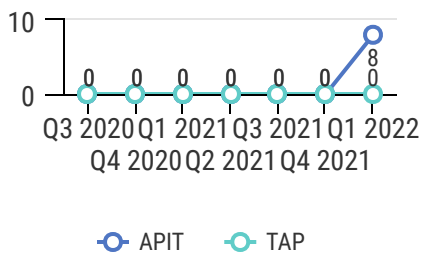
Washington

N/A

West Virginia



Wisconsin



2nd Quarter Dismissals for TSBEP Board

Cases Dismissed by Staff

- | | |
|--|-----------------------------------|
| 1) 2020-00032 – Standard of Care | Insufficient Evidence |
| 2) 2020-00078 – Unprofessional Conduct | Insufficient Evidence |
| 3) 2022-00033 – Billing Dispute | Insufficient Evidence |
| 4) 2022-00034 – General Forensic | Insufficient Evidence |
| 5) 2022-00036 – Standard of Care | Insufficient Evidence |
| 6) 2022-00040 – Court Ordered Therapy | Lack of Jurisdiction |
| 7) 2022-00057 – Child Custody | Insufficient Evidence |
| 8) 2022-00155 – Standard of Care | Previously Addressed and Resolved |
| 9) 2022-00154 – Not Related to Licensed Activity | Lack of Jurisdiction |

| STATUS REPORT 2nd Quarter | | 2Q FY22 Dec 1, 2021 to Feb 28, 2022 | 1Q FY22 Sep 1, 2021 to Nov 30, 2021 | 4Q FY21 Jun 1, 2021 to Aug 31, 2021 | 3Q FY21 Mar 1, 2021 to May 31, 2021 |
|---|-----------------|--|---|--|--|
| Number of Pending Complaints | | 594 | 579 | 634 | 811 |
| Pending Complaints per Member Board | | TSBEP-291 TSBSWE-171 TSBEMFT-54 TSBEP-78 | TSBEP-266 TSBSWE-191 TSBEMFT-54 TSBEP-68 | TSBEP-283 TSBSWE- 229 TSBEMFT-59 TSBEP-63 | TSBEP-399 TSBSWE- 258 TSBEMFT-82 TSBEP-72 |
| Number of New Complaints Received | | 105 | 148 | 128 | 86 |
| Pending Priority 1 Cases (Imminent Physical Harm) | | 4 TSBEP-2 TSBSWE-1 TSBEMFT-1 TSBEP-0 | 6 TSBEP-2 TSBSWE-3 TSBEMFT-1 TSBEP-0 | 18 | 19 |
| Pending Priority 2 Cases (Sexual Misconduct) | | 50 TSBEP-25 TSBSWE-24 TSBEMFT-1 TSBEP-3 | 52 TSBEP-24 TSBSWE-24 TSBEMFT-2 TSBEP-2 | 57 | 75 |
| Pending Priority 3 Cases (Applicants) | | 15 TSBEP-4 TSBSWE-8 TSBEMFT-1 TSBEP-2 | 11 TSBEP-1 TSBSWE-6 TSBEMFT-2 TSBEP-2 | 11 | 15 |
| Cases Resolved this Quarter | | 89 | 197 | 308 | 636 |
| Agreed Orders Signed | | 9 | 15 | 53 | 57 |
| Cases Dismissed by Staff | | 80 | 182 | 255 | 579 |
| Cases Dismissed by member Boards | | 0 | 0 | 0 | 0 |
| Cases Reviewed at an ISC this Quarter | | 3 | 19 | 24 | 40 |
| Pending Cases by Fiscal Year | | | | | |
| FY2015 | 0 going to SOAH | 1 | 2 | 5 | 8 |
| FY2016 | 0 going to SOAH | 3 | 5 | 11 | 14 |
| FY2017 | 1 going to SOAH | 8 | 11 | 21 | 33 |
| FY2018 | 3 going to SOAH | 6 | 8 | 16 | 41 |
| FY2019 | 1 going to SOAH | 35 | 56 | 81 | 197 |
| FY2020 | 0 going to SOAH | 167 | 199 | 263 | 317 |
| FY2021 | 4 going to SOAH | 153 | 163 | 227 | 190 |
| FY2022 | 0 going to SOAH | 221 | 135 | | |
| Total | | 594 | 579 | 634 | 811 |

| STATUS REPORT 2nd Quarter | | 2Q FY22 Dec 1, 2021 to Feb 28, 2022 | 1Q FY22 Sep 1, 2021 to Nov 30, 2021 | 4Q FY21 Jun 1, 2021 to Aug 31, 2021 | 3Q FY21 Mar 1, 2021 to May 31, 2021 |
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| Pending Cases by Fiscal Year | | | | | |
| FY2015 | 0 going to SOAH | 1 | 2 | 5 | 8 |
| FY2016 | 0 going to SOAH | 3 | 5 | 11 | 14 |
| FY2017 | 1 going to SOAH | 8 | 11 | 21 | 33 |
| FY2018 | 3 going to SOAH | 6 | 8 | 16 | 41 |
| FY2019 | 1 going to SOAH | 35 | 56 | 81 | 197 |
| FY2020 | 0 going to SOAH | 167 | 199 | 263 | 317 |
| FY2021 | 4 going to SOAH | 153 | 163 | 227 | 190 |
| FY2022 | 0 going to SOAH | 221 | 135 | | |
| Total | | 594 | 579 | 634 | 811 |

Informal Settlement Conference Panel List

| <i>Conference Date:</i> | <i>Conference Panel:</i> | |
|-------------------------------------|--|-----------|
| On-Call March 1 – May 31, 2023 | ???????????????? ???????????????? ???????????????? | (Future) |
| On-Call Dec 1 – Feb 28, 2023 | Mark Cartwright, Ph.D. Andoni Zagouris, M.A. Ryan T. Bridges | (Future) |
| On-Call Sept 1 – Nov 30, 2022 | Roxana Lambdin, Ph.D. Herman Adler, M.A. Jeanette Das Calhoun, Ph.D. | (Future) |
| On-Call June 1 – August 31, 2022 | Sangeeta Singg, Ph.D. Andoni Zagouris, M.A. John Bielamowicz | (Future) |
| On-Call March 1 – May 31, 2022 | Jamie Becker, Ph.D. Herman Adler, M.A.* Ryan T. Bridges | (Current) |
| On-Call Dec 1 – Feb 28, 2022 | Jamie Becker, Ph.D. Herman Adler, M.A. John Bielamowicz | |
| On-Call Sept 1 -Nov 30,2021 | Susan Fletcher, Ph.D. Andoni Zagouris, M.A. Jeanette Deas Calhoun, Ph.D. | |
| August 10-11, 2021 | Ronald Palomares, Ph.D. Herman B. Adler, M.A. Ryan T. Bridges | |
| May 11-12, 2021 | Susan Fletcher, Ph.D. Andoni Zagouris, M.A. John Bielamowicz | |
| February 9-10, 2021 | Susan Fletcher, Ph.D. Herman B. Adler, M.A. | |

