

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS



MEMBERS OF THE BOARD

Ryan Bridges, Chair

Herman B. Adler, M.A.

Jamie Becker, Ph.D.

Jeanette Deas Calhoun, Ph.D.

Mark Cartwright, Ph.D.

Roxana Lambdin, Ph.D.

Brian E. Rentsch, P.E., PMP

Sangeeta Singg, Ph.D.

Andoni Zagouris, M.A.

Diane Moore
Board Administrator

Texas State Board of Examiners of Psychologists Meeting Agenda

September 18, 2025 10:00 a.m.

The September 18, 2025 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 1801 Congress Ave., Ste. 4.300, Austin, Texas 78701. In the event of internet connectivity problems, the physical meeting location will be moved to 1801 Congress Ave., 7.301, Austin, Texas 78701. These alternate locations will be open to the public, but seating is limited to first come, first served. Due to the size of these alternate meeting rooms, public seating will be limited by their relative occupancy ratings.

Members of the public are encouraged to access and participate virtually in this meeting by entering the URL address <https://us02web.zoom.us/j/89323416884> 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 by <https://forms.office.com/r/1HrkmeV1Jx>. Only those written public comments received by 5pm on the last business day prior to the meeting will be submitted to the council members for their consideration. No written comments received will be read aloud during the meeting.

Please note that the Board may request input during the meeting from any interested parties or members of the public in attendance 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, <https://bhec.texas.gov/contact-us/> and select “Administration and Executive Leadership” from the drop-down menu to send an email, 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 September 18, 2025, 10:00 a.m.

1. Call to Order.

Includes roll call and excusal of absences if necessary.

2. Welcome and announcements.

3. Public Comment.

Comments will be received from individuals attending in person, by virtual meeting, and by phone.

INFORMATIONAL ITEMS – NO ACTIONS WILL BE TAKEN.

4. Demonstration of the online CE management system for licensees, including outreach efforts and the mandatory effective date for system use during license renewal

5. Reports on general matters.

a. Report from the Board Chair.

May include discussion of current challenges and accomplishments; lawsuits; interaction with stakeholders, state officials, and staff; committee appointments and functions; workload of Board members; conferences; and general information regarding the routine functioning of the Board.

b. Report from the Board’s Delegates to the Texas Behavioral Health Executive Council.

May include discussion regarding the activities of the Executive Council, including recently proposed or adopted rules.

c. Report from the Board Administrator and other staff.

May include discussion of operations, organization, and staffing; workload processing and statistical information; customer service accomplishments, inquiries, and challenges; media, legislative, and stakeholder contacts and concerns; special projects; and general information regarding the routine functioning of the program.

i. PSYPACT Update

ii. Update regarding development of a psychology licensure exam

iii. Update regarding Walden University practicum

d. Reports from Committees

MATTERS FOR POTENTIAL BOARD ACTION

6. Licensing matters.

May include discussion of licensing regulations and operations as they pertain to application processing.

- a. Board review and possible action on appeal of license applications
 - i. LP Application – Dr. Karen Parsonson
 - ii. LP Application – Dr. Bethany Mink
 - iii. LP Applications – Shirin Rahgozar
 - iv. LSP Application – Yassiel Basulto
 - v. LPA Application – Bonnie Boshears
 - vi. LPA Application – Robin King
 - vii. LPA Application – Nicole Webb
 - viii. LPA Application – Corina Weir

7. Examination matters.

May include reports from the Board's jurisprudence exam vendor and discussion of exam content and format.

- a. Update from staff regarding development of jurisprudence exam modules
- b. Board review and possible action related to changes in the Board's jurisprudence exam.

8. Enforcement matters.

May include discussion of quarterly enforcement activities, as well as discussion of agreed orders executed or cases dismissed by the Council's Executive Director.

- a. Board review and possible action regarding contested cases from State Office of Administrative Hearings (SOAH).
- b. Board review and possible action regarding agreed orders to be executed by the Board.
 - i. FY25 – Q3

9. Rulemaking

May include discussion and referral of potential rule changes to the Rules Committee, as well as discussion of the status of rule proposals sent to the Executive Council.

- a. Adoption of Rules: *Discussion and possible action to recommend adoption of new rules, amendments, or repeal of rules in Title 22 of the Texas Administrative Code:*
 - i. §465.2 Supervision
 - ii. §465.34 Providing Mental Health Services to Those Served by Others
- b. Proposal of Rules: *Discussion and possible action to recommend proposal of new rules, amendments, or repeal of rules in Title 22 of the Texas Administrative Code:*
 - i. §463.8 Licensed Psychological Associate
 - ii. §463.9 Licensed Specialist in School Psychology
 - iii. §463.11 Supervised Experience Required for Licensure as a Psychologist

- iv. §463.20 Special Provisions Applying to Military Service Members, Veterans and Spouses
 - v. §463.30 Examiners Required for Licensure
 - vi. §465.1 Definitions
 - vii. §465.2 Supervision
 - viii. §465.18 Forensic Services
 - ix. §465.21 Termination of Services
 - x. §465.38 Psychological Services for Schools
 - c. Discussion and possible of action regarding a formal rule petition by D. Madres related to LSP and expansion of scope of practice to include supplemental special education services and education saving account programs.
10. Recommendations for agenda items for the next meeting.
11. Adjournment.

Addendum: Additional Videoconference and Telephone Conference Call Information

Regular meeting of the Texas State Board of Examiners of Psychologists.

When: Sep 18, 2025 10:00 AM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Psychologists September 18, 2025 Board Meeting

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/89323416884>

Phone one-tap:

+13462487799,,89323416884# US (Houston)

+12532158782,,89323416884# US (Tacoma)

Join via audio:

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 719 359 4580 US

+1 253 205 0468 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

Webinar ID: 893 2341 6884

International numbers available: <https://us02web.zoom.us/j/kdFTgpAbf8>

Psychology Interjurisdictional Compact (PSYPACT)

Psychology Interjurisdictional Compact Commission

Title of Rule: Compact Privilege to Practice Telepsychology

Drafted: November 21, 2019

Effective: February 27, 2020

Amended: November 19, 2021

November 17, 2022

November 16, 2023

History for Rule: Introduced at public meeting on November 21-22, 2019

Public hearing February 27, 2020

Amendments introduced at Commission Meeting on

August 5, 2021

Annual Commission meeting on November 19, 2021

Amendments introduced at Commission Meeting on

July 14, 2022

Annual Commission meeting November 17, 2022

Amendments introduced at the Commission Meeting

on November 16, 2023

Section 4: Compact Privilege to Practice Telepsychology

Authority: Article IV: Compact Privilege to Practice Telepsychology

Article II: Definitions

Article III: Home State Licensure

Purpose: Pursuant to Article IV, the Compact State shall recognize the right of a psychologist to practice telepsychology in other Compact States under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact and further defined in these Rules.

Definition(s): (A) *“Association of State and Provincial Psychology Boards (ASPPB)” means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.*

(B) **“Authority to Practice Interjurisdictional Telepsychology”** means: a licensed psychologist’s Authority to Practice Telepsychology, within the

limits authorized under this Compact, in another Compact State. This Authority to Practice Interjurisdictional Telepsychology is deemed valid until the psychologist is no longer eligible under the Compact Statute and/or the Rules and/or Policies established by the Commission.

(C) **“Authorization Holder”** means: a licensed psychologist who has been granted Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization to Practice under this Compact.

(D) **“Commission”** means: the national administrative body of which all states that have enacted the Compact are members.

(E) **“Compact”** means: Psychology Interjurisdictional Compact (PSYPACT).

(F) **“Compact State”** means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or has been terminated pursuant to Article XII, Section B. For purposes of this Compact, Compact State and Member State may be used interchangeably.

(G) **“E.Passport”** means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

(H) **“Graduate Degree”** means: For the purpose of this Compact, a doctoral degree.

(I) **“Home of Record”** means: for the purpose of this Compact, the active duty military personnel’s or spouse’s state of legal residence on record with the military.

(J) **“Home State”** means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.

(K) **“License”** means: authorization by a State and Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(L) **“Permanent Change of Station” or “PCS”** means: the state of the duty station noted in the active duty military personnel’s PCS orders.

(M) **“Receiving State”** means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.

(N) **“Rule”** means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article XI of this Compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the Compact; or is an organizational, procedural, or practice requirement of the Commission

and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.

(O) **“Scope of Practice”** means: the procedures, actions, and processes a psychologist licensed in a state is permitted to undertake in that state and the circumstances under which the psychologist is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, rules and regulations, case law, and other processes available to the State Psychologist Regulatory Authority or other government agency.

(P) **“State”** means: any state, commonwealth, territory, or possession of the United States, the District of Columbia.

(Q) **“State Law to Protect the Health and Safety of its Citizens”** means: a state statute, regulation, court decision or other controlling authority within a state that has binding legal force and which has as its purpose the protection of the health and safety of citizens of the state.

(R) **“State of Current Residence”** means: the state in which the active duty military personnel or spouse is currently physically residing.

(S) **“State Psychology Regulatory Authority”** means: the Board, office or agency with the legislative mandate to license and regulate the practice of psychology.

(T) **“Temporary Authorization to Practice”** means: a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State. This Temporary Authorization to Practice is deemed valid until the psychologist is no longer eligible under the Compact Statute and/or the Rules and/or Policies established by the Commission.

4.2 Exercising Authority to Practice Interjurisdictional Telepsychology: A psychologist must apply for an Authority to Practice Interjurisdictional Telepsychology as required by the Commission and pay all applicable fees.

4.3 Qualifications for Authority to Practice Interjurisdictional Telepsychology:

A. A psychologist licensed in a Compact State must meet all qualifications as defined in the Psychology Interjurisdictional Compact Language Article IV, Section B.

B. To be eligible for an Authority to Practice Interjurisdictional Telepsychology (APIT), an applicant must have successfully completed a graduate course of study with a minimum of one academic year of in-person, face-to-face instruction at the educational institution. Semesters, terms, or other academic periods in which the student completed only distance or remote instruction, whether synchronous or asynchronous, will not count toward fulfillment of the in-person, face-to-face instructional requirement.

A.—

4.4 Home State Licensure:

A. A psychologist must identify the Home State which has been designated as such by the

psychologist for purposes of practicing interjurisdictional telepsychology and participation in the Compact at the point of initial application and provide an update regarding any Home State changes.

- B. A psychologist having an Authority to Practice Interjurisdictional Telepsychology may be audited at any time by the Commission to verify compliance with Home State licensure verification requirements.
- C. A psychologist holding a temporary permit, temporary license or other equivalent status does not allow the psychologist to practice under the authority of the Psychology Interjurisdictional Compact (PSYPACT).
- D. In addition to complying with reporting name and address changes as required by the Home State, psychologists holding an Authority to Practice Interjurisdictional Telepsychology must also notify the Commission of a change of name and/or Home State address within 30 days of the change.
- E. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

4.5 Scope of Practice: A psychologist practicing under an Authority to Practice Interjurisdictional Telepsychology into a Receiving State is subject to the Scope of Practice of the Receiving State.

4.6 E.Passport: As required in Psychology Interjurisdictional Compact Language Article IV Section B.6., a psychologist must possess a current active E.Passport. The E.Passport must be applied to and issued by the Association of State and Provincial Psychology Boards (ASPPB).

4.7 Fee for Authority to Practice Interjurisdictional Telepsychology:

- A. The Commission shall charge an application fee for the Authority to Practice Interjurisdictional Telepsychology (APIT).
- B. The Commission shall charge an annual renewal fee for the Authority to Practice Interjurisdictional Telepsychology (APIT)
- C. The Commission's Authority to Practice Interjurisdictional Telepsychology (APIT) application and renewal fees shall be posted on the Commission's website (<http://www.psypact.gov/fees>).
- D. The Commission shall give 30 days' notice before modifying the Authority to Practice Interjurisdictional Telepsychology (APIT) application and/or renewal fees by posting notice of the new fee(s) on the Commission's website.

4.8 Impact of Non-Payment on Eligibility: If a psychologist fails to pay any applicable fees, the Commission may:

- A. Terminate the existing Authority to Practice Interjurisdictional Telepsychology; and
- B. Prevent the psychologist from purchasing a Temporary Authorization to Practice under PSYPACT as well until the non-payment is remedied.

4.9 Active Duty Military Personnel or Their Spouses: A licensed psychologist who is active duty military or is the spouse of an individual who is active duty military may designate one of

the following as the Home State as long as the Receiving State and the Home State are members of the Compact:

- A. Home of Record;
- B. Permanent Change of Station (PCS); or
- C. State of Current Residence if it is different than the PCS state or Home of Record.
- D. The active duty military personnel or spouse of an individual who is active duty military may change the Member State designated as the individual's Home State by notifying the Commission.

4.10 State Law to Protect the Health and Safety of its Citizens: A psychologist practicing under an Authority to Practice Interjurisdictional Telepsychology into a Receiving State is subject to the Receiving State's State Law to Protect the Health and Safety of its Citizens, which may include, among others, laws that:

- A. Require abuse reporting by a psychologist.
- B. Require a psychologist securing informed consent from or for a patient, and/or prescribe the manner in which informed consent must be obtained.
- C. Require a psychologist to make disclosures to an individual that the individual is at serious risk of bodily injury or other harm by a third person.
- D. Prohibit any individual from engaging in conduct that causes or may reasonably cause another to suffer physical or psychological harm.
- E. Establish standards, processes or criteria for involuntary commitment and/or involuntary treatment of individuals.

4.11 Authorization Validity: Authority to Practice Interjurisdictional Telepsychology (APIT) that is issued by the PSYPACT Commission only applies to that specific authorization holder. Authorization cannot be delegated to any other individual.

Commented [J01]: Previously numbered 4.13

4.12 Authority to Practice Interjurisdictional Telepsychology (APIT) Application Attestation and Acknowledgement Form: As part of the APIT application, a psychologist must complete an attestation and acknowledgment form in the format prescribed by the PSYPACT Commission. Failure to comply will be grounds for denial of the APIT.

Commented [J02]: Previously numbered 4.11

4.13 Grounds for Application Denial: An Authority to Practice Interjurisdictional Telepsychology (APIT) authorization may be denied if the applicant does not meet the requirements for the authorization and/or there is sufficient evidence that the applicant has engaged in acts, including but not limited to the following:

Commented [J03]: New Rule

- A. Fraud or deception in applying or renewing an APIT and/or TAP;
- B. Misrepresentation of APIT and/or TAP status;
- C. Practicing with an expired APIT and/or TAP;
- D. Notification of adverse or disciplinary action by a psychology regulatory entity;
- E. Violation of APIT and/or TAP acknowledgments;

F. Failure to provide requested information to the Commission in the specified timeframe;

G. Failure to comply with PSYPACT Commission Rules and/or Policies; or

H. Receiving any other adverse or disciplinary action.

4.14 Grounds for Revocation: An Authority to Practice Interjurisdictional Telepsychology (APIT) authorization may be revoked by the PSYPACT Staff or by the Requirements Review Committee whenever the Staff or Committee has sufficient evidence that the APIT Holder has engaged in acts, including but not limited to the following:

A. Fraud or deception in applying or renewing an APIT and/or TAP;

B. Misrepresentation of APIT and/or TAP status;

C. Practicing with an expired APIT and/or TAP;

D. Notification of adverse or disciplinary action by a psychology regulatory entity;

E. Violation of APIT and/or TAP acknowledgments;

F. Failure to provide requested information to the Commission in the specified timeframe;

G. Failure to comply with PSYPACT Commission Rules and/or Policies; or

H. Receiving any other adverse or disciplinary action.

Commented [J04]: New Rule

4.12 Appeals Process: ~~Applicants who are denied authorization and/or authorization has been suspended or terminated may file an appeal pursuant to Policy 1.20 or 1.21 by submitting the appropriate form to the PSYPACT Commission staff.~~

4.15 Appeal Process:

Commented [J05]: Previously numbered 4.12

A. Once a denial has been issued, PSYPACT staff will provide the applicant with written notice of any grounds for denial, along with an appeals form and deadline for appealing the decision. The applicant shall have 30 days from the date of the notice to request an appeal. If no appeal is filed in a timely manner, the action is final. If the appeal is filed in a timely manner, it will be heard by the Appeals Committee as soon as practicable. The Appeals Committee shall issue a decision on the appeal, which shall be final.

~~A.B.~~ Once a revocation has been issued, PSYPACT staff will provide the authorization holder with written notice of the grounds for the revocation, along with an appeals form and deadline for appealing the decision. The authorization holder shall have 30 days from the date of the notice to request an appeal. If no appeal is filed in a timely manner, then the action is final. If the appeal is filed in a timely manner, then the appeal will be heard by the Appeals Committee as soon as practicable. The Appeals Committee shall issue a decision on the appeal, which shall be final.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.

Psychology Interjurisdictional Compact (PSYPACT)

Psychology Interjurisdictional Compact Commission

Title of Rule: Compact Temporary Authorization to Practice

Drafted: November 21, 2019

Effective: February 27, 2020

Amended: November 18, 2021
November 17, 2022
November 16, 2023

History for Rule: Introduced at public meeting on November 21-22, 2019
Public hearing February 27, 2020
Amendments introduced at Commission Meeting on August 5, 2021
Commission Meeting November 18, 2021
Amendments introduced at Commission Meeting on July 14, 2022
Commission Meeting November 17, 2022
Amendments introduced at Commission Meeting on November 16, 2023

Section 5: Compact Temporary Authorization to Practice

Authority: Article V: Compact Temporary Authorization to Practice
Article II: Definitions
Article III: Home State Licensure

5.0 Purpose: Pursuant to Article V, the Compact State shall recognize the right of a psychologist licensed in a Compact State to practice temporarily in other Compact States under the Compact Temporary Authorization to Practice as provided in the Compact and further defined in these Rules.

5.1 Definition(s): (A) *“Association of State and Provincial Psychology Boards ASPPB”* means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.
(B) **“Authority to Practice Interjurisdictional Telepsychology”** means: a licensed psychologist’s Authority to Practice Telepsychology, within the limits authorized under this Compact, in another Compact State. This Authority to Practice Interjurisdictional Telepsychology is deemed valid

until the psychologist is no longer eligible under the Compact Statute and/or the Rules and/or Policies established by the Commission.

(C) “**Authorization Holder**” means: a licensed psychologist who has been granted Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization to Practice under this Compact.

(D) “**Commission**” means: the national administrative body of which all states that have enacted the Compact are members.

(E) “**Compact**” means: Psychology Interjurisdictional Compact (PSYPACT).

(F) “**Compact State**” means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or has been terminated pursuant to Article XII, Section B. For purposes of this Compact, Compact State and Member State may be used interchangeably.

(G) “**Distant State**” means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.

(H) “**Distant State’s Authority and Law**” means: law in a Distant State that applies to an individual due to that individual’s physical presence in the Distant State.

(I) “**Graduate Degree**” means: For the purpose of this Compact, a doctoral degree.

(J) “**Home of Record**” means: for the purpose of this Compact, the active duty military personnel’s or spouse’s state of legal residence on record with the military.

(K) “**Home State**” means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.

(L) “**Interjurisdictional Practice Certificate (IPC)**” means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB).

(M) “**License**” means: authorization by a State and Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(N) “**Permanent Change of Station**” or “**PCS**” means: the state of the duty station noted in the active duty military personnel’s PCS orders.

