



HB 3266 | Rep. Garnet Coleman (Houston)

SB 2001 | Sen. Kirk Watson (Austin)

This bill relates to the definition of psychology in Texas.

HISTORY: Based on the US 5th circuit ruling on the *Serafine v. Branaman* court case, TSBEP is currently working with a definition of psychology that is unconstitutional and unenforceable. The Sunset Commission encouraged a workgroup to convene that would include all mental health stakeholders to develop this new definition. This workgroup developed three definitions all of which were supported by the stakeholder, except the Texas Medical Association who was represented by an attorney rather than a physician as requested by the Sunset Commission.

RECOMMENDATION: In order to enforce the profession, it is paramount that a new definition for psychology be passed during the 85th Legislature. We applaud Representative Garnet Coleman and Senator Kirk Watson for carrying this very important bill for psychologists. This definition encompasses all the facets of the profession but is not overly broad to prevent ancillary mental health providers from encroaching on the practice of psychology. It also has the word 'diagnosis' in the statute where currently it is only in the rules.

TPA's POSITION: TPA's position is to support SB 2001 / HB 3266 that defines the practice of psychology.

TALKING POINTS:

- Diagnosis is identified specifically as included in the practice of psychology by the American Psychological Association and within most other states' definitions of the practice of psychology. Psychologists study mental illness/mental disorders and are expected to demonstrate competency in diagnostic assessment during their training and licensing. Since the DSM-III, psychologists have served on the workgroup that develops diagnostic criteria for these editions (currently the DSM-5). Additionally, many physicians and other healthcare professionals refer persons for psychological evaluation to clarify and determine appropriate diagnoses.
- Currently, licensed psychologists in the state of Texas maintain the right to diagnose by rule, but not by statute. It is the standard practice of psychology and has been for decades.
- Diagnosing is necessary for billing third party payers (insurance companies). In order to bill insurance, a diagnostic code must be submitted. If psychologists were not able to diagnose, this could result in a catastrophic loss of access to mental healthcare.
- Social Workers have the statutory right to diagnose; thus, it is not a statutory right granted only to physicians.
- Codifying the rules to include diagnosis in our statute will prevent the state a potentially costly legal battle in the future. The Texas State Board of Marriage and Family Therapists recently won a lawsuit against the Texas Medical Association allowing them to use diagnosis in their definition.