COMPLAINT NO. 2022-00091

IN THE MATTER OF

ALYSHA LOMBA

§ **BEFORE THE TEXAS BEHAVIORAL**
§ **HEALTH EXECUTIVE COUNCIL**
§
§ **THE TEXAS STATE BOARD OF**
§ **EXAMINERS OF PSYCHOLOGISTS**

AGREED ORDER FOR ELIGIBILITY

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order for Eligibility with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **ALYSHA LOMBA** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is currently an applicant for licensure as a Licensed Specialist in School Psychology and is, therefore, subject to the jurisdiction of the Council under the Act.
2. Respondent practiced without a license after she allowed her license to expire on 7/16/2021.

CONCLUSIONS OF LAW

1. Respondent voluntarily submitted an application to the Council and, therefore, is bound by the provisions of the Acts (Tex. Occ. Code Chs. 501 and 507) and the Rules of the Council (22 Tex. Admin. Code pts. 21 and 41).
2. Respondent's practice without a license constitutes a violation of Council Rules 882.23(a), 882.21(g), and Texas Occupation Code §501.401(5)(B).
3. Based on the above-stated Findings of Fact, Respondent's application is subject to abatement for up to 180 days, pursuant to Council Rule §882.10, before the Council must render a decision upon the application.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

Respondent shall, within ninety (90) days of the effective date of this order and prior to the issuance of a license, do the following:

1. Respondent is hereby REPRIMANDED.
2. Respondent shall complete and submit proof of completion of three (3) hours of professional development relating to professional ethics or Council rules, or any combination thereof. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.
3. Respondent is assessed, and shall pay an administrative penalty in the total amount of \$1000, of which \$900 represents administrative costs and \$100 represents administrative penalty.

In the event Respondent fails to comply with any term of this order required to be completed prior to licensure, Respondent's license application shall be denied, without further hearings, informal settlement procedures, or any right of appeal for judicial review, and the Council shall not consider a subsequent application for licensure from Respondent, and Respondent agrees not to apply for any new license from the Council for one year from the effective date of this order.

WARNING

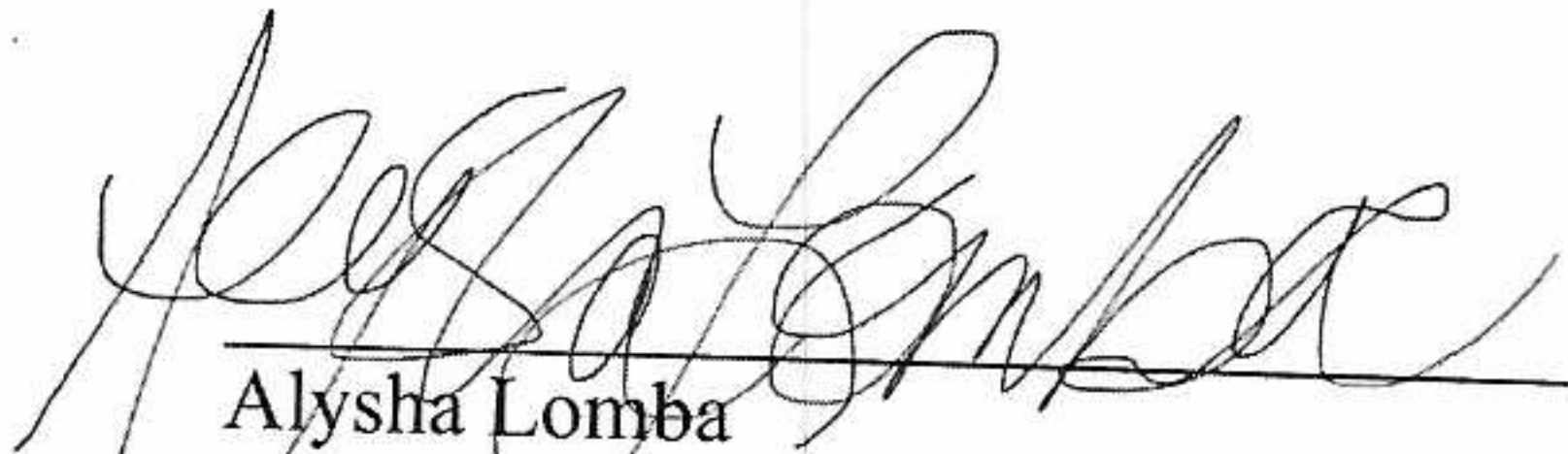
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying licensing/professional/investigative file, Respondent has freely and voluntarily waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Tex. Gov't Code Ann., Ch. 2001, in exchange for the conditions set out in this Agreed Order.