(O) “**Rule**” means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article XI of this Compact that is of general applicability; implements, interprets,

85 *or prescribes a policy or provision of the Compact; or is an*
86 *organizational, procedural, or practice requirement of the Commission*
87 *and has the force and effect of statutory law in a member state and*
88 *includes the amendment, repeal, or suspension of an existing rule.*
89 (P) **“Scope of Practice”** means: the procedures, actions, and processes a
90 psychologist licensed in a state is permitted to undertake in that state and
91 the circumstances under which the psychologist is permitted to undertake
92 those procedures, actions and processes. Such procedures, actions and
93 processes and the circumstances under which they may be undertaken may
94 be established by various means, including, but not limited to statute, rules
95 and regulations, case law, and other processes that may be available to the
96 State Psychologist Regulatory Authority or other government agency.
97 (Q) **“State”** means: *any state, commonwealth, territory, or possession of*
98 *the United States, the District of Columbia.*
99 (R) **“State Law to Protect the Health and Safety of its Citizens”** means:
100 a state statute, regulation, court decision or other controlling authority
101 within a state that has binding legal force and which has as its purpose the
102 protection of the health and safety of citizens of the state.
103 (S) **“State of Current Residence”** means: the state in which the active
104 duty military personnel or spouse is currently physically residing.
105 (T) **“State Psychology Regulatory Authority”** means: *the Board, office or*
106 *agency with the legislative mandate to license and regulate the practice of*
107 *psychology.*
108 (U) **“Temporary Authorization to Practice”** means: a licensed
109 psychologist’s authority to conduct temporary in-person, face-to-face
110 practice, within the limits authorized under this Compact, in another
111 Compact State. This Temporary Authorization to Practice is deemed valid
112 until the psychologist is no longer eligible under the Compact Statute
113 and/or the Rules and/or Policies established by the Commission.
114

115 **5.2 Exercising Temporary Authorization to Practice:** Psychologist must apply for Temporary
116 Authorization to Practice as required by the Commission and pay all applicable fees.

117 **5.3 Qualifications for Temporary Authorization to Practice:**

- 118 A. A psychologist licensed in a Compact State must meet all qualifications as defined in the
119 Psychology Interjurisdictional Compact Language Article V, Section B. A psychologist
120 holding an Interjurisdictional Practice Certificate (IPC) in good standing that was issued
121 prior to July 1, 2019 is considered to have met the educational qualifications.
122 B. To be eligible for a Temporary Authorization to Practice (TAP), an applicant must have
123 successfully completed a graduate course of study with a minimum of one academic year of in-
124 person, face-to-face instruction at the educational institution. Semesters, terms, or other academic
125 periods in which the student completed only distance or remote instruction, whether synchronous
126 or asynchronous, will not count toward fulfillment of the in-person, face-to-face instructional
127 requirement.

128
129 **5.4 Home State Licensure:**

- A. A psychologist must identify the Home State which has been designated as such by the psychologist for purposes of the Temporary Authorization to Practice and participation in the Compact at the point of initial application and provide an update regarding any Home State changes.
- B. A psychologist having a Temporary Authorization to Practice may be audited at any time by the Commission to verify compliance with Home State licensure verification requirements.
- C. A psychologist holding a temporary permit, temporary license or other equivalent status does not allow the psychologist to practice under the authority of the Psychology Interjurisdictional Compact (PSYPACT).
- D. In addition to complying with reporting name and address change as required by the Home State, psychologists holding a Temporary Authorization to Practice must also notify the Commission of a change of name and/or Home State address within 30 days of the change.

5.5 Scope of Practice: A psychologist practicing under the Temporary Authorization to Practice is subject to Scope of Practice authorized by the Distant State and is subject to the Distant State's Authority and Law.

5.6 Interjurisdictional Practice Certificate (IPC): As required in PSYPACT Language Article V, Section B. 6., a psychologist must possess a current active IPC. The IPC must be applied to and issued by the Association of State and Provincial Psychology Boards (ASPPB).

5.7 Fee for Temporary Authorization to Practice:

- A. The Commission shall charge an application fee for the Temporary Authorization to Practice (TAP).
- B. The Commission shall charge an annual renewal fee for the Temporary Authorization to Practice (TAP).
- C. The Commission's Temporary Authorization to Practice (TAP) application and renewal fees shall be posted on the Commission's website (<http://www.psypact.goverg>).
- D. The Commission shall give thirty (30) days' notice before modifying the Temporary Authorization to Practice (TAP) application and/or renewal fees by posting notice of the new fee(s) on the Commission's website.

5.8 Impact of Non-Payment on Eligibility: If a psychologist fails to pay any applicable fees, the Commission may:

- A. Terminate the existing Temporary Authorization to Practice; and
- B. Prevent the psychologist from purchasing an Authority to Practice Interjurisdictional Telepsychology under PSYPACT as well until the non-payment is remedied.

5.9 Active Duty Military Personnel or Their Spouses: A licensed psychologist who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the Home State as long as the Distant State and the Home State are members of the Compact:

- A. Home of Record;

- B. Permanent Change of Station (PCS); or
- C. State of Current Residence if it is different than the PCS state or Home of Record.
- D. The active duty military personnel or spouse of an individual who is active duty military may change the Member State designated as the individual's Home State by notifying the Commission.

5.10 State Law to Protect the Health and Safety of its Citizens: A psychologist practicing in a Distant State under a Temporary Authorization to Practice is subject to the Distant State's State Law to Protect the Health and Safety of its Citizens, which may include, among others, laws that:

- A. Require abuse reporting by a psychologist.
- B. Require a psychologist to secure informed consent from or for a patient and/or prescribe the manner in which informed consent must be obtained.
- C. Require a psychologist to make disclosures to an individual that the individual is at serious risk of bodily injury or other harm by a third person.
- D. Prohibit any individual from engaging in conduct that causes or may reasonably cause another to suffer physical or psychological harm.
- E. Establish standards, processes or criteria for involuntary commitment and/or involuntary treatment of individuals.

5.11 Authorization Validity: Temporary Authorization to Practice (TAP) that is issued by the PSYPACT Commission only applies to that specific authorization holder. Authorization cannot be delegated to any other individual.

Commented [JO1]: Previously Numbered 5.13

5.12 Temporary Authorization to Practice (TAP) Application Attestation and Acknowledgement Form: As part of the TAP application, a psychologist must complete an attestation and acknowledgment form in the format prescribed by the PSYPACT Commission. Failure to comply will be grounds for denial of the TAP.

5.13 Grounds for Application Denial: A Temporary Authorization to Practice (TAP) authorization may be denied if the applicant does not meet the requirements for the authorization and/or there is sufficient evidence that the applicant has engaged in acts, including but not limited to the following:

Commented [JO2]: New Rule

- A. Fraud or deception in applying or renewing an APIT and/or TAP;
- B. Misrepresentation of APIT and/or TAP status;
- C. Practicing with an expired APIT and/or TAP;
- D. Notification of adverse or disciplinary action by a psychology regulatory entity;
- E. Violation of APIT and/or TAP acknowledgments;
- F. Failure to provide requested information to the Commission in the specified timeframe;
- G. Failure to comply with PSYPACT Commission Rules and/or Policies; or

H. Receiving any other adverse or disciplinary action.

5.14 Grounds for Revocation: A Temporary Authorization to Practice (TAP) authorization may be revoked by the PSYPACT Staff or by the Requirements Review Committee whenever the Staff or Committee has sufficient evidence that the TAP Holder has engaged in acts, including but not limited to the following:

Commented [J03]: New Rule

A. Fraud or deception in applying or renewing an APIT and/or TAP;

B. Misrepresentation of APIT and/or TAP status;

C. Practicing with an expired APIT and/or TAP;

D. Notification of adverse or disciplinary action by a psychology regulatory entity;

E. Violation of APIT and/or TAP acknowledgments;

F. Failure to provide requested information to the Commission in the specified timeframe;

G. Failure to comply with PSYPACT Commission Rules and/or Policies; or

H. Receiving any other adverse or disciplinary action.

5.15 Appeal Process:

Commented [J04]: Previously numbered 5.12 and revised

~~A. Applicants who are denied authorization and/or authorization has been suspended or terminated may file an appeal pursuant to Policy 1.20 or 1.21 by submitting the appropriate form to the PSYPACT Commission staff.~~

A. Once a denial has been issued, PSYPACT staff will provide the applicant with written notice of any grounds for denial, along with an appeals form and deadline for appealing the decision. The applicant shall have 30 days from the date of the notice to request an appeal. If no appeal is filed in a timely manner, the action is final. If the appeal is filed in a timely manner, it will be heard by the Appeals Committee as soon as practicable. The Appeals Committee shall issue a decision on the appeal, which shall be final.

B. Once a revocation has been issued, PSYPACT staff will provide the authorization holder with written notice of the grounds for the revocation, along with an appeals form and deadline for appealing the decision. The authorization holder shall have 30 days from the date of the notice to request an appeal. If no appeal is filed in a timely manner, then the action is final. If the appeal is filed in a timely manner, then the appeal will be heard by the Appeals Committee as soon as practicable. The Appeals Committee shall issue a decision on the appeal, which shall be final.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.



Commission News

VOL. 6, Issue 2

July 2025

Message from The Chair: Patrick Hyde

Thank you to all my fellow Commissioners who were able to attend the mid-year PSYPACT Commission meeting on July 14th. The Commission was able to accomplish a lot, and one such accomplishment was to propose rule revisions to both rules 4 and 5. These proposed rule revisions are intended to clarify the grounds and procedures for denying or revoking an APIT or a TAP, as well as specify the educational residency requirements, which are statutory required to be defined by the Commission. I would invite all interested parties to submit written comments to these proposals so that they may be considered before a possible adoption of these proposed rule amendments. Lastly, as a reminder, the annual PSYPACT Commission meeting has been scheduled for November 16th through the 17th in Tucson, Arizona. This will be an in-person meeting with a virtual option. Please be on the lookout for future travel details from PSYPACT Commission staff for this meeting, I hope to see everyone there.

Patrick Hyde
Chair, PSYPACT Commission

Upcoming Meetings

Finance Committee	7/31/2025
Training and Public Relations Committee	8/21/2025
Requirements Review Committee	8/25/2025
Annual Commission Meeting	11/16/2025-11/17/2025

Executive Director Update: Janet Orwig

Welcome to Summer!

As the second quarter of 2025 closes, it is an opportune moment to celebrate the accomplishments of the first half of 2025.

- **Training:** We recently held the first New Commissioner Question and Answer Session. We found it informative, and we hope the Commissioners who attended did as well.
- **PSYPACT Jurisdictions:** We are celebrating the newest PSYPACT jurisdiction, Montana, which enacted legislation in April. We've reached 43 enacted jurisdictions!
- **Authorizations:** We continue to see the number of authorization holders grow, with almost 17,000 APITs and over 1,000 TAPs having been issued since our first one in 2020.
- **Presentations:** Interest in PSYPACT continues to grow, with several organizations requesting informational presentations, many with national platforms such as Kaiser Permanente.
- **Strategic Plan:** Significant progress has been made toward meeting the objectives of the Strategic Plan. Although a brief overview was provided at the July 14th Commission meeting, a first-year report card will be presented at the Commission's Annual Meeting in November.

I look forward to the second half of 2025 being as busy and productive as the first.

As always, I cannot thank you enough for all you do for PSYPACT. Your expertise and commitment continue to foster PSYPACT's growth.

Janet P. Orwig, MBA, CAE
PSYPACT Executive Director

PSYPACT Commissioners

Lori Rall
Alabama

Jayne Boulos
Maine

Peter Oppenheimer
Rhode Island

Heidi Paakkonen
Arizona

Lorraine Smith
Maryland

Andrea Eaton
South Carolina

Joyce Fowler
Arkansas

Amy Gumbrecht
Michigan

Rosalie Ball
South Dakota

Reina Sbarbaro-Gordon
Colorado

Daniel Hurley
Minnesota

Mark Fleming
Tennessee

Glenda S. George
CNMI

Kaye Sly
Mississippi

Patrick Hyde
Texas

Christian Andresen
Connecticut

Pam Groose
Missouri

Jana Johansen
Utah

Shauna Slaughter
Delaware

Stephanie Bruhn
Nebraska

Emily Tredeau
Vermont

LaTrice Herndon
District of Columbia

Gary Lenkeit
Nevada

Jaime Hoyle
Virginia

Mary Denise O'Brien
Florida

Ashley Czechowicz
New Hampshire

Phillip Hawley
Washington

Don Meck
Georgia

Anne Farrar-Anton
New Jersey

Scott Fields
West Virginia

Jill Breitbach
Idaho

Susan Hurt
North Carolina

Daniel Schroeder
Wisconsin

Camile Lindsay
Illinois

Sara Quam
North Dakota

JoAnn Reid
Wyoming

Stephen Ross
Indiana

Karine Hray
Ohio

Mariann Burnetti-Atwell
ASPPB

Richard Nobles
Kansas

Kathleen Ward
Oklahoma

Jeffrey Hicks
Kentucky

David Zehrung
Pennsylvania



Legislation Updates:

Greetings from PSYPACT!

We're excited to share that the PSYPACT Commission is now enacted in 43 states and jurisdictions, with 42 currently effective. On April 16, 2025, Montana became the 43rd state to enact PSYPACT legislation—stay tuned for the official effective date! Additionally, Hawaii, Iowa, Massachusetts, and New York currently have active PSYPACT legislation.

Committee Updates:

Finance:

Heidi Paakkonen, Jaime Hoyle, Daniel Hurley

The Finance Committee met on April 2, 2025, and June 4, 2025, via Zoom. The Committee reviewed the first quarter of 2025 financial information, the first quarter of 2025 investment initiatives and discussed future funding allocations. The Committee continued discussions regarding the need for a Reserve Bank Account. Preliminary 2026 budget discussions began.

Requirements Review:

Gary Lenkeit, Peter Oppenheimer, Kathleen Ward

The Requirements Review Committee met on May 22, 2025, via Zoom. The Committee reviewed conduct questions and continued discussions regarding 3rd Party Completion of Applications.

Rules

Patrick Hyde, Pam Groose, Susan Hurt, Don Meck, Lorraine Smith

The Rules Committee met on June 2, 2025, via Zoom. The Committee reviewed a proposed rule and policy regarding revocations as well as a proposed rule regarding residency.

Training and Public Relations:

Lori Rall, Heidi Paakkonen, Mariann Burnetti-Atwell

The Training and Public Relations Committee met on June 5, 2025, via Zoom. The Committee reviewed policy 2.6 and finalized the 2024 PSYPACT Annual Report. The Committee also received updates regarding Accredible, the PSYPACT website analytics, social media content, and listserv postings.

Executive Board Members

Chair - Patrick Hyde

Vice Chair - Lori Rall

Treasurer - Heidi Paakkonen

Member at Large - Pam Groose

Interim Member-At-Large - Gary Lenkeit

Ex Officio Member - Mariann Burnetti - Atwell

Staff Contact Information:

Ashley Lucas
PSYPACT Specialist
alucas@psypact.org

Janet Orwig
PSYPACT Executive Director
jorwig@psypact.org

Gina Polk
PSYPACT Specialist
gpolk@psypact.org

PSYPACT by the Numbers

TELEPSYCHOLOGY

14,027

Active
PSYPACT
APITs

TEMPORARY PRACTICE

807

Active
PSYPACT
TAPs

STATE LEVEL BREAKDOWN

State	APITs	TAPs	State	APITs	TAPs
Alabama	89	12	Nebraska	71	5
Arizona	38	10	Nevada	131	14
Arkansas	330	28	New Hampshire	123	4
Colorado	642	37	New Jersey	946	25
CNMI	1	0	North Carolina	599	43
Connecticut	366	27	North Dakota	31	0
Delaware	117	3	Ohio	497	20
District of Columbia	315	19	Oklahoma	66	7
Florida	1041	58	Pennsylvania	1193	48
Georgia	531	39	Rhode Island	139	8
Idaho	42	6	South Carolina	100	6
Illinois	1133	55	South Dakota	17	0
Indiana	151	9	Tennessee	258	30
Kansas	119	10	Texas	1007	67
Kentucky	126	12	Utah	211	29
Maine	90	7	Vermont	43	1
Maryland	952	33	Virginia	800	42
Michigan	281	14	Washington	489	25
Minnesota	364	12	West Virginia	62	4
Mississippi	34	5	Wisconsin	185	8
Missouri	280	23	Wyoming	16	2

Active Authorizations as of 7/1/2025



www.PSYPACT.gov



Reducing Regulatory Barriers
Increasing Access to Mental Health Care

To: PSYPACT Participating Jurisdiction

From: PSYPACT Compliance Committee

Date: July 21, 2025

Re: PSYPACT Second Quarter 2025 Compliance Report

Good afternoon,

Please find below the second quarter 2025 compliance report issued by the PSYPACT Commission. These reports are generated each quarter to reflect compliance within the quarter reported.

The key compliance factors directly correlate with the compliance areas identified in the PSYPACT Legislation, Bylaws, Rules, and Policies. Based on the review of the key compliance factors, your compliance report is summarized below:

Areas in compliance: All areas are in compliance for the second quarter of 2025.

Areas not in compliance: None known.

Reminders:

- Report any significant investigatory information to the Commission within 10 days
- Report any alternative program participation within 10 days
- If not already being conducted, begin conducting background checks at the point of licensure within 10 years of enacting PSYPACT legislation. For reference, your PSYPACT enactment date can be found on the PSYPACT website (<https://psypact.gov/page/psypactmap>)

At this time, no action is required by your jurisdiction. Please let Janet Orwig (jorwig@psypact.org) know if you have any questions.

Thank you.

3rd QUARTER PERFORMANCE MEASURES
FISCAL YEAR 2025


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

by

**Texas Behavioral Health Executive
Council**


Executive Director

June 18, 2025


Date

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Output Measures					
<u>1-1-1 LICENSING</u>					
1 # NEW LICENSEES ISSUED					
Quarter 1	9,300.00	2,734.00	2,734.00	29.40 %	1,860.00 - 2,790.00
Quarter 2	9,300.00	2,890.00	5,624.00	60.47 % *	4,185.00 - 5,115.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of new licenses issued is 9,300, or 2,325 per quarter. During the second quarter of FY 25, the agency exceeded its target by issuing 2,890 for the quarter. The agency cannot predict how many applicants will qualify for licensure, and processes all applications in a timely manner.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued each quarter (with the exception of the fourth quarter, when there are more applications received) is averaging over 2,800 due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The licensing staff will continue to process all qualified applicants, and therefore the agency believes this measure will continue to be met or exceeded during the biennium. Additionally, the agency has requested that this target be increased to 12,000 in its 2026-2027 LAR.

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Output Measures					
1 # NEW LICENSEES ISSUED					
Quarter 3	9,300.00	2,901.00	8,525.00	91.67 % *	6,510.00 - 7,440.00
<u>Explanation of Variance:</u> FACTORS CAUSING THE VARIANCE: The FY25 target for number of new licenses issued is 9,300, or 2,325 per quarter. During the third quarter of FY 25, the agency exceeded its target by issuing 2,901 for the quarter. The agency cannot predict how many applicants will qualify for licensure, and processes all applications in a timely manner. HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE: The number of new licenses issued each quarter (with the exception of the fourth quarter, when there are more applications received) is averaging over 2,800 due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The licensing staff will continue to process all qualified applicants, and therefore the agency believes this measure will continue to be met or exceeded during the biennium. Additionally, this target has been increased to 12,000 for the 2026-2027 biennium.					
2 # LICENSE RENEWALS					
Quarter 1	29,000.00	8,458.00	8,458.00	29.17 %	5,800.00 - 8,700.00

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
-----------------------	----------------	----------------	-------------	-----------------------------	--------------

Output Measures

2 # LICENSE RENEWALS

Quarter 2	29,000.00	8,777.00	17,235.00	59.43 % *	13,050.00 - 15,950.00
------------------	-----------	----------	-----------	-----------	-----------------------

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of licenses renewed is 29,000, or 7,250 per quarter. During the second quarter of FY 25, the agency exceeded its target by renewing 8,777 licenses. As the agency's licensee population increases, the renewals will continue to increase.