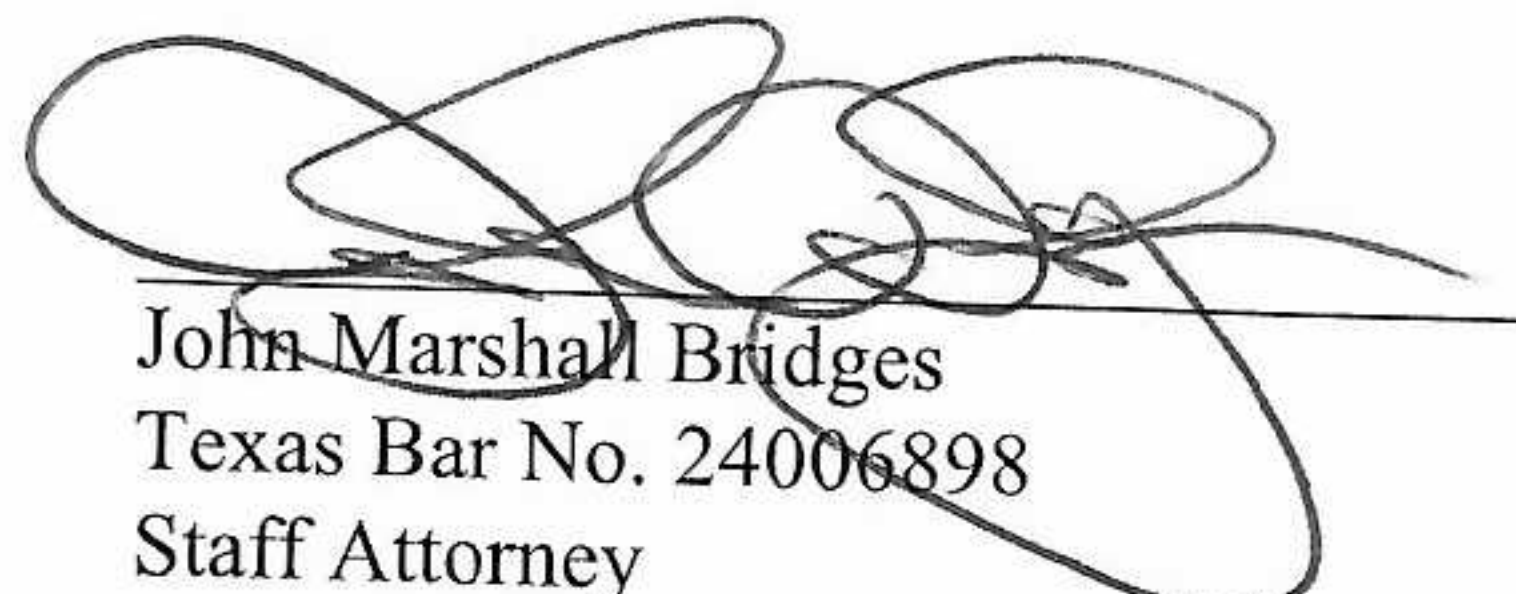
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:


Alysha Lomba
7807 Bent Branch
San Antonio, TX 78250


DATE SIGNED: 01/20/2022

FOR THE STAFF OF THE BOARD:


John Marshall Bridges
Texas Bar No. 24006898
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 25 Jan 2022

APPROVED, RATIFIED, AND ENTERED THIS 28th DAY OF January, 20 22.


Darrel D. Spinks
Executive Director, Texas Behavioral Health
Executive Council

COMPLAINT NO. 2022-00186

IN THE MATTER OF

ERIC ENOCH ESCAMILLA

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**BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL**

**THE TEXAS STATE BOARD
OF EXAMINERS OF
PSYCHOLOGISTS**

AGREED ORDER FOR ELIGIBILITY

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(d), the Texas State Board of Examiners of Psychologists ("Board") hereby approves, ratifies, and enters this Agreed Order for Eligibility with the following Findings of Fact, Conclusions of Law, and Order of the Texas Behavioral Health Executive Council ("Council"), which have been approved and accepted by Eric Enoch Escamilla ("Respondent").

FINDINGS OF FACT

1. Respondent is currently an applicant for licensure as a Licensed Psychological-Associate and is, therefore, subject to the jurisdiction of the Council under the Act.
2. Respondent is currently required by court order to be evaluated on an annual basis to determine if Respondent shall continue to receive outpatient or community-based treatment and supervision pursuant to Tex. Code Crim. Pro. Art. 46C.257.

CONCLUSIONS OF LAW

1. Respondent voluntarily submitted an application to the Council and, therefore, is bound by the provisions of Chapters 501 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 21 and 41.
2. Respondent's acts may constitute a violation of Council Rules §§463.8(a)(3), 465.9(j), and 465.13(a)(1) and (a)(2), and §§501.158, 501.2525, and 501.401 of the Occupations Code.
3. Based on the above-stated Findings of Fact, Respondent's application is subject to abatement for up to 180 days, pursuant to Council Rule §882.10, before the Council must render a decision upon the application.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent, when conducting the practice of psychology as a Licensed Psychological-Associate, shall be required to only do so under supervision of a Licensed Psychologist and in accordance with all applicable rules pertaining to supervision.
2. Respondent shall not be eligible for independent practice status so long as this supervision requirement is in place. This supervision requirement shall continue until Respondent provides a certified copy of a court order releasing Respondent from the outpatient or community-based treatment and supervision ordered pursuant to Tex. Code of Crim. Pro. Art. 46C.257.
3. Respondent's supervising Licensed Psychologist shall, at a minimum, submit an initial written report, within the first month of supervision, and an annual written report to the Council or its designee verifying that supervision has taken place, providing an evaluation of Respondent's performance, and ensuring Respondent is providing psychological services in a safe and competent manner. It shall be Respondent's responsibility to ensure the supervisor submits written reports to the Council or its designee. At the Council's discretion, if any of these reports provides sufficient concern, the Council may impose further supervision requirements and/or take other appropriate actions to ensure the safety of the public.

In the event Respondent's supervisor indicates that Respondent is fit to practice psychology, but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice psychology, Respondent shall comply with any and all recommendations made by Respondent's supervisor. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be **SUSPENDED**, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the supervisor concludes there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be **SUSPENDED**, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

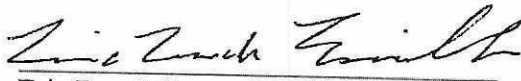
WAIVERS

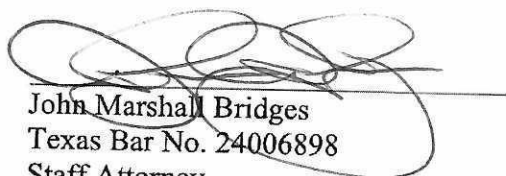
On the underlying licensing/professional/investigative file, Respondent has freely and voluntarily waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

FOR THE STAFF OF THE COUNCIL:


Eric Enoch Escamilla


John Marshall Bridges
Texas Bar No. 24006898
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 3/8/2022

DATE SIGNED: 3/8/2022

APPROVED, RATIFIED, AND ENTERED THIS ____ DAY OF _____, 20____.

John K. Biclamiowicz
Board Chair
Texas State Board of Examiners of
Psychologists

Rule: 463.10. Licensed Psychologists.

Action: Proposed Amendment

Comment:

463.10. Licensed Psychologists.

- (a) Licensure Requirements. An applicant for licensure as a psychologist must:
 - (1) hold a doctoral degree in psychology from a college or university accredited by a regional accrediting organization;
 - (2) pass all examinations required by the agency;
 - (3) submit documentation of supervised experience from a licensed psychologist which satisfies the requirements of Council §463.11 of this title; and
 - (4) meet all other requirements of §501.2525 of the Occupations Code.
- (b) Degree Requirements.
 - (1) For those applicants with a doctoral degree conferred on or after January 1, 1979, the transcript must state that the applicant has a doctoral degree that designates a major in psychology.
 - (2) For those applicants with a doctoral degree conferred prior to January 1, 1979, the transcript must reflect a doctoral degree that designates a major in psychology or the substantial equivalent of a doctoral degree in psychology in both subject matter and extent of training. A doctoral degree will be considered the substantial equivalent to a doctoral degree in psychology if the training program meets the following criteria: criteria of Council rule §463.15 of this title.
 - (A) ~~Post-baccalaureate program in a regionally accredited institution of higher learning. The program must have a minimum of 90 semester hours, not more than 12 of which are credit for doctoral dissertation and not more than six of which are credit for master's thesis.~~
 - (B) ~~The program, wherever it may be administratively housed, must be clearly identified and labeled. Such a program must specify in pertinent institutional catalogs and~~

brochures its intent to educate and train professional psychologists.

- (C) The program must stand as a recognizable, coherent organizational entity within the institution. A program may be within a larger administrative unit, e.g., department, area, or school.
- (D) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines. The program must have identifiable faculty and administrative heads who are psychologists responsible for the graduate program. Psychology faculty are individuals who are licensed or certified psychologists, or specialists of the American Board of Professional Psychology (ABPP), or hold a doctoral degree in psychology from a regionally accredited institution.
- (E) The program must be an integrated, organized sequence of studies, e.g., there must be identifiable curriculum tracks wherein course sequences are outlined for students.
- (F) The program must have an identifiable body of students who matriculated in the program.
- (G) The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology. The supervised field work or internship must have been a minimum of 1,500 supervised hours, obtained in not less than a 12 month period nor more than a 24 month period. Further, this requirement cannot have been obtained in more than two placements or agencies.
- (H) The curriculum shall encompass a minimum of two academic years of full-time graduate studies for those persons have enrolled in the doctoral degree program after completing the requirements for a master's degree. The curriculum shall encompass a minimum of four academic years of full-time graduate studies for those persons who have entered a doctoral program following the completion of a baccalaureate degree and prior to the awarding of a master's degree. It is recognized that educational institutions vary in their definitions of full-time graduate studies. It is also recognized that institutions vary in their

definitions of residency requirements for the doctoral degree.

(I) The following curricular requirements must be met and demonstrated through appropriate course work:

(i) Scientific and professional ethics related to the field of psychology.

(ii) Research design and methodology, statistics.

(iii) The applicant must demonstrate competence in each of the following substantive areas. The competence standard will be met by satisfactory completion at the B level of a minimum of six graduate semester hours in each of the four content areas. It is recognized that some doctoral programs have developed special competency examinations in lieu of requiring students to complete course work in all core areas. Graduates of such programs who have not completed the necessary semester hours in these core areas must submit to the Council evidence of competency in each of the four core areas.

(I) Biological basis of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psycho-pharmacology.

(II) Cognitive-affective basis of behavior: learning, thinking, motivation, emotion.

(III) Social basis of behavior: social psychology, group processes, organizational and system theory.

(IV) Individual differences: personality theory, human development, abnormal psychology.

(J) All educational programs which train persons who wish to be identified as psychologists will include course requirements in specialty areas. The applicant must demonstrate a minimum of 24 hours in his/her designated specialty area.

~~(3) Any person intending to apply for licensure under the substantial equivalence clause must file with the Council an affidavit showing:~~

~~(A) Courses meeting each of the requirements noted in paragraph (2) of this subsection verified by official transcripts;~~

~~(B) Appropriate, published information from the university awarding the degree, demonstrating that the requirements noted in paragraph (2) of this subsection have been met.~~

- (c) An applicant who holds an active Certificate of Professional Qualification in Psychology (CPQ) is considered to have met all requirements for licensure under this rule except for passage of the Jurisprudence Examination. Applicants relying upon this subsection must request that documentation of their certification be sent directly to the Council from the Association of State and Provincial Psychology Boards (ASPPB), be submitted to the Council in the sealed envelope in which it was received by the applicant from ASPPB, or be submitted to the Council as directed by agency staff.
- (d) An applicant who holds an active specialist certification with the American Board of Professional Psychology (ABPP) is considered to have met all requirements for licensure under this rule except for passage of the EPPP and Jurisprudence Examination. Applicants relying upon this subsection must request that documentation of their specialist certification be sent directly to the Council from ABPP, be submitted to the Council in the sealed envelope in which it was received by the applicant from ABPP, or be submitted to the Council as directed by agency staff.
- (e) The requirement for documentation of supervised experience under this rule is waived for an applicant who is actively licensed as a doctoral-level psychologist in good standing and has been practicing psychology in another jurisdiction for at least five years or can affirm that the applicant has received at least 3,000 hours of supervised experience from a licensed psychologist in the jurisdiction where the supervision took place. At least half of those hours (a minimum of 1,500 hours) must have been completed within a formal internship, and the remaining one-half (a minimum of 1,500 hours) must have been completed after the doctoral degree was conferred. Applicants relying upon this subsection must request that verification of their out-of-state licensure be sent directly to the Council from the other jurisdiction, be submitted to the Council in the sealed envelope in which it was received by the applicant from the other jurisdiction, or be submitted to the Council as directed by agency staff.
- (f) Provisional License.