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 the licensee is under audit or the agency hasn't received the licensee's 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. However, the agency believes this target will continue to be met or exceeded during the biennium. Additionally, the agency has requested that this target be increased to 34,500 in its 2026-2027 LAR.

Quarter 3	29,000.00	9,218.00	26,453.00	91.22 % *	20,300.00 - 23,200.00
------------------	-----------	----------	-----------	-----------	-----------------------

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of licenses renewed is 29,000, or 7,250 per quarter. During the third quarter of FY 25, the agency exceeded its target by renewing 9,218 licenses. As the agency's licensee population increases, the renewals will continue to increase.

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 the licensee is under audit or the agency hasn't received the licensee's 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. However, the agency believes this target will continue to be met or exceeded during the biennium. Additionally, this target has been increased to 34,500 for the 2026-2027 biennium.

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Output Measures					
<u>2-1-1 ENFORCEMENT</u>					
1 COMPLAINTS RESOLVED					
Quarter 1	610.00	69.00	69.00	11.31 % *	122.00 - 183.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints resolved is 610, or 152 per quarter. During the first quarter of FY 25, the agency fell short of its target by resolving only 69 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 670 pending complaints at the end of this quarter and received 178 complaints during the first quarter. While the investigatory time and resources needed to resolve a complaint vary according to the nature and type of complaint received, the agency believes it can closely approach this target assuming it is able to maintain full or near-full staffing level of investigative staff. However, roughly 80% of the existing pending complaints have been investigated and referred to the legal division. Therefore, the agency has requested additional staff attorneys in its 26-27 LAR to address this.

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
-----------------------	----------------	----------------	-------------	-----------------------------	--------------

Output Measures

1 COMPLAINTS RESOLVED

Quarter 2	610.00	193.00	262.00	42.95 % *	274.50 - 335.50
------------------	--------	--------	--------	-----------	-----------------

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints resolved is 610, or 152 per quarter. During the second quarter of FY 25, the agency exceeded its target by resolving 193 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 633 pending complaints at the end of this quarter and received 157 complaints during the first quarter. While the investigatory time and resources needed to resolve a complaint vary according to the nature and type of complaint received, the agency believes it can closely approach this target assuming it is able to maintain full or near-full staffing level of investigative staff. However, roughly 80% of the existing pending complaints have been investigated and referred to the legal division, which is understaffed. Therefore, the agency has requested additional staff attorneys in its 26-27 LAR to address this.

Quarter 3	610.00	167.00	429.00	70.33 %	427.00 - 488.00
------------------	--------	--------	--------	---------	-----------------

2 COMPLAINTS PENDING

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
-----------------------	----------------	----------------	-------------	-----------------------------	--------------

Output Measures

2 COMPLAINTS PENDING

Quarter 1	500.00	670.00	670.00	134.00 % *	475.00 - 525.00
------------------	--------	--------	--------	------------	-----------------

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints pending is 500. During the first quarter of FY 25, the agency had 670 complaints pending. Of this amount, approximately 80% of these are substantive complaints that have been sent to the legal division after the investigation has been completed.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency needs additional staff attorneys to process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that the average complaints pending will continue to exceed the target of 500 for the remainder of the biennium, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency has requested additional staff attorneys in its 26-27 LAR to address this.

Quarter 2	500.00	633.00	633.00	126.60 % *	475.00 - 525.00
------------------	--------	--------	--------	------------	-----------------

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints pending is 500. During the second quarter of FY 25, the agency had 633 complaints pending. Of this amount, approximately 80% of these are substantive complaints that have been sent to the legal division after the investigation has been completed.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency needs additional staff attorneys to process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that the average complaints pending will continue to exceed the target of 500 for the remainder of the biennium, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency has requested additional staff attorneys in its 26-27 LAR to address this.

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Output Measures					
2 COMPLAINTS PENDING					
Quarter 3	500.00	682.00	682.00	136.40 % *	475.00 - 525.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints pending is 500. During the third quarter of FY 25, the agency had 682 complaints pending. Of this amount, approximately 70% of these are substantive complaints that have been sent to the legal division after the investigation has been completed.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency needs additional staff attorneys to process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that the average complaints pending will continue to exceed the target of 500 for the remainder of the biennium, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency has requested additional funding to fill two staff attorney positions in its 26-27 LAR to address this.

Efficiency Measures

1-1-1 LICENSING

1 AVG TIME TO PROCESS APP (DAYS)

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
-----------------------	----------------	----------------	-------------	-----------------------------	--------------

Efficiency Measures

1 AVG TIME TO PROCESS APP (DAYS)

Quarter 1	55.00	29.81	29.81	54.20 % *	52.25 - 57.75
------------------	-------	-------	-------	-----------	---------------

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for license issuance is 55 days. In the first quarter of FY 25, the agency bested this measure by having an average license issuance time of only 30 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance for FY 24 was 30 days. This number has remained an average of 30 days, due to the dedication and efficiency of the licensing staff. The agency believes that this target will continue to be met or beat during the biennium assuming the Council is able to maintain full or close-to-full staffing levels. Additionally, the agency requested that this target be lowered to 35 days in its 2026-2027 LAR.

Quarter 2	55.00	31.92	30.90	56.18 % *	52.25 - 57.75
------------------	-------	-------	-------	-----------	---------------

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for license issuance is 55 days. In the second quarter of FY 25, the agency bested this measure by having an average license issuance time of only 32 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance for FY 24 was 30 days. This number has remained an average of 30-31 days, due to the dedication and efficiency of the licensing staff. The agency believes that this target will continue to be met or beat during the biennium assuming the Council is able to maintain full or close-to-full staffing levels. Additionally, the agency requested that this target be lowered to 35 days in its 2026-2027 LAR.

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: **510**

Agency name: **Behavioral Health Executive Council**

<u>Type/Strategy/Measure</u>	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
------------------------------	------------------------	------------------------	---------------------	-------------------------------------	---------------------

Efficiency Measures

1 AVG TIME TO PROCESS APP (DAYS)

Quarter 3	55.00	30.91	30.91	56.20 % *	52.25 - 57.75
------------------	-------	-------	-------	-----------	---------------

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for license issuance is 55 days. In the third quarter of FY 25, the agency bested this measure by having an average license issuance time of only 31 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance for FY 24 was 30 days. This number has remained an average of 30-31 days, due to the dedication and efficiency of the licensing staff. The agency believes that this target will continue to be met or beat during the biennium assuming the Council is able to maintain full or close-to-full staffing levels. Additionally, this target has been lowered to 35 days for the 2026-2027 biennium.

2-1-1 ENFORCEMENT

1 AVG TIME/COMPLAINT RESOLUTION

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
-----------------------	----------------	----------------	-------------	-----------------------------	--------------

Efficiency Measures

1 AVG TIME/COMPLAINT RESOLUTION

Quarter 1	625.00	309.94	309.94	49.59 % *	593.75 - 656.25
-----------	--------	--------	--------	-----------	-----------------

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for complaint resolution is 625 days. In the first quarter of FY 25, the agency bested this measure by having an average processing resolution time of 310 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 24 was 312 days. This number has now slightly decreased to an average of 310 days. Even with the dedication and efficiency of the enforcement and legal staff, the agency needs additional staff attorneys to process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that while this target on average will continue to be met or beat during the biennium, the quarterly average may begin to increase, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency has requested additional staff attorneys in its 26-27 LAR to address this. Additionally, the agency has requested that this target be lowered to 375 days in its 2026-2027 LAR.

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
-----------------------	----------------	----------------	-------------	-----------------------------	--------------

Efficiency Measures

1 AVG TIME/COMPLAINT RESOLUTION

Quarter 2	625.00	288.04	293.81	47.01 % *	593.75 - 656.25
------------------	--------	--------	--------	-----------	-----------------

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for complaint resolution is 625 days. In the second quarter of FY 25, the agency bested this measure by having an average processing resolution time of 288 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 24 was 312 days. This number has now slightly decreased to an average of 294 days. Even with the dedication and efficiency of the enforcement and legal staff, the agency needs additional staff attorneys to process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that while this target on average will continue to be met or beat during the biennium, the quarterly average may begin to increase, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency has requested additional staff attorneys in its 26-27 LAR to address this. Additionally, the agency has requested that this target be lowered to 375 days in its 2026-2027 LAR.

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
88th Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

6/18/2025 11:50:51AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
1 AVG TIME/COMPLAINT RESOLUTION					
Quarter 3	625.00	301.15	296.67	47.47 % *	593.75 - 656.25

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for complaint resolution is 625 days. In the third quarter of FY 25, the agency bested this measure by having an average processing resolution time of 301 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 24 was 312 days. This number has now slightly decreased to an average of 296 days. Even with the dedication and efficiency of the enforcement and legal staff, the agency needs additional staff attorneys to process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that while this target on average will continue to be met or beat during the biennium, the quarterly average may begin to increase, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency has requested additional funding to fill two staff attorney positions in its 26-27 LAR to address this. Additionally, this target has been lowered to 375 days for the 2026-2027 biennium.

* Varies by 5% or more from target.

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
3rd QUARTER MEASURES
FY 2025

Number of Licenses Renewed (from ald12)

LSSP	531
LIC	701
LPA	89
LPC	3667
MFT	523
LBSW	338
LMSW	1458
LCSW	1903
AP	8

Total 9,218

Number of Licenses Issued (from ald11 and BO)

LPA	13
PLP	135
LIC	112
LSSP	18
LPCA	618
LPC	152
LPC Upgrade	642
MFTA	43
MFT	58
MFT Upgrade	61
LBSW	36
LMSW	452
LCSW	244
LMSW Upgrade	16
LCSW Upgrade	296
TEMP SW	5

Total 2,901

Number of Complaints Resolved (from BO report)

LP/LPA	20
LSSP	3
LPC	107
MFT	7
SW	30
Total	167

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

1 st Qtr	23/69 =	34%
2 nd Qtr	93/193 =	49%
3 rd Qtr	86/167 =	52%
4 th Qtr		
YTD	202/429 =	47%

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

1 st Qtr	14/69 =	20%
2 nd Qtr	21/193 =	11%
3 rd Qtr	22/167 =	14%
4 th Qtr		
YTD	57/429 =	14%

Average Time for Complaint Resolution (from BO report)

1 st Qtr	21,386 days to resolve 69 complaints = 309.94 days
2 nd Qtr	55,592 days to resolve 193 complaints = 288.04 days
3 rd Qtr	50,292 days to resolve 167 complaints = 301.15
4 th Qtr	
YTD	127,270 days to resolve 429 complaints = 296.67 days

Number of Complaints Pending (from BO report)

682

Closed	9
File at SOAH	1
ISC Scheduled	19
Legal Review	440
NOV Sent	14
Under Investigation	199


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

1 st Qtr	77,170 days to process 2,589 applications =	29.81 days
2 nd Qtr	88,664 days to process 2,778 applications =	31.92 days
3 rd Qtr	86,730 days to process 2,806 applications =	30.91 days
4 th Qtr		
YTD	252,564 days to process 8,173 applications =	30.91 days

LPA Initial	1521 days to process 36 applications =	42.25
LPA Final	2189 days to process 13 applications =	168.39
LIC Initial	6691 days to process 153 applications =	43.74
LIC Final	11921 days to process 112 applications =	106.44
LSSP	768 days to process 18 applications =	42.67
Temp LIC	554 days to process 19 applications =	29.16
LPC Initial	13007 days to process 152 applications =	85.58
LPCA Initial	18482 days to process 618 applications =	29.91
LPC Upgrade	6347 days to process 642 applications =	9.89
MFT License	4984 days to process 58 applications =	85.94
MFTA License	6604 days to process 43 applications =	153.59
MFTA Upgrade	1453 days to process 61 applications =	23.82
SW License	9589 days to process 418 applications =	22.94
SW OOS License	16591 days to process 314 applications =	52.84
SW Upgrade	6654 days to process 312 applications =	21.33
Temp SW License	89 days to process 5 applications =	17.80

- 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).

Calculations reviewed by:

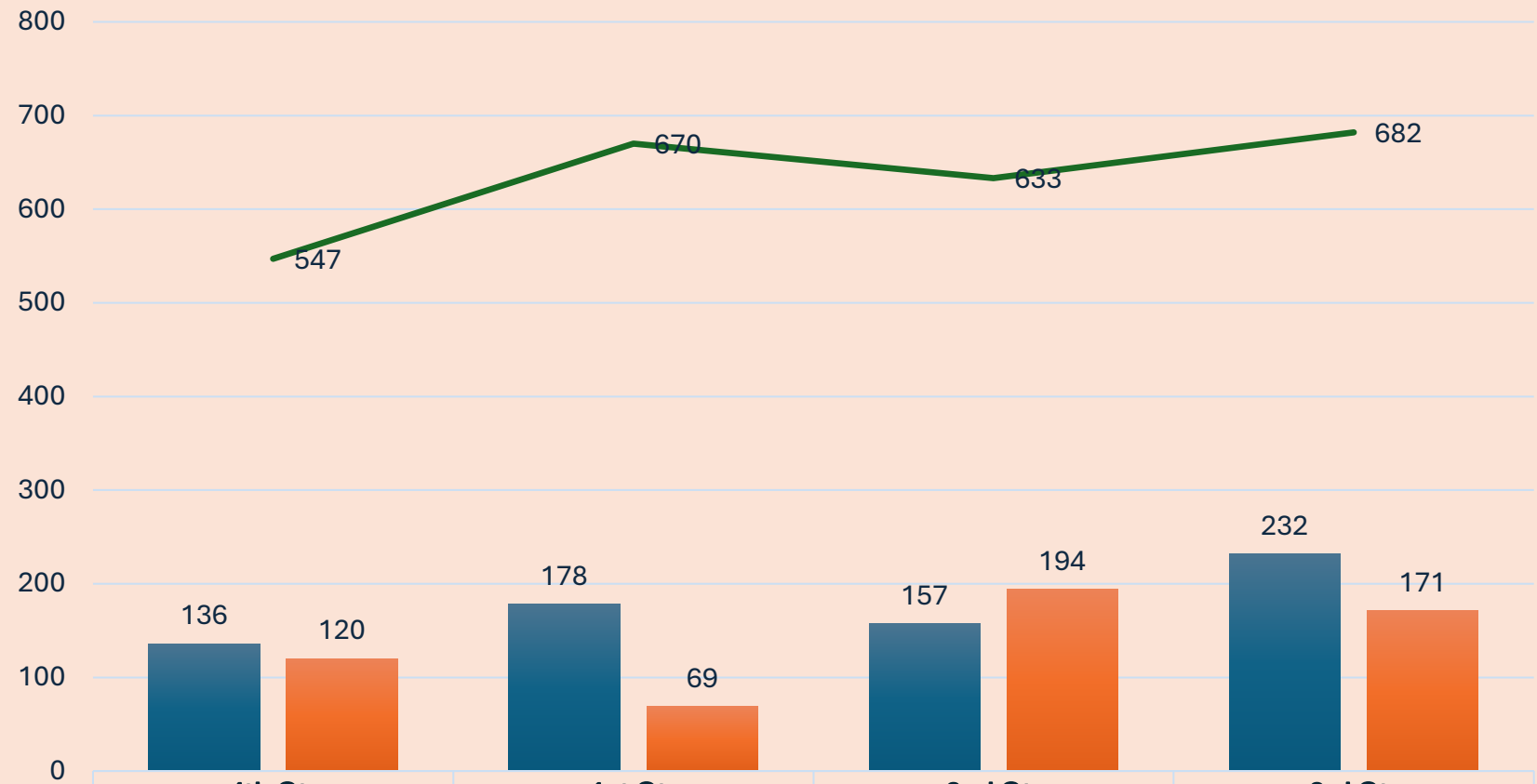

6/17/25

Date:

Q3 FY 2025 Enforcement Report

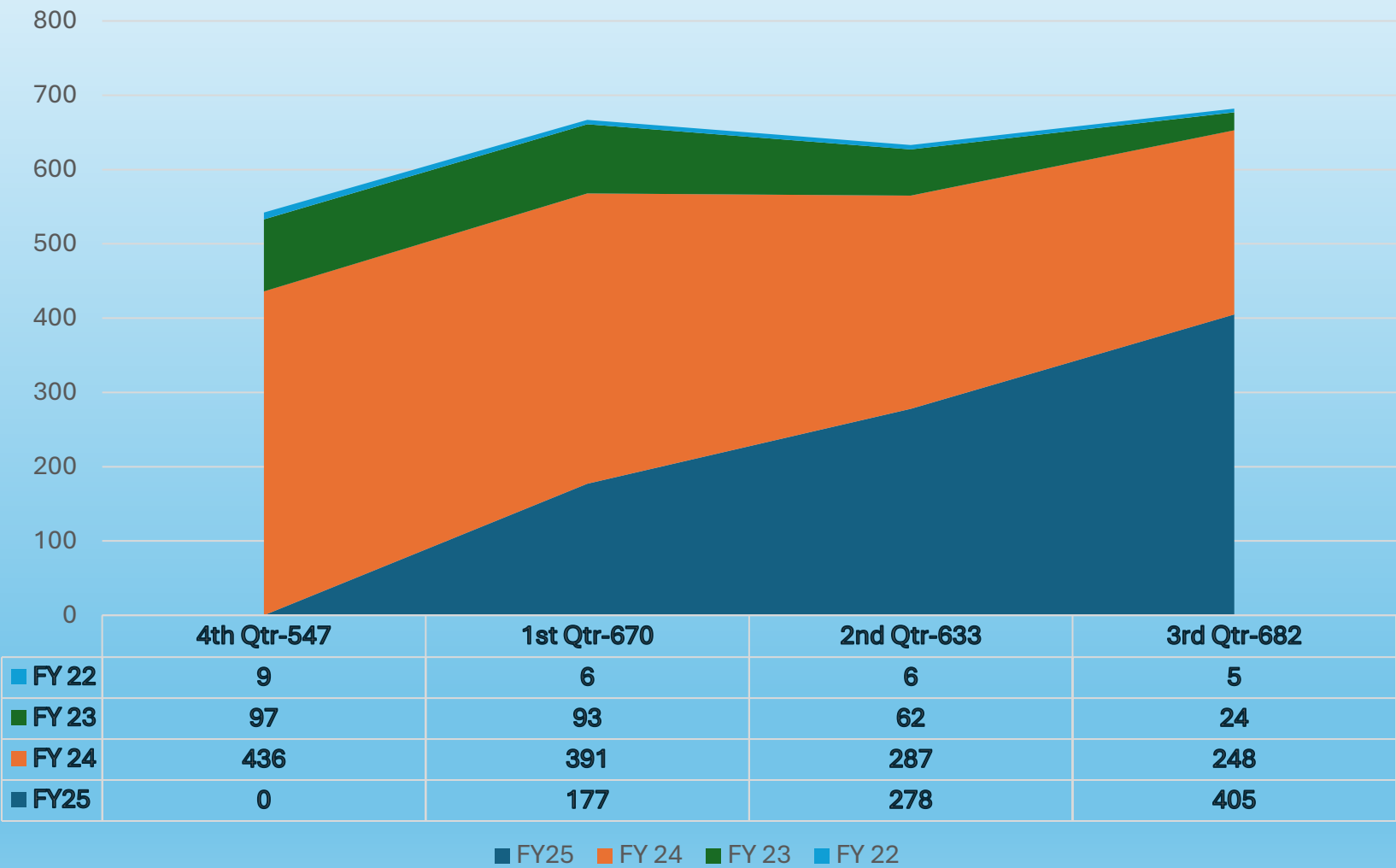
(March 1, 2025-May 31, 2025)