- (1) An applicant who has not yet passed the required examinations or is seeking to acquire the supervised experience required under Council §463.11 of this title may practice under the supervision of a licensed psychologist as a provisionally licensed psychologist for not more than two years if the applicant meets all other licensing requirements.
- (2) A provisional license will be issued to an applicant upon proof of provisional license eligibility. However, a provisional license will not be issued to an applicant who was issued a provisional license in connection with a prior application.
- (3) A provisionally licensed psychologist is subject to all applicable laws governing the practice of psychology.
- (4) A provisionally licensed psychologist may be made the subject of an eligibility or disciplinary proceeding. The two-year period for provisional licensure shall not be tolled by any suspension of the provisional license.
- (5) A provisional license will expire after two years if the person does not qualify for licensure as a psychologist

Rule: 463.15. Criteria for Degrees Conferred Prior to 1979.

Action: New Rule

Comment:

463.15. Criteria for Degrees Conferred Prior to 1979.

- (a) For those applicants for licensure as a psychologist with a doctoral degree conferred prior to January 1, 1979, the transcript must reflect a doctoral degree that designates a major in psychology or the substantial equivalent of a doctoral degree in psychology in both subject matter and extent of training. A doctoral degree will be considered the substantial equivalent to a doctoral degree in psychology if the training program meets the following criteria:
 - (1) Post-baccalaureate program in a regionally accredited institution of higher learning. The program must have a minimum of 90 semester hours, not more than 12 of which are credit for doctoral dissertation and not more than six of which are credit for master's thesis.
 - (2) The program, wherever it may be administratively housed, must be clearly identified and labeled. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists.
 - (3) The program must stand as a recognizable, coherent organizational entity within the institution. A program may be within a larger administrative unit, e.g., department, area, or school.
 - (4) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines. The program must have identifiable faculty and administrative heads who are psychologists responsible for the graduate program. Psychology faculty are individuals who are licensed or certified psychologists, or specialists of the American Board of Professional Psychology (ABPP), or hold a doctoral degree in psychology from a regionally accredited institution.
 - (5) The program must be an integrated, organized sequence of studies, e.g., there must be identifiable curriculum tracks wherein course sequences are outlined for students.
 - (6) The program must have an identifiable body of students who matriculated in the program.

- (7) The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology. The supervised field work or internship must have been a minimum of 1,500 supervised hours, obtained in not less than a 12 month period nor more than a 24 month period. Further, this requirement cannot have been obtained in more than two placements or agencies.
- (8) The curriculum shall encompass a minimum of two academic years of full-time graduate studies for those persons have enrolled in the doctoral degree program after completing the requirements for a master's degree. The curriculum shall encompass a minimum of four academic years of full-time graduate studies for those persons who have entered a doctoral program following the completion of a baccalaureate degree and prior to the awarding of a master's degree. It is recognized that educational institutions vary in their definitions of full-time graduate studies. It is also recognized that institutions vary in their definitions of residency requirements for the doctoral degree.
- (9) The following curricular requirements must be met and demonstrated through appropriate course work:
 - (A) Scientific and professional ethics related to the field of psychology.
 - (B) Research design and methodology, statistics.
 - (C) The applicant must demonstrate competence in each of the following substantive areas. The competence standard will be met by satisfactory completion at the B level of a minimum of six graduate semester hours in each of the four content areas. It is recognized that some doctoral programs have developed special competency examinations in lieu of requiring students to complete course work in all core areas. Graduates of such programs who have not completed the necessary semester hours in these core areas must submit to the Council evidence of competency in each of the four core areas.
 - (i) Biological basis of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

- (ii) Cognitive-affective basis of behavior: learning, thinking, motivation, emotion.
 - (iii) Social basis of behavior: social psychology, group processes, organizational and system theory.
 - (iv) Individual differences: personality theory, human development, abnormal psychology.
- (10) All educational programs which train persons who wish to be identified as psychologists will include course requirements in specialty areas. The applicant must demonstrate a minimum of 24 hours in his/her designated specialty area.
- (b) Any person intending to apply for licensure under the substantial equivalence clause must file with the Council an affidavit showing:
 - (1) Courses meeting each of the requirements noted in subsection (a) of this rule verified by official transcripts;
 - (2) Appropriate, published information from the university awarding the degree, demonstrating that the requirements noted in subsection (a) of this rule have been met.

Rule: 463.12. Temporary License

Action: Proposed Amendment

Comment: The proposed amendment repeals the requirement that temporary license holders get preapproval 24 hours before one intends to use such a license in this state. Temporary license holders will only be required to report the use of this license after utilizing the full thirty days or the expiration of one year from licensure, whichever occurs first.

§463.12. Temporary License.

- (a) A temporary license may be issued to an applicant seeking to practice in this state for a limited time and purpose. To be eligible for temporary licensure, an applicant must:
 - (1) submit a completed application for temporary licensure, setting forth a brief description of the type of psychological services to be provided;
 - (2) pay the application fee;
 - (3) submit proof that the applicant is actively licensed, certified, or registered as a psychologist or psychological associate by another jurisdiction having requirements substantially equal to those prescribed by the Psychologists' Licensing Act;
 - (4) submit documentation ~~directly from the jurisdiction in which the applicant is licensed~~ indicating that the applicant is in good standing with that jurisdiction;
 - (5) be supervised (sponsorship) by a psychologist licensed in this state; and
 - (6) provide documentation that the applicant has passed the Examination for Professional Practice of Psychology at the Texas cut-off for the type of temporary license sought.
- (b) Substantial equivalency of another jurisdiction's requirements may be documented by the applicant providing a copy of the other jurisdiction's regulations with the pertinent sections highlighted to indicate training and exam requirements for a particular type of license. The material is then reviewed for substantial equivalency by the Council. An applicant need not demonstrate substantial equivalency if the applicant is licensed in a jurisdiction with which the Council has reciprocity.

- (c) Applicants for temporary licensure who hold a current Certificate of Professional Qualification in Psychology, status as a National Health Service Provider, or designation as a specialist from the American Board of Professional Psychology may have documentation from the credentialing entity sent directly to the Council as compliance with and in lieu of subsection (a)(3) and (6) of this section.
- (d) For a psychologist practicing under a temporary license issued pursuant to this rule, the supervision required by subsection (a)(5) of this section shall consist of sponsorship by a psychologist licensed in this state. The sponsoring psychologist must be available for consultation with the temporary licensee, but otherwise has no supervisory responsibility for the temporary license holder or the services provided under the temporary license.
- (e) Applicants meeting the requirements for temporary licensure shall be granted a temporary license authorizing the delivery of psychological services for no more than thirty days. Upon utilization of the full thirty days, or the expiration of one year from the date of licensure, whichever occurs first, the temporary license shall expire.
- (f) Upon utilization of the full thirty days, or the expiration of one year from the date of licensure, whichever occurs first, the A temporary licensee must submit written notification to the Council of the dates the licensee delivered psychological services in this state. ~~intends to deliver psychological services in this state, at least 24 hours prior to the delivery of those services. Psychological services may not be provided in this state under a temporary license on any date not approved by the Council.~~
- (g) Temporary licensees are subject to all applicable laws governing the practice of psychology in this state, including the Psychologists' Licensing Act and Council rules.
- (h) An applicant for permanent licensure in this state is not eligible for temporary licensure. Upon receipt of an application for permanent licensure by a temporary license holder, any temporary license held by an applicant shall expire without further action or notice by the Council.
- (i) A temporary license holder may not receive another temporary license until the expiration of one year from the date of issuance of their last temporary license, regardless of whether that license is active or expired.

Rule: 463.8. Licensed Psychological Associate

Action: Proposed Amendments

Comment: The proposed amendments correct typographical errors in subsections (a)(3) and (b)(3); extends a grandfathering provision for degrees in psychology that began before August 31, 2019; and creates a way for applicants with deficiencies to petition for permission to remediate certain areas of deficiency.

463.8. Licensed Psychological Associate.

(a) Licensure Requirements. An applicant for licensure as a psychological associate must:

- (1) hold a graduate degree in psychology from a regionally accredited institution of higher education;
- (2) provide documentation of at least six (6) semester credit hours of practicum, internship or other structured experience within the applicant's graduate degree program under the supervision of a licensed psychologist;
- (3) pass all examinations required by the Council and meet each of the criteria listed in §501.2525(a)(~~2~~)(3)-(9) of the Occupations Code; and
- (4) demonstrate graduate level coursework in each of the following areas:

(A) Psychological Foundations:

- (i) the biological bases of behavior;
- (ii) the acquired or learned bases of behavior, including learning, thinking, memory, motivation and emotion;
- (iii) the social, cultural, and systemic bases of behavior;
- (iv) the individual or unique bases of behavior, including personality theory, human development, and abnormal behavior;

(B) Research and Statistics:

- (i) the methodology used to investigate questions and acquire knowledge in the practice of psychology;
 - (ii) coursework in research design and methodology, statistics, critical thinking, and scientific inquiry;
 - (C) Applied Psychology:
 - (i) the history, theory, and application of psychological principles;
 - (ii) the application of psychological theories to individuals, families, and groups;
 - (D) Assessment:
 - (i) intellectual, personality, cognitive, physical, and emotional abilities, skills, interests, and aptitudes;
 - (ii) socio-economic, including behavioral, adaptive, and cultural assessment;
 - (E) Interventions:
 - (i) the application of therapeutic techniques;
 - (ii) behavior management;
 - (iii) consultation; and
 - (F) Scientific and Professional, Legal, and Ethical Issues.
- (b) Degree Requirements.
 - (1) For purposes of this rule:
 - (A) a graduate degree in psychology means the name of the candidate's major or program of studies contains the term "psychology;"
 - (B) a specialist degree shall be treated as a graduate degree; and
 - (C) one semester credit hour equals one and one-half quarter credit hours.

- (2) A degree utilized to meet the requirements of this rule must consist of at least sixty (60) semester credit hours, with no more than twelve (12) semester credit hours of practicum, internship, or structured experience being counted toward the total degree hour requirement.
- (3) Applicants must demonstrate proof of the graduate level coursework required in subsection (a)(2) and (a)(4) of this section by identifying which courses or training listed on their transcripts satisfy the required areas of study. Applicants may be required to provide the Council with an official course catalogue or description from their university or training program to verify whether a course meets the requirements of this rule.

(c) Supervision Requirements.

- (1) A licensed psychological associate must practice under the supervision of a licensed psychologist and may not practice independently.
- (2) Notwithstanding paragraph (1) of this subsection and subject to the limitations set out in paragraph (3) of this subsection, a licensed psychological associate may practice independently if:
 - (A) the licensee can demonstrate at least 3,000 hours of post-graduate degree experience in the delivery of psychological services under the supervision of one or more licensed psychologists;
 - (B) the supervised experience was obtained in not less than 24 consecutive months, but not more than 48 consecutive months, and in not more than three placements; and
 - (C) the licensee submits an application for independent practice evidencing proof of the required supervised experience.
- (3) A licensed psychological associate meeting the requirements of paragraph (2) of this subsection shall be approved for independent practice, but remains subject to all Council rules, including Council §465.9 (relating to Competency).
- (4) Applicants shall not utilize any supervised experience obtained from a psychologist with a restricted license or to whom they are related within the second degree of affinity or consanguinity to satisfy the requirements of this rule.

- (5) Applicants licensed as specialists in school psychology may utilize experience acquired under that license if the experience was supervised by a licensed psychologist.
- (d) Notwithstanding subsection (c)(3) of this section, an application for independent practice may be denied if a gap of more than two years exists between the completion of the supervised experience required for independent practice and the date of application for independent practice. The rules governing the waiver of gaps related to supervised experience found in Council rule §463.11 shall govern any request for a waiver under this rule.
- (e) The correct title for a person licensed under this rule shall be "licensed psychological associate" or "psychological associate."
- (f) A licensed psychological associate authorized to practice independently under this rule must inform all patients and clients as part of the informed consent process, whether the licensee holds a master's, specialist or doctoral degree, and provide the patient with a current copy of any informational pamphlet or brochure published by the Council describing the differences between the levels of training and education received in master's, specialist, and doctoral degree programs. In lieu of providing each patient or client with a copy of the required pamphlet or brochure, licensees may publish in a conspicuous manner, the pamphlet or brochure on their website or provide a link to the pamphlet or brochure on the Council's website.
- (g) Continuation of Prior Law.
- (1) Notwithstanding subsection (b)(2) of this section, a person who began a graduate program before August 31, 2019, leading to a degree in psychology, that otherwise meets the requirements of subsection (a)(1) of this section, shall be considered to have met the requirements of subsection (b)(2) if the individual has completed 42 semester credit hours.
- (2) Applicants with degrees consisting of less than 42 semester credit hours may utilize a maximum of 12 semester credit hours from another graduate degree program in psychology to achieve the total of 42 semester credit hours to meet the requirement of subsection (g)(1) of this section.
- ~~(1) Notwithstanding subsection (b)(1)(A) of this section, a person who begins a graduate program leading to a degree required by subsection (a)(1) of this section before August 31, 2019, shall be considered to have met the requirements of that subsection if the~~