New Complaints Received and Total Pending

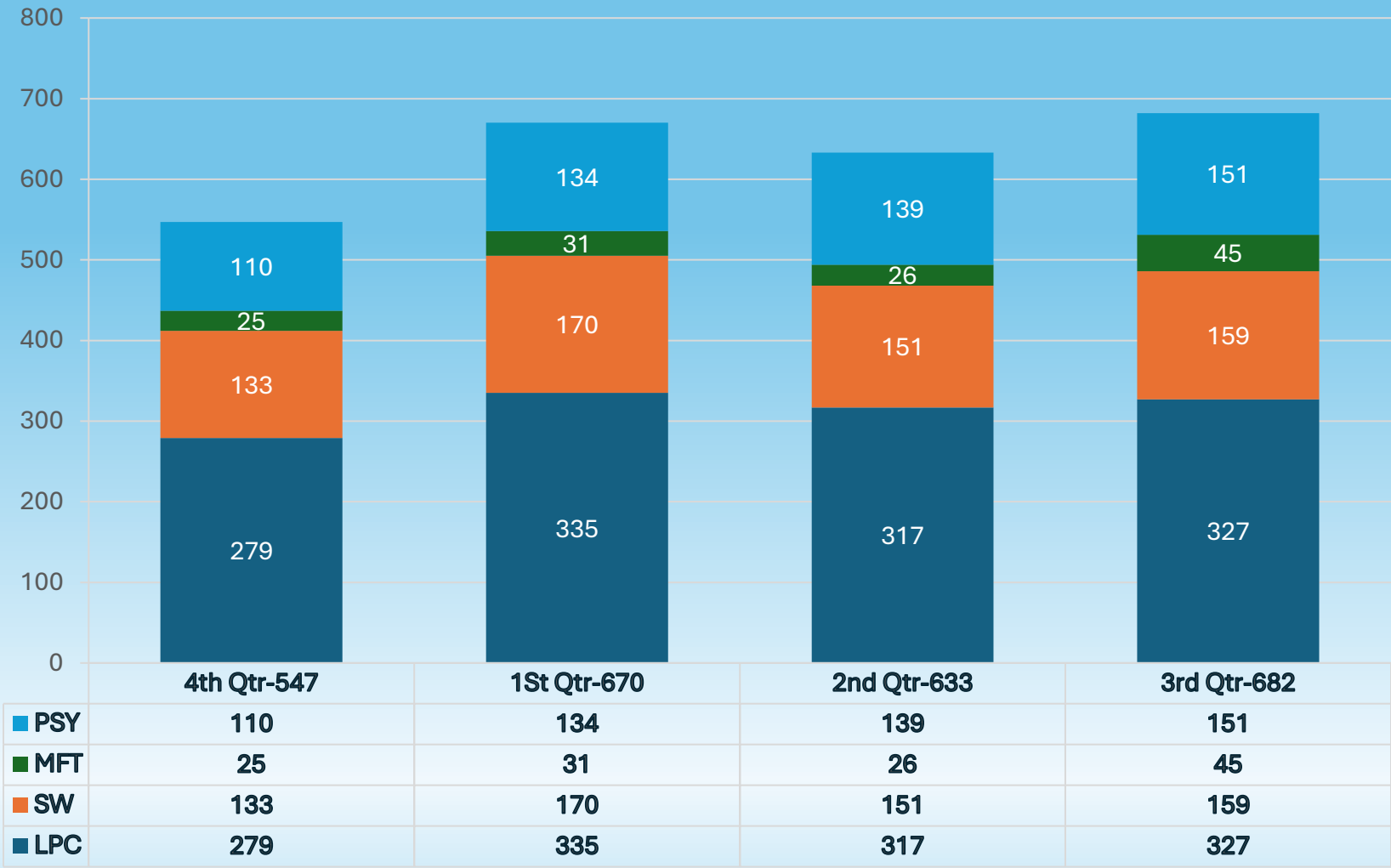


	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr
New Complaints Received	136	178	157	232
Complaints Resolved	120	69	194	171
Total Pending Complaints	547	670	633	682

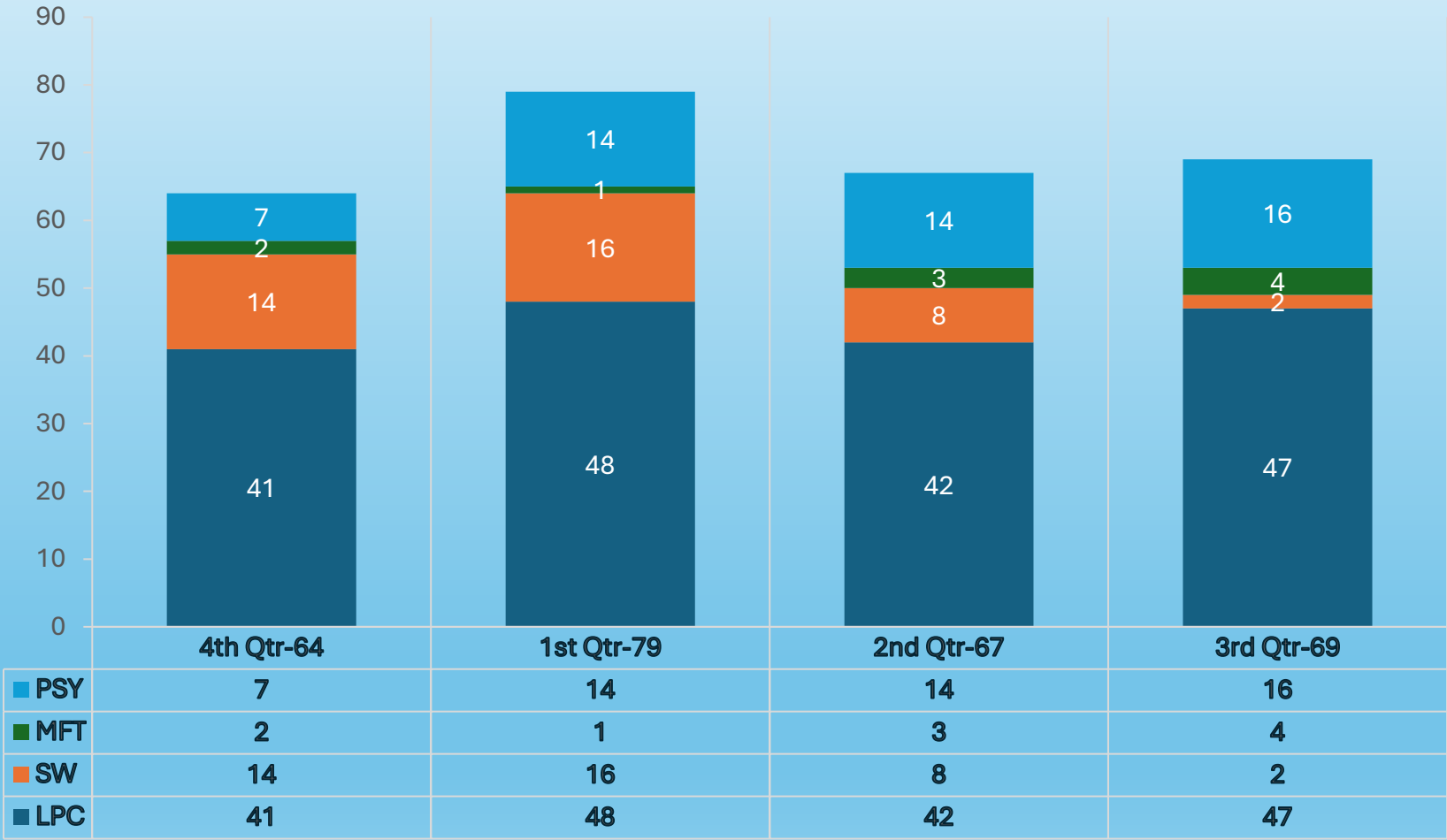
Pending Complaints by Fiscal Year



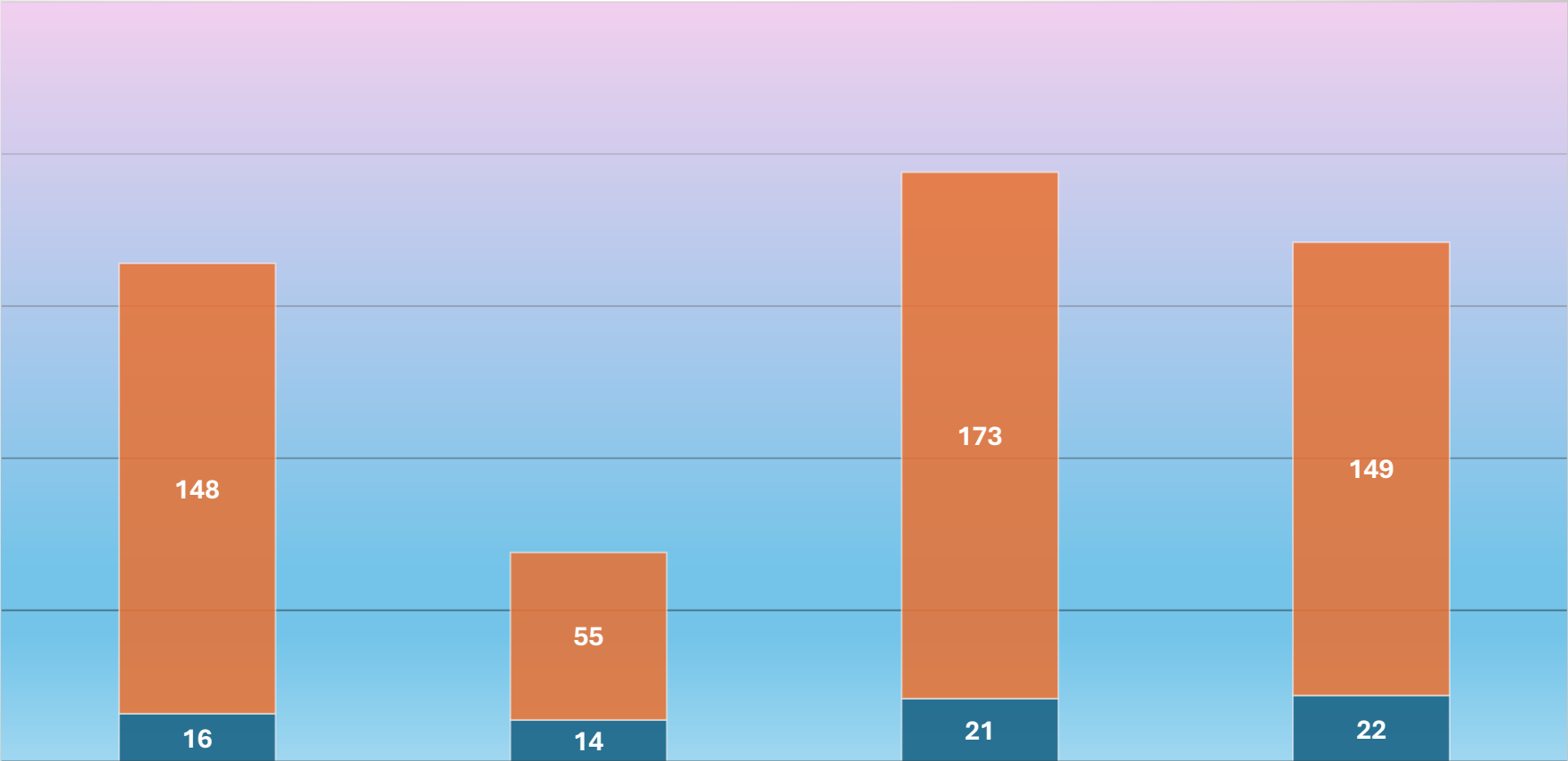
PENDING COMPLAINTS BY BOARD



PRIORITY 1 COMPLAINTS (IMMINENT PHYSICAL HARM AND SEXUAL MISCONDUCT)



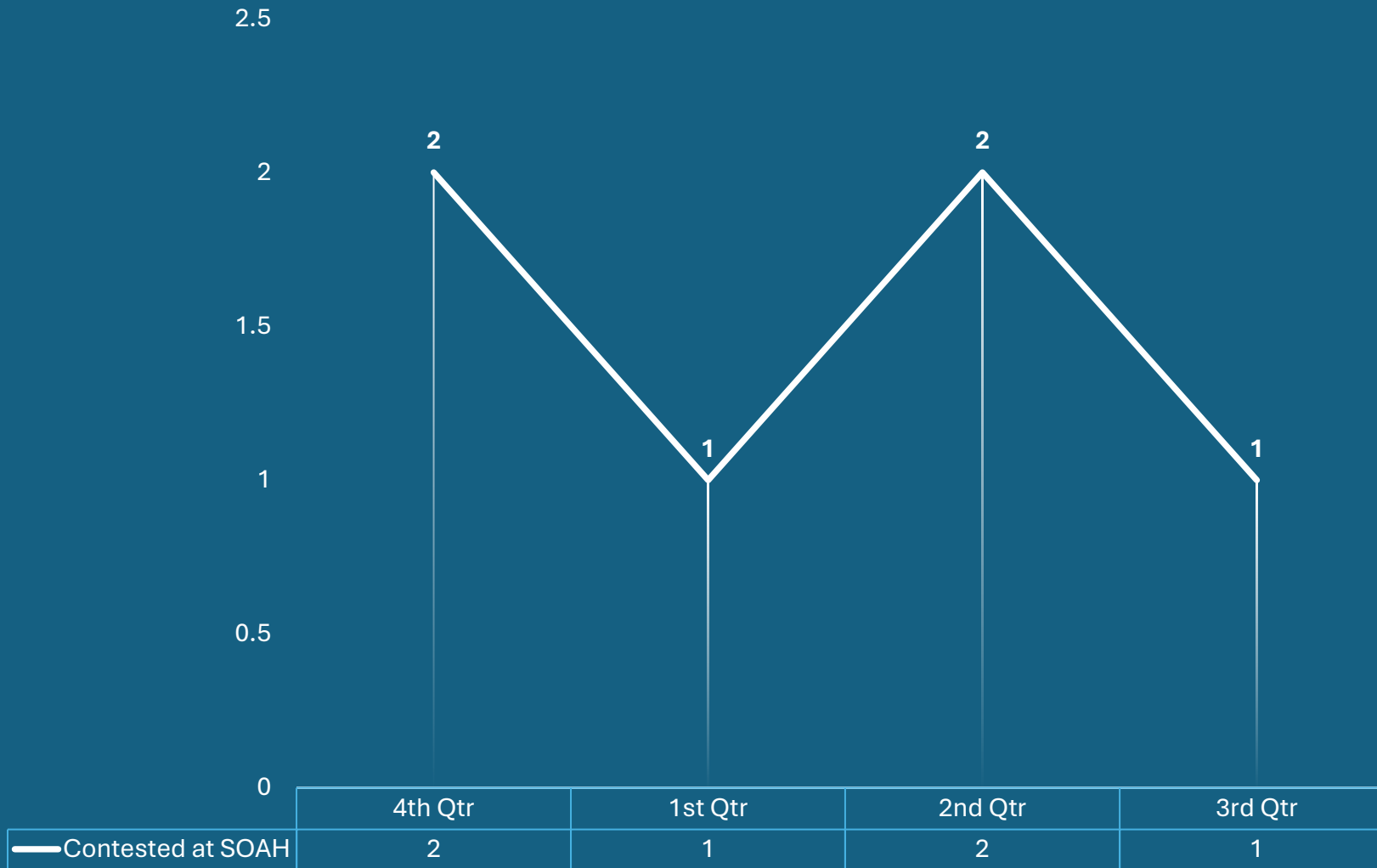
Complaints Resolved



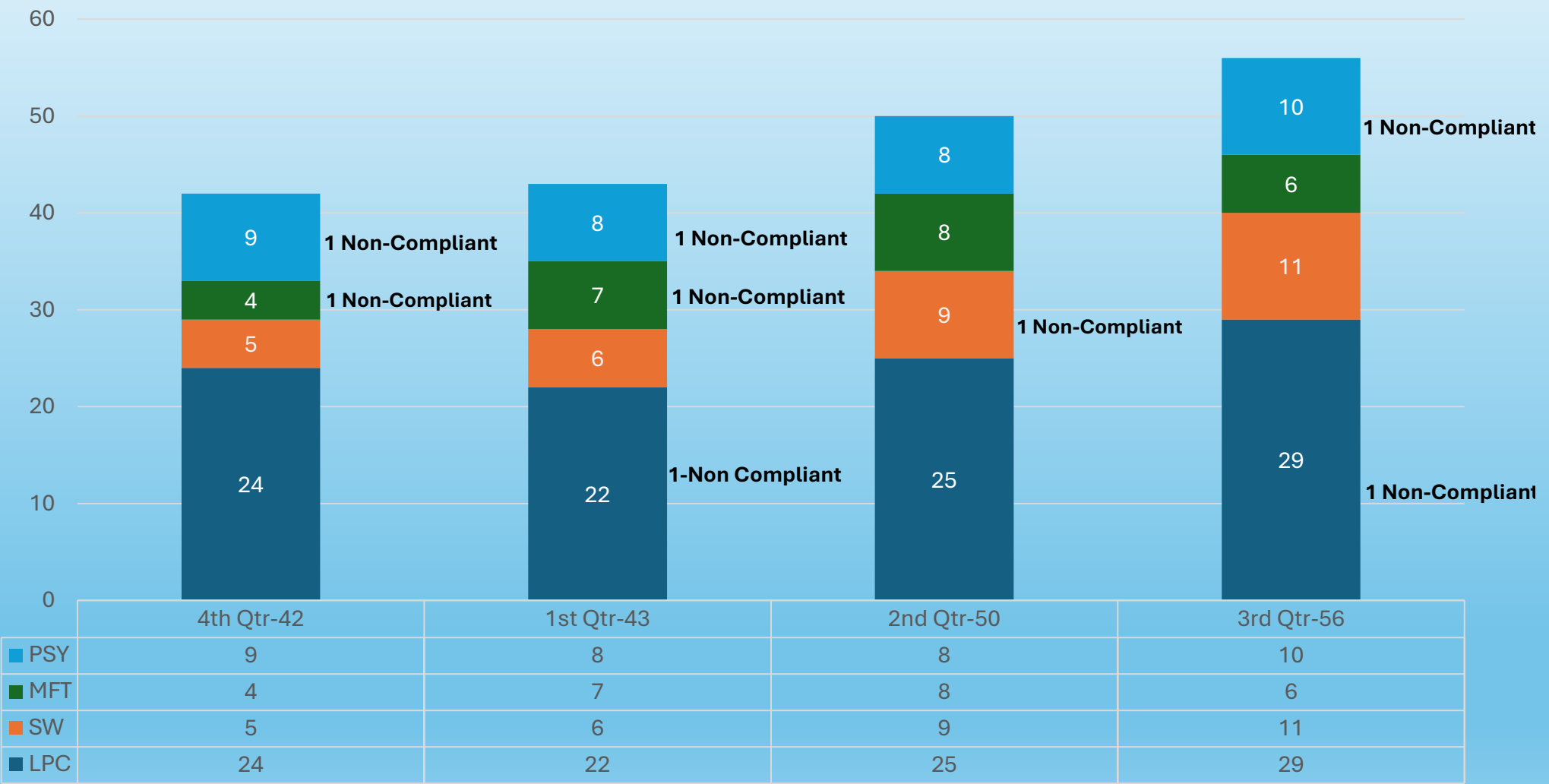
■ By Dismissal
■ By Disciplinary Order

4th Qtr-164	1st Qtr-69	2nd-194	3rd Qtr-171
148	55	173	149
16	14	21	22

CONTESTED AT SOAH



Under Compliance



Complaints Dismissed	Classification	Reason for Dismissal
2023-00214	Advertising	Warning Letter
2023-00414	Child Custody	Insufficient Evidence
2023-00420	Child Custody	Insufficient Evidence
2025-00060	Child Custody	Untimely
2025-00179	Not Related to Licensed Activity	Lack of Jurisdiction
2023-00183	Record Keeping	Insufficient Evidence
2023-00379	Record Keeping	Insufficient Evidence
2024-00035	Record Keeping	Insufficient Evidence
2025-00006	Record Keeping	Insufficient Evidence
2023-00405	Record Keeping	Remedial Plan
2025-00089	Reportable Even	Warning Letter
2025-00093	Reportable Even	Warning Letter
2022-00505	Standard of Care	Insufficient Evidence
2025-00005	Standard of Care	Insufficient Evidence
2025-00026	Standard of Care	Insufficient Evidence
2023-00049	Standard of Care	Insufficient Evidence
2025-00034	Standard of Care	Insufficient Evidence
2025-00012	Standard of Care	Insufficient Evidence
2025-00327	Standard of Care	Lack of Jurisdiction
2023-00364	Unauthorized Activity	Warning Letter
2023-00375	Unlicensed Person	Insufficient Evidence