~~individual's degree is primarily psychological in nature. This subsection expires on August 31, 2021.~~

~~(2) Notwithstanding subsection (b)(2) of this section, a person who begins a graduate program leading to a degree required by subsection (a)(1) of this section before August 31, 2019, shall be considered to have met the requirements of that subsection if the individual has completed 42 semester credit hours with at least 27 of those hours in psychology. Applicants with degrees consisting of less than 42 semester credit hours may utilize a maximum of 12 semester credit hours from another graduate degree program in psychology to achieve the total of 42 semester credit hours. This subsection expires on August 31, 2021.~~

(h) Remedy for Incomplete Licensure Requirements.

(1) An applicant who has completed a graduate degree in psychology, from a regionally accredited institution of higher education, that consists of at least sixty (60) semester credit hours, or meets the requirements of subsection (g) of this section, and who does not meet all of the qualifications for licensure set out in subsection (a)(2) and (4) of this section may petition for permission to remediate an area of deficiency. An applicant may not however, petition for the waiver or modification of the requisite degree or passage of the requisite examinations.

(2) The Council may allow an applicant to remediate a deficiency identified in paragraph (1) of this subsection if the applicant can demonstrate:

(A) the prerequisite is not mandated by federal law, the state constitution or statute, or 22 TAC Part 41; and

(B) the remediation would not adversely affect the public welfare.

(3) The Council may approve or deny a petition under this subsection, and in the case of approval, may condition the approval on reasonable terms and conditions designed to ensure the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice as a licensed psychological associate.

Rule: 465.35. Requirements for Professional Development.

Action: Proposed New Rule

Comment: This proposed new rule is intended to streamline all the continuing education into a rule formatted similarly to the other Boards under the Executive Counsel. Additionally, this rule adds and changes some of the requirements for each renewal cycle. For example, licensees will be able to carry forward up to ten hours from the previous cycle if they were not used, licensee can opt to take the jurisprudence examination for one hour of ethics credit, and lastly licensees can now claim up to one hour of self-study continuing education credit.

§465.35. Requirements for Professional Development.

(a) Minimum Professional Development Hours Required

- (1) A licensee must complete 40 hours of professional development during each renewal period that they hold a license. The 40 hours of professional development must include 6 hours in ethics and 6 hours in cultural diversity or competency.
- (2) A licensee may carry forward to the next renewal period, a maximum of 10 hours accrued during the current renewal period if those hours are not needed for renewal.

(b) Acceptable ethics hours include, but are not limited to professional development on:

- (1) state or federal laws, including agency rules, relevant to the practice of psychology;
- (2) practice guidelines established by local, regional, state, national, or international professional organizations;
- (3) training or education designed to demonstrate or affirm the ideals and responsibilities of the profession; and
- (4) training or education intended to assist licensees in determining appropriate decision-making and behavior, improve consistency in or enhance the professional delivery of services, and provide a minimum acceptable level of practice.

(c) Acceptable cultural diversity or competency hours include, but are not limited to professional development regarding age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and socio-economic status.

(d) Acceptable Professional Development Activities.

- (1) All professional development hours must have been received during the renewal period unless allowed under subsection (a)(2) of this section, and be directly related to the practice of psychology;
- (2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of psychology;
- (3) Except for hours claimed under subsection (g), all professional development hours obtained must be designated by the provider in a letter, email, certificate, or transcript that displays the licensee's name, topic covered, date(s) of training, and hours of credit earned; and
- (4) Multiple instances or occurrences of a professional development activity may not be claimed for the same renewal period.

(e) Licensees must obtain at least fifty percent of their professional development hours from one or more of the following providers:

- (1) an international, national, regional, state, or local association of medical, mental, or behavioral health professionals;
- (2) public school districts, charter schools, or education service centers;
- (3) city, county, state, or federal governmental entities;
- (4) an institution of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education;
- (5) religious or charitable organizations devoted to improving the mental or behavioral health of individuals; or
- (6) any provider approved or endorsed by a provider listed herein.

(f) Licensees shall receive credit for professional development activities according to the number of hours designated by the provider, or if no such designation, on a one-for-one basis with one credit hour for each hour spent in the professional development activity.

(g) Licensees may claim professional development credit for each of the following activities:

- (1) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of professional development in ethics.
- (2) Preparing and giving a presentation at a professional development activity. The maximum number of hours that may be claimed for this activity is 5 hours.
- (3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.
- (4) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is 5 hours.
- (5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour.
- (6) Successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code. Licensees who complete this training may claim 1 hour of professional development credit.
- (7) The Council does not pre-evaluate or pre-approve professional development providers or hours.
- (8) Licensees shall maintain proof of professional development compliance for a minimum of 3 years after the applicable renewal period.

Rule: 463.35. Professional Development.

Action: Proposed Repeal

Comment: This rule is proposed to be repealed and replaced by a new §465.35, pertaining to Requirements for Professional Development, which is formatted similarly to the other Boards under the Executive Counsel.

§463.35. Professional Development.