COMPLAINT NO. 2025-00473

IN THE MATTER OF

BRANDON ARNOLD

§
§
§
§
§
§

**BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL**

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

AGREED ORDER

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(e), the Executive Director for the Texas Behavioral Health Executive Council (“Council”) hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by **BRANDON ARNOLD** (“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 licensed as a Licensed Psychological Associate (#33594) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent failed to set and maintain professional boundaries with a client.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from 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. Violation of the Council’s Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§501.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rule 465.13(b).
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Civil Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** his or her license (#33594) in lieu of further adjudication by the Council on these matters.
2. Respondent shall return his or her license to the Council no later than fourteen (14) days after the date this order is ratified.
3. The Council will not consider an application for licensure from Respondent and Respondent agrees not to apply for any new license from the Council for ten (10) years from the effective date of this Order.
4. If Respondent seeks to apply for a license with the Council in the future, and the Council is willing to reinstate the license, Respondent will be subject to conditions of eligibility to be imposed by the Council at that time.

WARNING

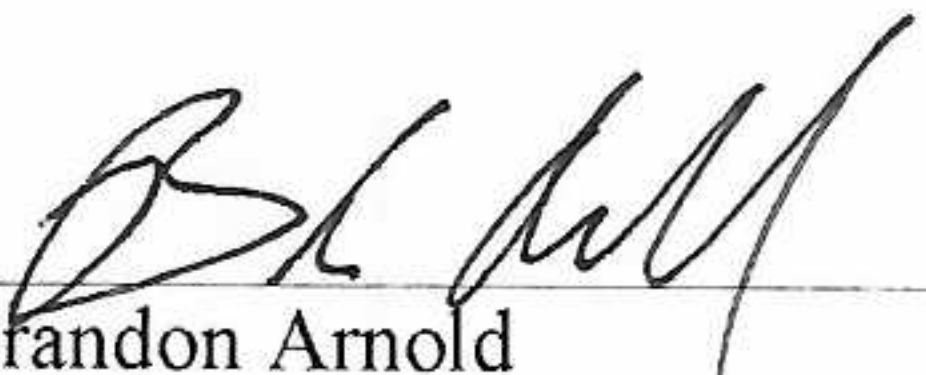
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has 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:


Brandon Arnold
Licensed Psychological Associate
License No. 33594


DATE SIGNED: 05/01/2025

FOR THE STAFF OF THE COUNCIL:


Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 5/12/2025

APPROVED, RATIFIED, AND ENTERED THIS 16th DAY OF May, 2025.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2023-00447

IN THE MATTER OF

JULIANNE DUNCAN

§
§
§
§
§
§

**BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL**

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

AGREED ORDER

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(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by **JULIANNE DUNCAN** ("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 licensed as a psychologist (#25583) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent wrote emotional support animal recommendation letters for clients based on insufficient evaluations.
3. Respondent did not obtain informed consent from clients before performing these evaluations.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from 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. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§501.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 465.11 and 465.16.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.
2. Respondent, within sixty (60) days of the date this order is ratified, shall complete and submit proof of completion of twelve (12) hours of professional development relating to performing evaluations and twelve (12) additional hours of professional development relating to informed consent. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

WARNING

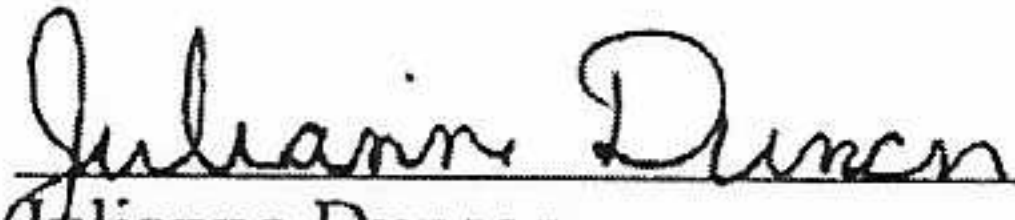
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has 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.

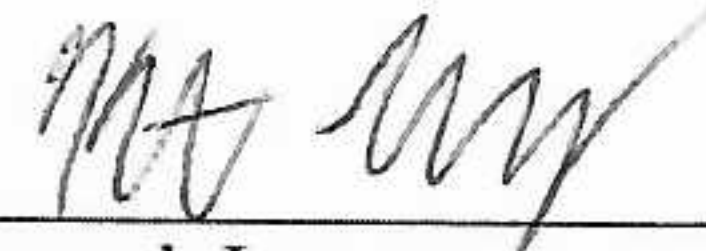
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES 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:


Julianne Duncan
Licensed Psychologist
License No. 25583


DATE SIGNED: 5/14/2025

FOR THE STAFF OF THE COUNCIL:


Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 5/19/2025

APPROVED, RATIFIED, AND ENTERED THIS 19th DAY OF May, 2025.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

Public Comment on Proposed PSY Rules

PSY Rule 465.2 - Supervision

FOR

Ashley Arnold
LSSP
Agree

Martha Bergen
LP

"I support the changes regarding supervision. Requiring a professional will for supervision records is important. However please advise on a length of time these materials should be maintained and by whom (kept at a training clinic or kept by the supervisor even after leaving that clinic)?

Also sending remediation documents to future training sites can be a crucial change to help competency issues from falling between the cracks. However I would prefer specification on that and an option for if a remediation is successfully completed, it would not need to follow that trainee indefinitely. Please include guidelines for this situation where an issue has been fully resolved/ a successful remediation process took place and when a student would be required to submit remediation forms at new agencies vs just to their training program. Also, is the student required to send the remediation documents or the home program?

Thank you."

Mary Beth Kiser
Texas Psychological Association
Texas Psychological Association (TPA) supports improving guidelines for practice and we understand that these rule proposals were part of a harmonizing of rule changes to these areas across all member boards. As this was essentially a practice rule for psychologists before, we would like to request clearer guidance on "documenting collaboration with another mental health provider" to ensure adherence to this rule and to understand what exactly changes for our licensees.

AGAINST

None

PSY Rule 465.34 – Providing Mental Health Services to Those Served by Others

FOR

Laura

LPC

The requirements to collaborate with other mental health providers concurrently seeing a client are too strict. They place heavy burdens on already-overburdened counselors and are not always beneficial to a client.

AGAINST

None

Rule: 465.2. Supervision

Action: Adopted Amendments

Comment: The adopted amendments would require supervisors to develop a custody plan for all supervision records in the event of death or disability. The amendments would also require supervisors to develop a written remediation plan to address any deficiencies identified in a supervisee's practice skills. The amendments would require supervisees to provide any remediation plan to current and future supervisors, as well as to notify supervisors of any complaint against the supervisee. Finally, the amendments would remove the requirements that supervisors keep documentation of a supervisee's professional liability insurance coverage.

§465.2. Supervision

- (a) Supervision in General. The following rules apply to all supervisory relationships.
 - (1) Licensee is responsible for the supervision of all individuals that the licensee employs or utilizes to provide psychological services of any kind.
 - (2) Licensees shall ensure that their supervisees have legal authority to provide psychological services.
 - (3) Licensees may delegate only those responsibilities that supervisees may legally and competently perform.
 - (4) All individuals who receive psychological services requiring informed consent from an individual under supervision must be informed in writing of the supervisory status of the individual and how the patient or client may contact the supervising licensee directly.
 - (5) All materials relating to the practice of psychology, upon which the supervisee's name or signature appears, must indicate the supervisory status of the supervisee. Supervisory status must be indicated by one of the following:
 - (A) Supervised by (name of supervising licensee);
 - (B) Under the supervision of (name of supervising licensee);
 - (C) The following persons are under the supervision of (name of supervising licensee); or

(D) Supervisee of (name of supervising licensee).

- (6) Licensees shall provide an adequate level of supervision to all individuals under their supervision according to accepted professional standards given the experience, skill and training of the supervisee, the availability of other qualified licensees for consultation, and the type of psychological services being provided.
- (7) Licensees shall utilize methods of supervision that enable the licensee to monitor all delegated services for legal, competent, and ethical performance. No more than fifty percent of the supervision may take place through remote or electronic means. Licensees may exceed fifty percent remote or electronic supervision if supervision is provided through synchronous audiovisual means.
- (8) Licensees must be competent to perform any psychological services being provided under their supervision.
- (9) Licensees shall document their supervision activities in writing, including any remote or electronic supervision provided. Documentation shall include the dates, times, and length of supervision.
- (10) Licensees may only supervise the number of supervisees for which they can provide adequate supervision.
- (11) A supervisor shall establish a plan for the custody and control of the records of supervision for each supervisee in the event of the supervisor's death or incapacity, or the termination of the supervisor's practice.
- (12) Licensees receiving supervision who are informed of a pending complaint must notify their supervisors of the complaint.
- (13) Supervisors who identify deficits in a supervisee's skills or competencies necessary for safe or entry-level independent practice must immediately develop and implement a written remediation plan to address those deficiencies. If the supervisee changes supervisors during the supervision period, the supervisee must provide the new supervisor with a copy of the remediation plan.

- (b) Supervision of Students, Interns, Residents, Fellows, and Trainees. The following rules apply to all supervisory relationships involving students, interns, residents, fellows, and trainees.
 - (1) Unlicensed individuals providing psychological services pursuant to §§501.004(a)(2), 501.2525(a)(2)(A), or 501.260(b)(3) of the Occupations Code must be under the supervision of a qualified supervising licensee at all times.
 - (2) Supervision must be provided by a qualified supervising licensee before it will be accepted for licensure purposes.
 - (3) A licensee practicing under a restricted status license is not qualified to, and shall not provide supervision for a person seeking to fulfill internship or practicum requirements or a person seeking licensure under the Psychologists' Licensing Act, regardless of the setting in which the supervision takes place, unless authorized to do so by the Council. A licensee shall inform all supervisees of any disciplinary order restricting the licensee's license and assist the supervisees with finding appropriate alternate supervision.
 - (4) A supervisor must document in writing a supervisee's performance during a practicum, internship, or period of supervised experience required for licensure. The supervisor must provide this documentation to the supervisee.
 - (5) A supervisor may allow a supervisee, as part of a required practicum, internship, or period of supervised experience required for licensure under Chapter 501, to supervise others in the delivery of psychological services.
 - (6) Licensees may not supervise an individual to whom they are related within the second degree of affinity or consanguinity.
- (c) Supervision of Provisionally Licensed Psychologists and Licensed Psychological Associates. The following rules apply to all supervisory relationships involving Provisionally Licensed Psychologists and Licensed Psychological Associates.
 - (1) Provisionally Licensed Psychologists must be under the supervision of a Licensed Psychologist and may not engage in independent practice unless the provisional licensee is licensed in another state to independently practice psychology and is in good standing in that state.

- (2) A Provisionally Licensed Psychologist may, as part of a period of supervised experience required for licensure as a psychologist, supervise others in the delivery of psychological services.
 - (3) A supervisor must provide at least one hour of individual supervision per week. A supervisor may reduce the amount of weekly supervision on a proportional basis for supervisees working less than full-time.
- (d) Supervision of Licensed Specialists in School Psychology interns and other individuals authorized by §463.9(g)(1) of this title (~~relating to Licensed Specialist in School Psychology~~). The following rules apply to all supervisory relationships involving Licensed Specialists in School Psychology, as well as all interns and other individuals authorized by §463.9(g)(1) of this title, working toward licensure as a specialist in school psychology.
- (1) Supervision within the public schools may only be provided by a Licensed Specialist in School Psychology who has a minimum of 3 years of experience providing psychological services within the public school system without supervision. To qualify, a licensee must be able to show proof of their license, credential, or authority to provide unsupervised school psychological services in the jurisdiction where those services were provided, along with documentation from the public school(s) evidencing delivery of those services.
 - (2) Supervisors must sign educational documents completed for students by the supervisee, including student evaluation reports, or similar professional reports to consumers, other professionals, or other audiences. It is not a violation of this rule if supervisors do not sign documents completed by a committee reflecting the deliberations of an educational meeting for an individual student which the supervisee attended and participated in as part of the legal proceedings required by federal and state education laws, unless the supervisor also attended and participated in such meeting.
 - (3) Supervisors shall document all supervision sessions. This documentation must include information about the duration of sessions, as well as the focus of discussion or training. The documentation must also include information regarding:
 - (A) any contracts or service agreements between the public school district and university school psychology training program;

- (B) any contracts or service agreements between the public school district and the supervisee;
 - ~~(C) the supervisee's professional liability insurance coverage, if any;~~
 - ~~(C)(D)~~ any training logs required by the school psychology training program; and
 - ~~(D)(E)~~ the supervisee's licensure status or legal authority to provide psychological services.
- (4) Supervisors must ensure that each individual completing any portion of the internship required for licensure as an LSSP, is provided with a written agreement that includes a clear statement of the expectations, duties, and responsibilities of each party, including the total hours to be performed by the intern, benefits and support to be provided by the supervisor, and the process by which the intern will be supervised and evaluated.
 - (5) Supervisors must ensure that supervisees have access to a process for addressing serious concerns regarding a supervisee's performance. The process must protect the rights of clients to receive quality services, assure adequate feedback and opportunities for improvement to the supervisee, and ensure due process protection in cases of possible termination of the supervisory relationship.
- (e) The various parts of this rule should be construed, if possible, so that effect is given to each part. However, where a general provision conflicts with a more specific provision, the specific provision shall control.

Rule: 465.34. Providing Mental Health Services to Those Served by Others.

Action: Adopted Amendments

Comment: The adopted amendment requires a licensee, with the consent of a client, to attempt to form a collaborative relationship with any other mental health service provider seen by that client, rather than establishing a strict requirement that a licensee consult with the other provider.

§465.34. Providing Mental Health Services to Those Served by Others. Licensees do not knowingly provide psychological services to clients receiving mental health services elsewhere without first discussing consequent treatment issues with the clients. If the client consents, a licensee shall inform the other professional and strive to establish a positive and collaborative professional relationship. ~~Licensees shall consult with the other service providers after appropriate consent has been obtained.~~

Rule: 463.8. Licensed Psychological Associate

Action: Proposed Amendment

Comment: The proposed amendment aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a Licensed School Psychologist. The proposed amendment removes a requirement that an applicant preemptively identify transcript courses to Council staff, instead of on request. The proposed amendments also expand authorization to use up to 12 hours of graduate course credit from a secondary graduate degree program to meet licensure requirements. Finally, the proposed amendments remove language regarding remediating application deficiencies that are now superseded by Council Rule 882.14.

§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 or under the supervision of an individual that holds a license as a school psychologist ~~specialist in school psychology~~;
 - (3) pass all examinations required by the Council and meet each of the criteria listed in §501.2525(a)(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 (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.
 - (4) Applicants may use up to 12 graduate level semester credit hours from another graduate degree program in psychology to meet the required total credit hours or coursework requirements.

(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 §465.9 of this title.
- (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 a specialist in school psychologist psychology or as a provisionally licensed psychologist may utilize experience acquired under that license if the experience was supervised by a licensed psychologist.
- (d) The correct title for a person licensed under this rule shall be "licensed psychological associate" or "psychological associate."
- (e) 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.
- (f) 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) of this section 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 (f)(1) of this section.

(g)

~~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, is currently licensed as an LSP, LSSP, or meets the requirements of subsection (f) 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, 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: 463.9. Licensed ~~Specialist in School Psychology~~ Psychologist ~~Psychology~~.

Action: Proposed Amendment

Comment: The proposed amendment aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a Licensed School Psychologist.

463.9. Licensed ~~Specialist in School Psychology~~ Psychologist ~~Psychology~~.

- (a) License Requirements. An applicant for licensure as a ~~specialist in school psychologist psychology~~ must:
 - (1) hold an appropriate graduate degree;
 - (2) provide proof of specific graduate level coursework;
 - (3) provide proof of an acceptable internship;
 - (4) provide proof of passage of all examinations required by the Council; and
 - (5) meet the requirements imposed under §501.2525(a)(3) - (9) of the Occupations Code.
- (b) Applicants who hold active certification as a Nationally Certified School Psychologist (NCSP) are considered to have met all requirements for licensure under this rule except for passage of the Jurisprudence Examination. Applicants relying upon this subsection must provide the Council with their NCSP certification number.
- (c) Applicants who graduated from a training program accredited or approved by the National Association of School Psychologists or accredited in School Psychology by the American Psychological Association are considered to have met all training and internship requirements for licensure under this rule. Applicants relying upon this subsection must submit an official transcript indicating the degree and date the degree was awarded or conferred.
- (d) Appropriate Graduate Degrees.
 - (1) Applicants who do not hold active NCSP certification, or who did not graduate from a training program accredited or approved by the National Association of School Psychologists or accredited in School Psychology by the American Psychological Association, must have completed a graduate degree in psychology from a

regionally accredited institution of higher education. For purposes of this rule, a graduate degree in psychology means the name of the candidate's major or program of study is titled psychology.