- (a) ~~Persons licensed under Chapter 501 are obligated to continue their professional education by completing a minimum of 40 hours of professional development during each renewal period they hold a license. At least 6 of these hours shall be in ethics, the Council's rules, or professional responsibility, and another 6 or more hours shall be in cultural diversity. Acceptable cultural diversity hours include, but are not limited to professional development regarding age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and socio-economic status.~~
- (b) ~~Relevancy. All professional development hours shall be directly related to the practice of psychology. The Council shall make the determination as to whether the activity or publication claimed by the licensee is directly related to the practice of psychology. In order to establish relevancy to the practice of psychology, the Council may require a licensee to produce course descriptions, conference catalogs and syllabi, or other material as warranted by the circumstances. A person may not claim professional development credit for personal psychotherapy, workshops for personal growth, the provision of services to professional associations by a licensee, foreign language courses, or computer training classes.~~
- (c) ~~At least half of the professional development hours required by this rule shall be obtained from or endorsed by a provider listed in subsection (f)(1) of this section.~~
- (d) ~~The Council shall not pre-approve professional development credit.~~
- (e) ~~Approved Professional Development Activities. The Council shall accept professional development hours obtained by participating in one or more of the following activities:~~
 - (1) ~~attendance or participation in a formal professional development activity for which professional development hours have been pre-assigned by a provider;~~

(2) —teaching or attendance as an officially enrolled student in a —
graduate level course in psychology at a regionally accredited —
institution of higher education;

(3) —presentation of a program or workshop; and

(4) —authoring or editing publications.

(f) —Approved Professional Development Providers. The Council shall accept —
professional development hours from the following providers:

(1) —national, regional, state, or local psychological associations; public —
school districts; regional service centers for public school districts; —
state or federal agencies; or psychology programs, or counseling —
centers which host accredited psychology training programs, at —
regionally accredited institutions of higher education; and

(2) —other formally organized groups providing professional —
development that is directly related to the practice of psychology. —
Examples of such providers include: public or private institutions, —
professional associations, and training institutes devoted to the —
study or practice of particular areas or fields of psychology; and —
professional associations relating to other mental health —
professions such as psychiatry, counseling, or social work.

(g) —Credit for professional development shall be provided as follows:

(1) —For attendance at formal professional development activities, the —
number of hours pre-assigned by the provider.

(2) —For teaching or attendance of a graduate level psychology course, —
4 hours per credit hour. A particular course may not be taught or —
attended by a licensee for professional development credit more —
than once.

(3) —For presentations of workshops or programs, 3 hours for each hour —
actually presented, for a maximum of 6 hours per year.

(4) —For publications, 8 hours for authoring or co-authoring a book; 6 —
hours for editing a book; 4 hours for authoring a published article —
or book chapter. A maximum credit of 8 hours for publication is —
permitted for any one year.

(h) —Professional development hours shall have been obtained during the —
renewal period for which they are submitted and may not be utilized to —
fulfill the requirements for more than one renewal period. However, if the —

~~hours were obtained during the license renewal month and are not needed for compliance for that renewal period, they may be submitted the following renewal period to meet that period's professional development requirements.~~

~~(i) The Council shall accept as documentation of professional development:~~

~~(1) for hours received from attendance or participation in formal professional development activities, a certificate or other document containing the name of the sponsoring organization, the title of the activity, the number of pre-assigned professional development hours for the activity, and the name of the licensee claiming the hours;~~

~~(2) for hours received from attending college or university courses, official grade slips or transcripts issued by the institution of higher education;~~

~~(3) for hours received for teaching college or university courses, documentation demonstrating that the licensee taught the course;~~

~~(4) for presenters of professional development workshops or programs, copies of the official program announcement naming the licensee as a presenter and an outline or syllabus of the contents of the program or workshop;~~

~~(5) for authors or editors of publications, a copy of the article or table of contents or title page bearing the name of licensee as the author or editor;~~

~~(6) for online or self-study courses, a copy of the certificate of completion containing the name of the sponsoring organization, the title of the course, the number of pre-assigned professional development hours for the course, and stating the licensee passed the examination given with the course.~~

~~(j) It is the responsibility of each licensee to maintain documentation of all professional development hours claimed under this rule and to provide this documentation upon request by the Council. Licensees shall maintain documentation of all professional development hours for 5 years following the renewal period in which those hours were utilized~~

Texas Behavioral Health Executive Council

Texas State Board of Examiners of Psychologists

Guidelines For The Practice Of Telepsychology

The delivery of psychological services by remote or electronic means is a rapidly expanding area. While the Council's rules do not prohibit such services, it is important for psychologists to be aware of a number of concerns about the delivery of services via remote or electronic means, including the following:

1. The increased potential that a therapist will have limited knowledge of a distant community's resources in times of crisis.
2. Problems associated with obtaining informed consent.
3. The lack of standards for training providers in the use of technology as well as the special therapeutic considerations in the use of the medium.
4. The lack of vocal, visual, and other sensory cues.
5. The potential that equipment failures may lead to undue patient anxiety particularly in crisis situations.
6. The potential inability of patients in crisis or those unfamiliar with technology to adequately access and use the technology.
7. The lack of confidentiality and privacy.

It is important to remember that the Psychologists' Licensing Act and all other laws affecting the delivery of psychological services apply to all psychological services delivered anywhere within the state of Texas, regardless of how they are delivered.

Complaints received by the Council regarding psychological services delivered through remote or electronic means will be evaluated by the Council on a case-by-case basis, and the following general principles will be applied to any such complaints. However, these guidelines are not intended to conflict with, nor should they be construed to alter requirements for the delivery of services via remote or electronic means that have been established by exempt facilities such as the Veterans Administration.

An individual who is physically located in another state shall be considered to be practicing psychology in Texas and therefore, subject to the Act, if a recipient of psychological services provided by the individual is physically located in the state of Texas. Licensees should also be aware that services they offer to consumers in other states may similarly be regulated by the laws of the state in which the consumers are located.

~~The Council currently considers the use of remote or electronic means to deliver psychological services as an "emerging area" as set forth in Council rule 465.9(e). That rule states: "in emerging areas in which generally recognized standards for preparatory training~~

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~~do not exist, licensees take reasonable steps to ensure the competence of their work and to protect patients, clients, research participants, and other affected individuals from the potential for harm.”~~ Telepsychology is an evolving form of practice and licensees are responsible for keeping up to date with the changes in technology and the legal practice requirements. As a reminder, Council rule 465.9(d) requires that licensees who provide services in new areas or involving new techniques do so only after undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas or techniques.

Lastly, it~~It~~ is important for licensees considering such services to review the characteristics of the services, the service delivery method, and the provisions for confidentiality to ensure compliance with the Council rules, as well as federal and state law. Licensees are also encouraged to review the [*Guidelines for the Practice of Telepsychology*](#) published by the American Psychological Association, and incorporate those best practices where congruent with federal and state law.