- (2) Applicants applying under this subsection must have completed, either as part of their graduate degree program or after conferral of their graduate degree, at least 60 graduate level semester credit hours from a regionally accredited institution of higher education. A maximum of 12 internship hours may be counted toward this requirement.
- (3) An applicant who holds a graduate degree that does not qualify under subsection (d)(1) but meets the requirements of subsection (d)(2) is considered to have an appropriate graduate degree if:
 - (A) the applicant holds a certificate of completion from a graduate-level training program designed to train individuals from related disciplines in the practice of school psychology;
 - (B) the applicant holds a graduate degree in a discipline related to psychology from a regionally accredited institution of higher education;
 - (C) the applicant is licensed, certified, or registered in good standing to practice school psychology in another jurisdiction; or
 - (D) the applicant was licensed, certified, or registered to practice school psychology in another jurisdiction within the previous ten years before application for licensure and was not subject to any administrative or disciplinary actions during that same time period.
- (e) Applicants applying under subsection (d) of this section must submit evidence of graduate level coursework as follows:
 - (1) Psychological Foundations, including:
 - (A) biological bases of behavior;
 - (B) human learning;
 - (C) social bases of behavior;

- (D) multi-cultural bases of behavior;
 - (E) child or adolescent development;
 - (F) psychopathology or exceptionalities;
 - (2) Research and Statistics;
 - (3) Educational Foundations, including any of the following:
 - (A) instructional design;
 - (B) organization and operation of schools;
 - (C) classroom management; or
 - (D) educational administration;
 - (4) School-based Assessment, including:
 - (A) psychoeducational assessment;
 - (B) socio-emotional, including behavioral and cultural, assessment;
 - (5) School-based Interventions, including:
 - (A) counseling;
 - (B) behavior management;
 - (C) consultation;
 - (6) Professional, Legal and Ethical Issues; and
 - (7) A School-based Practicum.
- (f) Applicants applying under subsection (d) of this section must have completed an internship with a minimum of 1200 hours and that meets the following criteria:
- (1) At least 600 of the internship hours must have been completed in a public school.
 - (2) The internship must be provided through a formal course of supervised study from a regionally accredited institution of higher

education in which the applicant was enrolled; or the internship must have been obtained in accordance with Council §463.11(d)(1) and (d)(2)(C) of this title.

- (3) Any portion of an internship completed within a public school must be supervised by a Licensed ~~Specialist in School Psychologist, Psychology~~, and any portion of an internship not completed within a public school must be supervised by a Licensed Psychologist.
 - (4) No experience which is obtained from a supervisor who is related within the second degree of affinity or consanguinity to the supervisee may be utilized.
 - (5) Unless authorized by the Council, supervised experience received from a supervisor practicing with a restricted license may not be utilized to satisfy the requirements of this rule.
 - (6) Internship hours must be obtained in not more than two placements. A school district, consortium, and educational co-op are each considered one placement.
 - (7) Internship hours must be obtained in not less than one or more than two academic years.
 - (8) An individual completing an internship under this rule must be designated as an intern.
 - (9) Interns must receive no less than two hours of supervision per week, with no more than half being group supervision. The amount of weekly supervision may be reduced, on a proportional basis, for interns working less than full-time.
 - (10) The internship must include direct intern application of assessment, intervention, behavior management, and consultation, for children representing a range of ages, populations and needs.
- (g) Provision of psychological services in the public schools by unlicensed individuals.
- (1) An unlicensed individual may provide psychological services under supervision in the public schools if the individual is enrolled in an internship, practicum or other site based training in a psychology program in a regionally accredited institution of higher education. An unlicensed individual no longer enrolled in a psychology program may nevertheless continue providing

psychological services through completion of an internship, practicum, or other site based training begun while enrolled in the psychology program.

- (2) An unlicensed individual may not provide psychological services in a private school setting unless the activities or services provided are exempt under §501.004 of the Psychologists' Licensing Act.

Rule: 463.11.Supervised Experience Required for Licensure as a Psychologist.

Action: Proposed Amendments

Comment: The proposed amendment aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a Licensed School Psychologist.

§463.11. Supervised Experience Required for Licensure as a Psychologist.

- (a) Required Supervised Experience. In order to qualify for licensure, an applicant must submit proof of a minimum of 3,500 hours of supervised experience, at least 1,750 of which must have been obtained through a formal internship that occurred within the applicant's doctoral degree program and at least 1,750 of which must have been received as a provisionally licensed psychologist (or under provisional trainee status under prior versions of this rule).
 - (1) A formal internship completed after the doctoral degree was conferred, but otherwise meeting the requirements of this rule, will be accepted for an applicant whose doctoral degree was conferred prior to September 1, 2017.
 - (2) The formal internship must be documented by the Director of Internship Training. Alternatively, if the Director of Internship Training is unavailable, the formal internship may be documented by a licensed psychologist with knowledge of the internship program and the applicant's participation in the internship program.
 - (3) Following conferral of a doctoral degree, 1,750 hours obtained or completed while employed in the delivery of psychological services in an exempt setting, while licensed or authorized to practice in another jurisdiction, or while practicing as a psychological associate or ~~specialist in school psychology~~ psychologist in this state may be substituted for the minimum of 1,750 hours of supervised experience required as a provisionally licensed psychologist if the experience was obtained or completed under the supervision of a licensed psychologist. Post-doctoral supervised experience obtained without a provisional license or trainee status prior to September 1, 2016, may also be used to satisfy, either in whole or in part, the post- doctoral supervised experience required by this rule if the experience was obtained under the supervision of a licensed psychologist.

- (b) Satisfaction of Post-doctoral Supervised Experience with Doctoral Program Hours.
 - (1) Applicants who received their doctoral degree from a degree program accredited by the American Psychological Association (APA), the Canadian Psychological Association (CPA), Psychological Clinical Science Accreditation System (PCSAS), or a substantially equivalent degree program, may count the following hours of supervised experience completed as part of their degree program toward the required post-doctoral supervised experience:
 - (A) hours in excess of 1,750 completed as part of the applicant's formal internship; and
 - (B) practicum hours certified by the doctoral program training director (or the director's designee) as meeting the following criteria:
 - (i) the practicum training is overseen by the graduate training program and is an organized, sequential series of supervised experiences of increasing complexity, serving to prepare the student for internship and ultimately licensure;
 - (ii) the practicum training is governed by a written training plan between the student, the practicum training site, and the graduate training program. The training plan must describe how the trainee's time is allotted and assure the quality, breadth, and depth of the training experience through specification of the goals and objectives of the practicum, the methods of evaluation of the trainee's performance, and reference to jurisdictional regulations governing the supervisory experience. The plan must also include the nature of supervision, the identities of the supervisors, and the form and frequency of feedback from the agency supervisor to the training faculty. A copy of the plan must be provided to the Council upon request;
 - (iii) the supervising psychologist must be a member of the staff at the site where the practicum experience takes place;
 - (iv) at least 50% of the practicum hours must be in service-related activities, defined as treatment or intervention, assessment, interviews, report-writing, case presentations, and consultations;

- (v) individual face-to-face supervision shall consist of no less than 25% of the time spent in service-related activities;
 - (vi) at least 25% of the practicum hours must be devoted to face-to-face patient or client contact;
 - (vii) no more than 25% of the time spent in supervision may be provided by a licensed allied mental health professional or a psychology intern or post-doctoral fellow; and
 - (viii) the practicum must consist of a minimum of 15 hours of experience per week.
- (2) Applicants applying for licensure under the substantial equivalence clause must submit an affidavit or unsworn declaration from the program's training director or other designated leader familiar with the degree program, demonstrating the substantial equivalence of the applicant's degree program to an APA, PCSAS, or CPA accredited program at the time of the conferral of applicant's degree.
- (3) An applicant and the affiant or declarant shall appear before the agency in person to answer any questions, produce supporting documentation, or address any concerns raised by the application if requested by a council or board member or the Executive Director. Failure to comply with this paragraph shall constitute grounds for denial of substantial equivalency under this rule.
- (c) General Requirements for Supervised Experience. All supervised experience for licensure as a psychologist, including the formal internship, must meet the following requirements:
 - (1) Each period of supervised experience must be obtained in not more than two placements, and in not more than 24 consecutive months.
 - (2) A formal internship with rotations, or one that is part of a consortium within a doctoral program, is considered to be one placement. A consortium is composed of multiple placements that have entered into a written agreement setting forth the responsibilities and financial commitments of each participating member, for the purpose of offering a well-rounded, unified psychology training program whereby trainees work at multiple sites, but obtain training from one primary site with some experience at or exposure to aspects of the other sites that the primary site does not offer.

- (3) The supervised experience required by this rule must be obtained after official enrollment in a doctoral program.
- (4) All supervised experience must be received from a psychologist licensed at the time supervision is received.
- (5) The supervising psychologist must be trained in the area of supervision provided to the supervisee.
- (6) Experience obtained from a psychologist who is related within the second degree of affinity or consanguinity to the supervisee may not be utilized to satisfy the requirements of this rule.
- (7) All supervised experience obtained for the purpose of licensure must be conducted in accordance with all applicable Council rules.
- (8) Unless authorized by the Council, supervised experience received from a psychologist practicing with a restricted license may not be utilized to satisfy the requirements of this rule.
- (9) The supervisee shall be designated by a title that clearly indicates a supervisory licensing status such as "intern," "resident," "trainee," or "fellow." An individual who is a Provisionally Licensed Psychologist or a Licensed Psychological Associate may use that title so long as those receiving psychological services are clearly informed that the individual is under the supervision of a licensed psychologist. An individual who is a Licensed ~~Specialist in School Psychologist Psychology~~ Psychologist may use that title so long as the supervised experience takes place within a school, and those receiving psychological services are clearly informed that the individual is under the supervision of an individual who is licensed as a psychologist and ~~specialist in school psychologist psychology~~ psychologist. Use of a different job title is permitted only if authorized under §501.004 of the Psychologists' Licensing Act, or another Council rule.

(d) Formal Internship Requirements. The formal internship hours must be satisfied by one of the following types of formal internships:

- (1) The successful completion of an internship program accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA), or which is a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC); or

- (2) The successful completion of an organized internship meeting all of the following criteria:
- (A) It must constitute an organized training program which is designed to provide the intern with a planned, programmed sequence of training experiences. The primary focus and purpose of the program must be to assure breadth and quality of training.
 - (B) The internship agency must have a clearly designated staff psychologist who is responsible for the integrity and quality of the training program and who is actively licensed/certified by the licensing board of the jurisdiction in which the internship takes place and who is present at the training facility for a minimum of 20 hours a week.
 - (C) The internship agency must have two or more full-time licensed psychologists on the staff as primary supervisors.
 - (D) Internship supervision must be provided by a staff member of the internship agency or by an affiliate of that agency who carries clinical responsibility for the cases being supervised.
 - (E) The internship must provide training in a range of assessment and intervention activities conducted directly with patients/clients.
 - (F) At least 25% of trainee's time must be in direct patient/client contact.
 - (G) The internship must include a minimum of two hours per week of regularly scheduled formal, face-to-face individual supervision. There must also be at least four additional hours per week in learning activities such as: case conferences involving a case in which the intern was actively involved; seminars dealing with psychology issues; co-therapy with a staff person including discussion; group supervision; additional individual supervision.
 - (H) Training must be post-clerkship, post-practicum and post-externship level.

- (I) The internship agency must have a minimum of two full-time equivalent interns at the internship level of training during applicant's training period.
 - (J) The internship agency must inform prospective interns about the goals and content of the internship, as well as the expectations for quantity and quality of trainee's work, including expected competencies; or
- (3) The successful completion of an organized internship program in a school district meeting the following criteria:
- (A) The internship experience must be provided at or near the end of the formal training period.
 - (B) The internship experience must require a minimum of 35 hours per week over a period of one academic year, or a minimum of 20 hours per week over a period of two consecutive academic years.
 - (C) The internship experience must be consistent with a written plan and must meet the specific training objectives of the program.
 - (D) The internship experience must occur in a setting appropriate to the specific training objectives of the program.
 - (E) At least 600 clock hours of the internship experience must occur in a school setting and must provide a balanced exposure to regular and special educational programs.
 - (F) The internship experience must occur under conditions of appropriate supervision. Field- based internship supervisors, for the purpose of the internship that takes place in a school setting, must be licensed as a psychologist and, if a separate credential is required to practice school psychology, must have a valid credential to provide psychology in the public schools. The portion of the internship which appropriately may take place in a non-school setting must be supervised by a psychologist.
 - (G) Field-based internship supervisors must be responsible for no more than two interns at any given time. University internship supervisors shall be responsible for no more than twelve interns at any given time.

- (H) Field-based internship supervisors must provide at least two hours per week of direct supervision for each intern. University internship supervisors must maintain an ongoing relationship with field-based internship supervisors and shall provide at least one field- based contact per semester with each intern.
 - (I) The internship site shall inform interns concerning the period of the internship and the training objectives of the program.
 - (J) The internship experience must be systematically evaluated in a manner consistent with the specific training objectives of the program.
 - (K) The internship experience must be conducted in a manner consistent with the current legal- ethical standards of the profession.
 - (L) The internship agency must have a minimum of two full-time equivalent interns at the internship level during the applicant's training period.
 - (M) The internship agency must have the availability of at least two full-time equivalent psychologists as primary supervisors, at least one of whom is employed full time at the agency and is a school psychologist.
- (e) Industrial/Organizational Requirements. Individuals from an Industrial/Organizational doctoral degree program are exempt from the formal internship requirement but must complete a minimum of 3,500 hours of supervised experience, at least 1,750 of which must have taken place after conferral of the doctoral degree and in accordance with subsection (a) of this section. Individuals who do not undergo a formal internship pursuant to this paragraph should note that Council rules prohibit a psychologist from practicing in an area in which they do not have sufficient training and experience, of which a formal internship is considered to be an integral requirement.
- (f) Licensure Following Respecialization.
- (1) In order to qualify for licensure after undergoing respecialization an applicant must demonstrate the following:

- (A) conferral of a doctoral degree in psychology from a regionally accredited institution of higher education prior to undergoing respecialization;
 - (B) completion of a formal post-doctoral respecialization program in psychology which included at least 1,750 hours in a formal internship; and
 - (C) upon completion of the respecialization program, at least 1,750 hours of supervised experience obtained as a provisionally licensed psychologist (or under provisional trainee status under prior versions of this rule).
 - (2) An applicant meeting the requirements of this subsection is considered to have met the requirements for supervised experience under this rule.
- (g) Remedy for Incomplete Supervised Experience.
- (1) An applicant who has completed at least 1,500 hours of supervised experience in a formal internship, 1,500 hours of supervised experience following conferral of a doctoral degree, and who does not meet all of the supervised experience qualifications for licensure set out in subsections (a), (c), and (d) of this section or §465.2 of this title, may petition for permission to remediate an area of deficiency. An applicant may not however, petition for the waiver or modification of the requisite doctoral 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 psychologist.

Rule: 463.20. Special Provisions Applying to Military Service Members, Veterans, and Spouses

Action: Proposed Amendments

Comment: The proposed amendments align the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

§463.20. Special Provisions Applying to Military Service Members, Veterans, and Spouses.

~~(a) — Substantial Equivalency Determination. In accordance with §55.004 of the Occupations Code, the licensing requirements for a license to practice psychology in another jurisdiction will be considered substantially equivalent to Texas' requirements if the other jurisdiction's requirements meet or exceed the following criteria:~~

~~(1) — Licensed Specialist in School Psychology.~~

~~(A) — The completion of a training program in school psychology that has been approved or accredited by the American Psychological Association or the National Association of School Psychologists, or completion of a master's degree in psychology with specific course work similar to the coursework required in the Council's rules; and~~

~~(B) — Passage of the School Psychology Examination.~~

~~(2) — Licensed Psychological Associate.~~

~~(A) — A graduate degree that is primarily psychological in nature and consisting of at least 42 semester credit hours in total with at least 27 semester credit hours in psychology courses;~~

~~(B) — Passage of the EPPP at the Texas cut-off score; and~~

~~(C) — A minimum of 6 semester credit hours of practicum, internship, or experience in psychology, under the supervision of a licensed psychologist.~~

~~(3) — Licensed Psychologist.~~

~~(A) — A doctoral degree in psychology;~~

~~(B) — Passage of the EPPP at the Texas cut-off score; and~~

~~(C)~~ A minimum of two years or 3,000 hours of supervised experience under a licensed psychologist.

(a) ~~(b)~~ In accordance with §55.007 of the Occupations Code, an applicant who is a military service member or military veteran, as defined by Chapter 55, Occupations Code, shall receive credit toward the following licensing requirements for verified military service, training, or education:

- (1) Licensed School Psychologist. ~~Specialist in School Psychology~~. A military service member or military veteran who has delivered psychological services within the military for at least one year is considered to have met the following requirements for this type of license: a practicum and 600 internship hours.
- (2) Licensed Psychological Associate. A military service member or military veteran who has delivered psychological services within the military for at least one year is considered to have met the following requirements for this type of license: 6 semester credit hours of supervised experience.
- (3) Licensed Psychologist. A military service member or military veteran who has delivered psychological services within the military for at least one year, following conferral of a doctoral degree, is considered to have met the following requirements for this type of license: one year or 1,750 hours of supervised experience.

(b) ~~(e)~~ A military service member or military veteran may not receive credit toward licensing requirements due to military service, training, or education if they hold a license issued by another jurisdiction that has been restricted, or they have a disqualifying criminal history.

Rule: 463.30. Examiners Required for Licensure.

Action: Proposed Amendments

Comment: The proposed amendment aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a Licensed School Psychologist.

§463.30. Examinations Required for Licensure

- (a) Jurisprudence Examination. All applicants for licensure are required to pass the Jurisprudence Examination prior to the Council granting a license.
- (b) School Psychology Examination. Applicants for licensure as a school psychologist ~~specialist in school psychology~~ shall take the School Psychology Examination administered by the Educational Testing Service before applying for licensure as a school psychologist. ~~specialist in school psychology~~.
- (c) Examination for Professional Practice in Psychology (EPPP). All applicants for licensure as a psychological associate or psychologist are required to pass the EPPP prior to the Council granting a license. An applicant who has taken the EPPP either in the past or in another jurisdiction will not be required to retake the exam provided the applicant's score satisfies the Council's current minimum acceptable score for licensure.

Rule: 465.1. Definitions.

Action: Proposed Amendments

Comment: The proposed amendment aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a Licensed School Psychologist.

§465.1. Definitions. The following terms have the following meanings:

- (1) "Adoption evaluation" has the same meaning as assigned by §107.151 of the Family Code.
- (2) "Child custody evaluation" has the same meaning as assigned by §107.101 of the Family Code.
- (3) "Client" means a party other than a patient seeking or obtaining psychological services, as defined in §501.003 of the Occupations Code, for a third-party with the goal of assisting or caring for that third-party or answering a referral question through the use of forensic psychological services.
- (4) "Dual Relationship" means a situation where a licensee and another individual have both a professional relationship and a non-professional relationship. Dual relationships include, but are not limited to, personal friendships, business or financial interactions, mutual club or social group activities, family or marital ties, or sexual relationships.
- (5) "Forensic evaluation" is an evaluation conducted, not for the purpose of providing mental health treatment, but rather at the request of a court, a federal, state, or local governmental entity, an attorney, or an administrative body including federal and private disability benefits providers to assist in addressing a forensic referral question.
- (6) "Forensic psychological services" are services involving courts, legal claims, or the legal system. The provision of forensic psychological services includes any and all preliminary and exploratory services, testing, assessments, evaluations, interviews, examinations, depositions, oral or written reports, live or recorded testimony, or any psychological service provided by a licensee concerning a current or potential legal case at the request of a party or potential party, an attorney for a party, or a court, or any other individual or entity, regardless of whether the licensee ultimately provides a report or testimony that is utilized in a legal proceeding.

However, forensic psychological services do not include evaluations, proceedings, or hearings under the Individuals with Disabilities Education Improvement Act (IDEIA).

- (7) "Informed Consent" means the written documented consent of the patient, client and other recipients of psychological services only after the patient, client or other recipient has been made aware of the purpose and nature of the services to be provided, including but not limited to: the specific goals of the services; the procedures to be utilized to deliver the services; possible side effects of the services, if applicable; alternate choices to the services, if applicable; the possible duration of the services; the confidentiality of and relevant limits thereto; all financial policies, including the cost and methods of payment; and any provisions for cancellation of and payments for missed appointments; and right of access of the patient, client or other recipient to the records of the services.
- (8) "Licensee" means a licensed psychologist, provisionally licensed psychologist, licensed psychological associate, licensed school psychologist, ~~specialist in school psychology~~, applicants, and any other individual subject to the regulatory authority of the Council.
- (9) "Patient" means a person who receives psychological services, as defined in §501.003 of the Occupations Code, regardless of whether the patient or a third-party pays for the services. The term "patient" shall include a client if the client is a person listed in §611.004(a)(4) or (5) of the Health and Safety Code who is acting on a patient's behalf. A person who is the subject of a forensic evaluation is not considered to be a patient under these rules.
- (10) "Private school" has the same meaning as assigned by §5.001 of the Texas Education Code, but does not include a parent or legal guardian who chooses to homeschool a child.
- (11) "Professional relationship" means a fiduciary relationship between a licensee and a patient or client involving communications and records deemed confidential under §611.002 of the Health and Safety Code. A professional relationship also exists where licensees are appointed by a court or other governmental body to answer a referral question through the use of forensic psychological services.
- (12) "Provision of psychological services" means any use by a licensee of education or training in psychology in the context of a professional relationship. Psychological services include, but are not limited to, therapy, diagnosis, testing, assessments, evaluation,

treatment, counseling, supervision, consultation, providing forensic opinions, rendering a professional opinion, or performing research, or teaching to an individual, group, or organization.

- (13) "Public school" means any state agency, regional education service center, diploma program, school district, or charter school established or authorized under Title 2 of the Texas Education Code and supported in whole or in part by state tax funds.
- (14) "Recognized member of the clergy," as used in §501.004(a)(4) of the Occupations Code, means a member in good standing of and accountable to a denomination, church, sect or religious organization recognized under the Internal Revenue Code, §501(c)(3).
- (15) "Records" are any information, regardless of the format in which it is maintained, that can be used to document the delivery, progress or results of any psychological services including, but not limited to, data identifying a recipient of services, dates of services, types of services, informed consents, fees and fee schedules, assessments, treatment plans, consultations, session notes, reports, release forms obtained from a client or patient or any other individual or entity, and records concerning a patient or client obtained by the licensee from other sources.
- (16) "Report" includes any written or oral assessment, recommendation, psychological diagnostic or evaluative statement containing the professional judgment or opinion of a licensee.
- (17) "Supervision" refers to direct, systematic professional oversight of individuals who provide psychological services under the authority of a supervising licensee, whereby the supervisor has the responsibility and ability to monitor and control the psychological services provided to ensure the patient's or client's best interests are met and that the public is protected. In the context of psychological training and education, "supervision" also refers to the formal provision of systematic education and training for purposes of licensure or competency that serves to assist individuals with gaining experience and developing the skills necessary for licensure or competent practice in a particular practice area. However, the term "supervision" does not apply to the supervision of purely administrative or employment matters.
- (18) "Test data" refers to a patient's specific answers to test materials, whether spoken or written, generated in drawings, or recorded by computers or other lab devices.

- (19) "Test materials" refers to test booklets, forms, manuals, instruments, protocols, software, as well as test questions, and stimuli protected by federal copyright law and used in psychological testing to generate test results and test reports.

Rule: 465.2. Supervision.

Action: Proposed Amendment

Comment: The proposed amendment aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a Licensed School Psychologist.

§465.2. Supervision.

- (a) Supervision in General. The following rules apply to all supervisory relationships.
 - (1) Licensee is responsible for the supervision of all individuals that the licensee employs or utilizes to provide psychological services of any kind.
 - (2) Licensees shall ensure that their supervisees have legal authority to provide psychological services.
 - (3) Licensees may delegate only those responsibilities that supervisees may legally and competently perform.
 - (4) All individuals who receive psychological services requiring informed consent from an individual under supervision must be informed in writing of the supervisory status of the individual and how the patient or client may contact the supervising licensee directly.
 - (5) All materials relating to the practice of psychology, upon which the supervisee's name or signature appears, must indicate the supervisory status of the supervisee. Supervisory status must be indicated by one of the following:
 - (A) Supervised by (name of supervising licensee);
 - (B) Under the supervision of (name of supervising licensee);
 - (C) The following persons are under the supervision of (name of supervising licensee); or
 - (D) Supervisee of (name of supervising licensee).
 - (6) Licensees shall provide an adequate level of supervision to all individuals under their supervision according to accepted professional standards given the experience, skill and training of

the supervisee, the availability of other qualified licensees for consultation, and the type of psychological services being provided.

- (7) Licensees shall utilize methods of supervision that enable the licensee to monitor all delegated services for legal, competent, and ethical performance. No more than fifty percent of the supervision may take place through remote or electronic means. Licensees may exceed fifty percent remote or electronic supervision if supervision is provided through synchronous audiovisual means.
- (8) Licensees must be competent to perform any psychological services being provided under their supervision.
- (9) Licensees shall document their supervision activities in writing, including any remote or electronic supervision provided. Documentation shall include the dates, times, and length of supervision.
- (10) Licensees may only supervise the number of supervisees for which they can provide adequate supervision.

(11) A supervisor shall establish a plan for the custody and control of the records of supervision for each supervisee in the event of the supervisor's death or incapacity, or the termination of the supervisor's practice.

(12) Licensees receiving supervision who are informed of a pending complaint must notify their supervisors of the complaint.

(13) Supervisors who identify deficits in a supervisee's skills or competencies necessary for safe or entry-level independent practice must immediately develop and implement a written remediation plan to address those deficiencies. If the supervisee changes supervisors during the supervision period, the supervisee must provide the new supervisor with a copy of the remediation plan.

- (b) Supervision of Students, Interns, Residents, Fellows, and Trainees. The following rules apply to all supervisory relationships involving students, interns, residents, fellows, and trainees.

- (1) Unlicensed individuals providing psychological services pursuant to §§501.004(a)(2), 501.2525(a)(2)(A), or 501.260(b)(3) of the Occupations Code must be under the supervision of a qualified supervising licensee at all times.

- (2) Supervision must be provided by a qualified supervising licensee before it will be accepted for licensure purposes.
 - (3) A licensee practicing under a restricted status license is not qualified to, and shall not provide supervision for a person seeking to fulfill internship or practicum requirements or a person seeking licensure under the Psychologists' Licensing Act, regardless of the setting in which the supervision takes place, unless authorized to do so by the Council. A licensee shall inform all supervisees of any disciplinary order restricting the licensee's license and assist the supervisees with finding appropriate alternate supervision.
 - (4) A supervisor must document in writing a supervisee's performance during a practicum, internship, or period of supervised experience required for licensure. The supervisor must provide this documentation to the supervisee.
 - (5) A supervisor may allow a supervisee, as part of a required practicum, internship, or period of supervised experience required for licensure under Chapter 501, to supervise others in the delivery of psychological services.
 - (6) Licensees may not supervise an individual to whom they are related within the second degree of affinity or consanguinity.
- (c) Supervision of Provisionally Licensed Psychologists and Licensed Psychological Associates. The following rules apply to all supervisory relationships involving Provisionally Licensed Psychologists and Licensed Psychological Associates.
- (1) Provisionally Licensed Psychologists must be under the supervision of a Licensed Psychologist and may not engage in independent practice unless the provisional licensee is licensed in another state to independently practice psychology and is in good standing in that state.
 - (2) A Provisionally Licensed Psychologist may, as part of a period of supervised experience required for licensure as a psychologist, supervise others in the delivery of psychological services.
 - (3) A supervisor must provide at least one hour of individual supervision per week. A supervisor may reduce the amount of weekly supervision on a proportional basis for supervisees working less than full-time.

- (d) Supervision of Licensed School Psychologist Specialists in School Psychology interns and other individuals authorized by §463.9(g)(1), of this title, (relating to Licensed Specialist in School Psychology). The following rules apply to all supervisory relationships involving Licensed School Psychologist Specialists in School Psychology, as well as all interns and other individuals authorized by §463.9(g)(1) working toward licensure as a specialist in school psychologist psychology.
- (1) Supervision within the public schools may only be provided by a Licensed School Psychologist Specialist in School Psychology who has a minimum of 3 years of experience providing psychological services within the public school system without supervision. To qualify, a licensee must be able to show proof of their license, credential, or authority to provide unsupervised school psychological services in the jurisdiction where those services were provided, along with documentation from the public school(s) evidencing delivery of those services.
 - (2) Supervisors must sign educational documents completed for students by the supervisee, including student evaluation reports, or similar professional reports to consumers, other professionals, or other audiences. It is not a violation of this rule if supervisors do not sign documents completed by a committee reflecting the deliberations of an educational meeting for an individual student which the supervisee attended and participated in as part of the legal proceedings required by federal and state education laws, unless the supervisor also attended and participated in such meeting.
 - (3) Supervisors shall document all supervision sessions. This documentation must include information about the duration of sessions, as well as the focus of discussion or training. The documentation must also include information regarding:
 - (A) any contracts or service agreements between the public school district and university school psychology training program;
 - (B) any contracts or service agreements between the public school district and the supervisee;
 - (C) the supervisee's professional liability insurance coverage, if any;
 - (D) any training logs required by the school psychology training program; and

- (E) the supervisee's licensure status or legal authority to provide psychological services.
- (4) Supervisors must ensure that each individual completing any portion of the internship required for licensure as an LSP ~~LSSP~~, is provided with a written agreement that includes a clear statement of the expectations, duties, and responsibilities of each party, including the total hours to be performed by the intern, benefits and support to be provided by the supervisor, and the process by which the intern will be supervised and evaluated.
- (5) Supervisors must ensure that supervisees have access to a process for addressing serious concerns regarding a supervisee's performance. The process must protect the rights of clients to receive quality services, assure adequate feedback and opportunities for improvement to the supervisee, and ensure due process protection in cases of possible termination of the supervisory relationship.
- (e) The various parts of this rule should be construed, if possible, so that effect is given to each part. However, where a general provision conflicts with a more specific provision, the specific provision shall control.

Rule: 465.18. Forensic Services.

Action: Proposed Amendments

Comment: The proposed amendments are made to conform the rule to the statutory changes made to Sections 107.104 and 107.112 of the Family Code by H.B. 2340 from the 89th Legislature, Regular Session (2025).

§465.18. Forensic Services.

(a) In General.

- (1) A licensee who provides services concerning a matter which the licensee knows or should know will be utilized in a legal proceeding, such as a divorce, child custody determination, fitness for duty evaluation for high risk personnel, disability claim, or risk assessment evaluations of employees, must comply with all applicable Council rules concerning forensic services regardless of whether the licensee is acting as a factual witness or an expert.
- (2) Licensees who engage in forensic services must have demonstrated appropriate knowledge of and competence in all underlying areas of psychology about which they provide such services.
- (3) All forensic opinions, reports, assessments, and recommendations rendered by a licensee must be based on information and techniques sufficient to provide appropriate substantiation for each finding.
- (4) When appointed or designated in writing by a court to provide psychological services, a licensee shall obtain and keep a copy of the court order.
- (5) When providing forensic psychological services to a minor who is the subject of a court order or the ward of guardianship, a licensee shall obtain and keep a copy of the relevant portions of any court order, divorce decree, or letters of guardianship authorizing the individual to provide substitute consent on behalf of the minor or ward.

(b) Limitation on Services.

- (1) A licensee who is asked to provide an opinion concerning an area or matter about which the licensee does not have the appropriate knowledge and competency to render a professional opinion shall decline to render that opinion.

- (2) A licensee who is asked to provide an opinion concerning a specific matter for which the licensee lacks sufficient information to render a professional opinion shall decline to render that opinion unless the required information is provided.
 - (3) A licensee shall not render a written or oral opinion about the psychological characteristics of an individual without conducting an examination of the individual unless the opinion contains a statement that the licensee did not conduct an examination of the individual.
 - (4) A written or oral opinion about the psychological characteristics of an individual rendered by a licensee who did not conduct an examination of that individual must contain clarification of the extent to which this limits the reliability and validity of the opinion and the conclusions and recommendations of the licensee.
 - (5) When seeking or receiving court appointment or designation as an expert for a forensic evaluation a licensee specifically avoids accepting appointment or engagement for both evaluation and therapeutic intervention for the same case. A licensee provides services in one but not both capacities in the same case.
- (c) Describing the Nature of Services. A licensee must document in writing that subject(s) of forensic evaluations or their parents or legal representative have been informed of the following:
- (1) The nature of the anticipated services (procedures);
 - (2) The specific purpose and scope of the evaluation;
 - (3) The identity of the party who requested the psychologist's services;
 - (4) The identity of the party who will pay the psychologist's fees and if any portion of the fees is to be paid by the subject, the estimated amount of the fees;
 - (5) The type of information sought and the uses for information gathered;
 - (6) The people or entities to whom psychological records will be distributed;
 - (7) The approximate length of time required to produce any reports or written results;

- (8) Applicable limits on confidentiality and access to psychological records;
- (9) Whether the psychologist has been or may be engaged to provide testimony based on the report or written results of forensic psychological services in a legal proceeding; and
- (10) The licensee's name as it appears in their professional file with the Council prior to initiating services.

(d) Certain Testimony Prohibited.

- (1) A licensee may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child unless the licensee has conducted a child custody evaluation.
- (2) In a contested suit, a licensee may provide other relevant information and opinions, other than those prohibited by paragraph (1) of this subsection, relating to any party that the licensee has personally evaluated or treated.
- (3) This subsection does not apply to a suit in which the Department of Family and Protective Services is a party.

(e) Child Custody Evaluations.

- (1) The role of the child custody evaluator is one of professional expert. A licensee serving as a child custody evaluator shall not function as an advocate, but must remain impartial and objective. Licensees conducting child custody evaluations, including those licensees appointed by a court, are subject to the Council's jurisdiction and must follow all applicable Council rules.
- (2) The term "supervision" as used in this subsection shall have the meaning assigned by §107.101 of the Family Code. However, the term shall not encompass the restrictions and requirements set forth in §465.2 of this title (relating to Supervision) nor shall a licensee providing supervision under this subsection have supervisory responsibility under that same rule.
- (3) Minimum Qualifications of Child Custody Evaluator.
 - (A) A licensee must be qualified to conduct a child custody evaluation pursuant to §107.104 of the Family Code before the licensee may conduct an evaluation. Licensees qualified

to conduct evaluations under §107.104(b)(2) must conduct evaluations under supervision in accordance with that section.

- (B) Notwithstanding any other grounds for qualification, the Council has determined that a licensed psychologist is qualified to conduct child custody evaluations if the licensee:
 - (i) has obtained a minimum of 8 professional development hours directly related to the performance of child custody evaluations since becoming a licensed psychologist, and is board certified in forensic psychology by the American Board of Professional Psychology (ABPP); or
 - (ii) has obtained a minimum of 40 professional development hours directly related to the performance of child custody evaluations since becoming a licensed psychologist, and has conducted at least three child custody evaluations under the supervision of a qualified licensee.
- (C) A licensee who does not meet the minimum qualification requirements set forth in §107.104 of the Family Code, may nevertheless conduct a child custody evaluation if:
 - (i) appointed to do so pursuant to §107.106 of the Family Code. A licensee appointed under §107.106 must comply with the provisions of Subchapter D of the Family Code and this rule; or
 - (ii) the individual is licensed as a psychologist, and has completed at least ten social studies or other child custody evaluations ordered by a court in suits affecting the parent-child relationship prior to September 1, 2015.
- (D) If requested by a court, a licensee selected to conduct or who is conducting a child custody evaluation must demonstrate appropriate knowledge and competence in child custody evaluation services consistent with professional models, standards, and guidelines.
- (E) In addition to the minimum qualifications set forth by this rule, an individual must complete at least eight hours of

family violence dynamics training provided by a family violence service provider to be qualified to conduct child custody evaluations.

(F) In addition to the qualifications prescribed by this rule, to be qualified to conduct a child custody evaluation, an individual must complete, during the two-year period preceding the evaluation, at least three hours of initial or continuing training, as applicable, related to the care of a child with an intellectual disability or developmental disability, including education, therapy, preparation for independent living, or methods for addressing physical or mental health challenges.

(4) Disclosure of Conflicts and Bias.

(A) Licensees shall comply with all disclosure requirements set forth in §107.107 of the Family Code.

(B) Following any disclosure required by §107.107(c), a licensee must resign as child custody evaluator, unless:

(i) the court finds that no conflict of interest exists and that any previous knowledge of a party or child who is the subject of the suit is not relevant; or

(ii) the parties and any attorney for a child who is the subject of the suit agree in writing to the licensee's continued appointment as the child custody evaluator.

(C) Except as authorized by §107.107(f), licensees may not accept appointment as a child custody evaluator if they have worked in a professional capacity with a party, a child who is the subject of the suit, or a member of the party's or child's family. The term "family" as used in this subpart has the meaning assigned by §71.003 of the Family Code.

(5) Elements of Child Custody Evaluation.

(A) Licensees shall comply with §§107.108, 107.109, and 107.1101 of the Family Code when conducting child custody evaluations.

- (B) Licensees may conduct psychometric testing as part of a child custody evaluation in accordance with §107.110 of the Family Code.
- (6) Communications and Recordkeeping of Child Custody Evaluator.
 - (A) Licensees shall comply with the requirements of §107.112 of the Family Code regarding:
 - (i) the disclosure of communications between evaluation participants;
 - (ii) the creation and retention of records relevant to the evaluation; and
 - (iii) access to evaluation records.
 - (B) Licensees conducting child custody evaluations shall maintain the confidentiality of records obtained from the Department of Family and Protective Services pursuant to §107.111 of the Family Code, as well as any records obtained pursuant to §107.111. Licensees may not disclose any information obtained from the records except as required or allowed by law. Licensees shall redact any social security number or child's birth date from records subject to disclosure under §107.112 before making the records available. Failure to maintain confidentiality as required by law will result in disciplinary action against a licensee.
- (7) Evaluation Report.
 - (A) A licensee who conducts a child custody evaluation shall prepare and file a report in accordance with §107.113 of the Family Code.
 - (B) A licensee shall provide a copy of any report filed with the Court in accordance with §107.114 of the Family Code.
- (f) Adoption Evaluations.
 - (1) The role of the adoption evaluator is one of professional expert. A licensee serving as an adoption evaluator shall not function as an advocate, but must remain impartial and objective. Licensees conducting adoption evaluations, including those licensees

appointed by a court, are subject to the Council's jurisdiction and must follow all applicable Council rules.

(2) Minimum Qualifications of Adoption Evaluator.

- (A) A licensee must be qualified to conduct an adoption evaluation pursuant to §107.154 of the Family Code before the licensee may conduct an evaluation.
- (B) Licensees qualified to conduct a child custody evaluations are also qualified to conduct adoption evaluations.
- (C) A licensee who does not meet the minimum qualification requirements set forth in §107.154, may nevertheless conduct an adoption evaluation if:
 - (i) appointed to do so pursuant to §107.155 of the Family Code. A licensee appointed under §107.155 must comply with the provisions of Subchapter E of the Texas Family Code and this rule; or
 - (ii) the individual is licensed as a psychologist, and has completed at least ten social studies or other child custody evaluations ordered by a court in suits affecting the parent-child relationship prior to September 1, 2015.

(3) Disclosure of Conflicts and Bias.

- (A) Licensees shall comply with all disclosure requirements set forth in §107.156 of the Family Code.
- (B) Following any disclosure required by §107.156(c), a licensee must resign as adoption evaluator, unless:
 - (i) the court finds that no conflict of interest exists and that any previous knowledge of a party or child who is the subject of the suit is not relevant; or
 - (ii) the parties and any attorney for a child who is the subject of the suit agree in writing to the licensee's continued appointment as the adoption evaluator.
- (C) Except as authorized by §107.156(e) of the Family Code, licensees may not accept appointment as an adoption evaluator if they have worked in a professional capacity

with a party, a child who is the subject of the suit, or a member of the party's or child's family. The term "family" as used in this subpart has the meaning assigned by §71.003 of the Family Code.

- (4) A licensee shall report to the Department of Family and Protective Services any adoptive placement that appears to have been made by someone other than a licensed child-placing agency or a child's parent or managing conservator.
- (5) Licensees shall comply with §§107.158, 107.159, and 107.160 of the Family Code when conducting adoption evaluations.
- (6) Licensees conducting adoption evaluations shall maintain the confidentiality of records obtained from the Department of Family and Protective Services pursuant to §107.163 of the Family Code. Licensees may not disclose any information obtained from the records except as required or allowed by law. Failure to maintain confidentiality as required by §107.163 of the Family Code will result in disciplinary action against a licensee.
- (g) **Duty to Report Complaints.** Licensees must report any complaint filed against them that alleges facts tending to show a violation of this rule in connection with a child custody or adoption evaluation. The report must be made to the court that ordered the evaluation within 30 days of receiving notice of the complaint from the Council. Only those complaints for which a licensee receives notice from the Council need to be reported.
- (h) **Parenting Facilitators.**
 - (1) The title "parenting facilitator" is defined in §153.601 of the Family Code.
 - (2) The Council's jurisdiction over licensees who also accept engagements as parenting facilitators is limited to its enforcement of Council rules. The Family Code sets forth procedures for the qualifications, duties, appointment and removal, reporting, record retention, and compensation of parenting facilitators. The Family Code also provides procedures for disclosure of conflicts of interest by parenting facilitators.
 - (3) A parenting facilitator who is also a licensed psychologist in Texas is a provider of forensic psychological services and must comply with all applicable Council rules.

- (4) Participants in parenting facilitation are not patients as defined in these rules and in Texas Health and Safety Code §611.001. Records created during parenting facilitation are not confidential.
- (5) Parenting facilitators must comply with §§153.6061 and 153.6101 of the Family Code as to duties and qualifications, and with the "Guidelines for Parenting Coordination" published by the Association of Family and Conciliation Courts.
- (6) The following psychologist-parenting facilitator practice standards are set forth consistent with §153.6101 of the Family Code:
 - (A) Parenting facilitators licensed by the Council shall comply with the standard of care applicable to the license to practice psychology in Texas.
 - (B) Psychologist-parenting facilitators meet all requirements of §153.6101 of the Family Code, including active licensure to practice as a psychologist in Texas; completion of 8 hours of family violence dynamics training provided by a family violence service provider; 40 classroom hours of training in dispute resolution techniques in a course conducted by an alternative dispute resolution system or other dispute resolution organization approved by the court; 24 classroom hours of training in the fields of family dynamics, child development, and family law; and 16 hours of training in the laws governing parenting coordination and parenting facilitation and the multiple styles and procedures used in different models of service.

Rule: 465.21. Termination of Services.

Action: Proposed Amendments

Comment: The proposed amendment aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a Licensed School Psychologist.

§465.21. Termination of Services

- (a) Licensees do not abandon patients or clients.
- (b) Withdrawal from a professional relationship in compliance with Council rules to avoid a prohibited dual relationship is not abandonment of a patient or client.
- (c) Licensees terminate a professional relationship when it becomes reasonably clear that the patient or client no longer needs the service, is not benefiting or is being harmed by continued service.
- (d) Prior to termination of a professional relationship for any reason, the licensee takes all reasonable steps to facilitate transfer of responsibility for the patient or client to a qualified service provider if necessary to prevent physical or emotional harm and, if not precluded by the patient or client's conduct, provides appropriate pre-termination counseling and referrals.
- (e) Licensees who are required to interrupt services of a professional relationship for any reason shall make arrangements for provision of any services to all patients or clients required during the interruption.
- (f) Termination of employment with agencies or organizations.
 - (1) When entering into employment or contractual relationships, licensees provide for orderly and appropriate resolution of responsibility for patient or client care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the patient or client.
 - (2) Licensees who are employed by an organization or agency to provide psychological services must, upon termination of that employment, work with the employer to facilitate access to records of all services provided by the licensee to patients or clients as otherwise required by Council rules and applicable law.
 - (3) Licensees who are employed by an organization or agency to provide psychological services must, upon termination of that

employment, work with the employer to facilitate transfer of clients or patients who are continuing to receive services from the agency or organization to another qualified service provider.

(g) Termination of employment with public schools.

- (1) A LSP ~~LSSP~~ who is under contract as an employee of a public school to provide school psychological services must deliver to such public school a written resignation before terminating services or employment without cause. The resignation must be filed with the public school's board of trustees or designee not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the public school's board of trustees or designee at the post office address of the public school is considered delivered at the time of mailing.
- (2) A LSP ~~LSSP~~ who is under contract as an employee of a public school may resign at any time if given written consent by the public school's board of trustees or designee or if such resignation is for cause.

Rule: 465.38. Psychological Services for Schools.

Action: Proposed Amendments

Comment: The proposed amendment aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a Licensed School Psychologist. The proposed amendments also add a required that school psychologists follow newly enacted state laws regarding parental consent to mental health treatment in schools.

§465.38. Psychological Services for Schools.

- (a) This rule acknowledges the unique difference in the delivery of school psychological services in public and private schools from psychological services in the private sector. The Council recognizes the purview of the State Board of Education and the Texas Education Agency in safeguarding the rights of school children in Texas. The mandated multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas, among other factors, allow for rules of practice in public and private schools which reflect these occupational distinctions from the private practice of psychology.
- (b) Scope of Practice.
 - (1) An ~~LSP~~ LSSP is a person who is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions which attempt to improve the learning, adjustment and behavior of students. Such activities include, but are not limited to, addressing special education eligibility, conducting manifestation determinations, and assisting with the development and implementation of individual educational programs, conducting behavioral assessments, and designing and implementing behavioral interventions and supports.
 - (2) The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.
 - (3) The delivery of school psychological services in the public schools of this state shall be consistent with nationally recognized standards for the practice of school psychology. Licensees providing school psychological services in a private school should comply with those same nationally recognized standards where

possible, but at a minimum, must comply with all applicable Council rules, including those related to informed consent, notification of the right to file a complaint, competency, forensic services, and misuse of services.

- (c) The ~~specialist in~~ school psychology license permits the licensee to provide school psychological services only in public and private schools. A person utilizing this license may not provide psychological services in any context or capacity outside of a public or private school.
- (d) The correct title for an individual holding a ~~specialist in~~ school psychology license is Licensed School Psychologist ~~Specialist in School Psychology~~ or (LSP), (~~LSSP~~), ~~or the individual may use the title School Psychologist as referenced in §21.003 of the Education Code. An LSP~~ ~~LSSP~~ who has achieved certification as a Nationally Certified School Psychologist (NCSP) may use this credential along with the license title of LSP. ~~LSSP~~.
- (e) Providers of Psychological Services Within the Public Schools.
 - (1) School psychological services may be provided in Texas public schools only by individuals authorized by this Council to provide such services. Individuals who may provide such school psychological services include:
 - (A) LSPs ~~LSSPs~~; and
 - (B) interns and post-doctoral fellows working towards licensure as a psychologist.
 - (2) Licensees who do not hold the specialist in school psychology license may contract for specific types of psychological services, such as clinical psychology, counseling psychology, neuropsychology, and family therapy, but any such contracting may not involve the broad range of school psychological services listed in subsection (b)(1) of this section.
 - (3) An LSP ~~LSSP~~ who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSP ~~LSSP~~ subject to this provision shall be responsible for ensuring the school psychological services delivered comply with subsection (b)(3) of this section.

(f) Compliance with Applicable Education Laws. LSPs ~~LSSPs~~ shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

- (1) Texas Education Code;
- (2) Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g;
- (3) Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C. §1400 et seq.;
- (4) Texas Public Information Act, Texas Government Code, Chapter 552;
- (5) Section 504 of the Rehabilitation Act of 1973;
- (6) Americans with Disabilities Act (ADA) 42 U.S.C. §12101; and
- (7) HIPAA when practicing in a private school.

(g) Informed Consent in a Public School. Informed consent for a Licensed School Psychologist ~~Specialist in School Psychology~~ must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA), ~~and~~ the U.S. Department of Education's rules governing parental consent, and state law governing parent consent to mental health services in schools when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under Board rules. No additional informed consent, specific to any Council rules, is necessary in this context. Licensees providing psychological services under subsection (e)(2) of this section, or in a private school however, must obtain informed consent as otherwise required by the Council rules.

Deidre Awtry Madres, LSP
2208 S. 2nd Street
Austin, Texas 78704
512-689-8917
DeidreMadres@gmail.com

T.B.H.E.C.

2025 SEP -2 AM 9: 03

August 26, 2025

Texas Behavioral Health Executive Council
George H.W. Bush State Office Building
1801 Congress Ave., Ste. 7.300
Austin, Texas 78701

Subject: Petition for Rulemaking Regarding Expansion of Scope of Practice for Licensed School Psychologists (LSPs) to Include Supplemental Special Education Services and Education Savings Account Programs

Dear Members of the Texas Behavioral Health Executive Council,

As a Licensed School Psychologist (LSP), I am an interested person in this rulemaking process, as the proposed changes directly impact my professional practice and the services I am authorized to provide. This petition requests the Texas Behavioral Health Executive Council to amend its rules to explicitly permit LSPs to serve as providers within the Supplemental Special Education Services (SSES) under **Texas Education Code (TEC) §§ 29.041–29.048**, and consequently, the Education Savings Account (ESA) program under **TEC §§ 29.350–29.363**.

1. Identification of Rule to Adopt or Change

The current rule that explicitly restricts the professional activities of Licensed School Psychologists is found in the Texas Administrative Code (TAC) and administered by the Texas Behavioral Health Executive Council (BHEC) and its member board, the Texas State Board of Examiners of Psychologists (TSBEP).

Current Rule: 22 TAC § 465.38. Psychological Services for Schools

"The specialist in school psychology license permits the licensee to provide school psychological services ~~only~~ in public and private schools. A person utilizing this license may ~~not also~~ provide ~~psychological~~ supplemental special education services in any context or capacity and instructional materials as defined in TEC §29.041–§29.048, for students participating in the Supplemental Special Education Services Program and the Education Savings Account Program, subject to the requirements of those programs. A person utilizing this license may

not otherwise provide psychological services in any context or capacity outside of a public or private school or as an approved provider of supplemental special education services.”

This rule currently limits LSPs to providing services exclusively within public and private school settings, preventing their participation as providers in other **state-funded educational programs** like SSES and ESA, despite their relevant qualifications.

Proposed Rule Change to 22 TAC § 465.38(c) (Clean Version for Reference):

(c) The specialist in school psychology license permits the licensee to provide school psychological services in public and private schools. A person utilizing this license may also provide supplemental special education services and instructional materials as defined in **TEC §§ 29.041–29.048**, for students participating in the Supplemental Special Education Services Program and the Education Savings Account Program, subject to the requirements of those programs. A person utilizing this license may not otherwise provide psychological services in any context or capacity outside of a public or private school or as an approved provider of supplemental special education services.

2. Reasons for the Necessity of the Requested Rulemaking

The requested rulemaking is necessary to align the recognized scope of practice for LSPs with their extensive qualifications and to enhance the effectiveness and accessibility of critical educational support programs for students with disabilities.

Current Restrictive Scope of Practice

The existing language of 22 TAC § 465.38(c) directly limits LSPs from working outside traditional school settings. This means that even if an LSP is highly qualified to provide specific supplemental services, the current rule prevents them from participating in programs designed to offer these very services. This creates an artificial barrier, limiting options for families and underutilizing a valuable professional resource.

LSP Qualifications and Expertise

- **Extensive Training and Licensure:** LSPs hold a graduate degree, have completed specific graduate-level coursework, an acceptable internship, and passed all required examinations for licensure. Their training is specifically designed to address the psychological and educational needs of students with

disabilities within educational contexts.

- **Comprehensive Skill Set:** LSPs provide a broad range of psychological services, including assessment, intervention, consultation, and program development within schools. These skills directly translate to the provision of "supplemental private instruction or programs" and other related services that benefit students with special educational needs.
- **IEP Development and Implementation:** LSPs routinely participate in the development and implementation of Individualized Education Programs (IEPs), demonstrating deep knowledge of educational planning for students with disabilities. They are trained to identify educational needs, set measurable goals, and design effective interventions.

Alignment with SSES Program Goals

The Supplemental Special Education Services (SSES) program aims to provide "additive service[s] that provide an educational benefit to a student receiving special education services." These services include "occupational therapy, physical therapy, and speech therapy" as well as "private tutoring and other supplemental private instruction or programs."

LSPs are uniquely positioned to offer psychological services such as specialized academic tutoring, behavioral interventions, social-emotional skills training, and psychoeducational assessments that directly provide an educational benefit. By explicitly including LSPs, the program gains access to highly specialized professionals capable of delivering tailored support that can significantly enhance a student's educational progress.

The program prioritizes students for whom a school district is eligible for a compensatory education allotment. LSPs' expertise in addressing academic and behavioral barriers makes them ideal candidates to serve this vulnerable population, providing targeted interventions that can prevent further learning loss.

For an LSP to be an "agency-approved provider" for SSES, they must be "appropriately licensed or accredited" in Texas (TEC § 29.047(b)). Expanding the LSP's scope of practice to include these services would allow the Texas Education Agency (TEA) to approve them as providers, ensuring quality control through existing licensure standards.

Seamless Integration with ESA Program

The Education Savings Account (ESA) program is designed to cover "approved education-related expenses." Crucially, the ESA program explicitly states that "An approved provider of supplemental special education services under Education Code, Chapter 29, Subchapter A-1, in good standing with the agency shall be approved as a provider for the program" (TEC § 29.353(b)).

Therefore, by clarifying the LSP's scope of practice to include SSES, they automatically become eligible providers for the ESA program, streamlining access to their services for families utilizing these accounts.

Legislative Recognition of LSPs in Educational Settings

The Education Code explicitly recognizes Licensed School Psychologists (LSPs) and Professional Counselors as "appropriately licensed professional[s] to assist with the social and emotional needs of students and staff" in resource campuses. Specifically, TEC § 29.934(d)(4)(D) requires resource campuses to employ "at least one appropriately licensed professional to assist with the social and emotional needs of students and staff" who must be a "family and community liaison; clinical social worker; specialist in school psychology; or professional counselor."

This legislative recognition is particularly significant as it places LSPs on equal footing with professional counselors for addressing critical social and emotional support roles within public school settings, demonstrating the Education Code's acknowledgment of their relevant expertise within the educational system.

Comprehensive Qualifications for Supplemental Services

LSPs' extensive preparation and recognized expertise underscore their suitability as providers within the SSES program:

- **Recognized Expertise:** Texas law already acknowledges LSPs' role in addressing students' social and emotional needs, placing them alongside professional counselors in resource campuses.
- **Rigorous Training:** LSPs complete graduate-level study, supervised internships, and licensure examinations focused on the psychological and educational needs of students with disabilities.
- **Directly Applicable Skills:** Their competencies in assessment, intervention, consultation, and IEP implementation align with the "supplemental private instruction or programs" envisioned under SSES.

Disparity and Need for Consistency

The current restriction creates a significant inequity in the treatment of similarly qualified educational professionals. Educational Diagnosticians and School Counselors can currently participate as service providers in the SSES program, while LSPs are explicitly prohibited from doing so despite their extensive qualifications.

- **Current Eligibility of Other Professionals:**

- Educational Diagnosticians, who are certified to "serve as an educational diagnostician, including providing educational assessment and evaluation" and make "intervention, instructional, and transition planning recommendations based on assessment and evaluation results," can qualify as "appropriately licensed or accredited" providers under the SSES program for services within their professional expertise.
- School Counselors, who are authorized to "provide counseling services to all students in Prekindergarten–Grade 12" and provide social-emotional support, can also qualify as SSES providers for services such as individual or group counseling and behavioral interventions that provide an educational benefit.

- **LSP Exclusion Despite Advanced Qualifications:**

- In stark contrast, LSPs are explicitly restricted by 22 TAC § 465.38(c), which states that they "may not provide psychological services in any context or capacity outside of a public or private school." This specific prohibition prevents LSPs from participating as SSES providers, despite their qualifications being at least equal to, and often exceeding, those of Educational Diagnosticians and School Counselors.

LSPs offer specialized psychological expertise in both assessment and intervention for students with disabilities, providing a unique combination of psychological and educational knowledge that directly addresses complex learning and behavioral needs through direct services. Their training encompasses the full scope of services that Educational Diagnosticians and School Counselors provide individually, plus additional specialized psychological interventions.

Legislative Recognition Supports LSP Inclusion: This disparity becomes even more pronounced when considering that the Education Code explicitly recognizes LSPs alongside Professional Counselors as "appropriately licensed professional[s] to assist with the social and emotional needs of students and staff" in resource campuses (TEC § 29.934(d)(4)(D)), yet 22 TAC § 465.38(c) prevents them from providing these same types of services through SSES programs.

Established Expertise: The legislative acknowledgment of LSPs' role in addressing social and emotional needs in resource campuses signifies recognition of their relevant expertise within the educational system, particularly alongside professional counselors.

The current restriction represents an artificial barrier that limits family choice, creates an inconsistent regulatory framework, and underutilizes a valuable professional resource that is legislatively recognized for addressing the very needs that supplemental special education services are designed to support.

Public Benefit and Increased Choice

Allowing LSPs to serve as providers in these programs would increase the pool of qualified and licensed professionals available to families seeking supplemental special education services. This expanded choice would enable parents to access services tailored to their child's unique psychological and educational needs outside the public school system, fostering greater flexibility and potentially leading to improved student outcomes.

By amending 22 TAC § 465.38(c), the Council would not only acknowledge the professional capabilities of LSPs but also actively contribute to fulfilling the legislative intent of the SSES and ESA programs by making specialized psychological services more accessible to students with disabilities across Texas.

Respectfully submitted,

A handwritten signature in black ink, reading "DA Madres", with a long horizontal flourish extending to the right.

Deidre Awtry Madres, MSSW, SSP
Licensed School Psychologist
License #71570