Introduction
Welcome to the Texas Psychological Association’s (TPA) quarterly report. The information contained within is intended to provide a brief snapshot of the advocacy efforts conducted by TPA during each three-month period.

Regulatory Advocacy
Behavioral Health Executive Council
In our last quarterly report, we explained the Behavioral Health Executive Council (BHEC) requested an Attorney General Opinion on its authority to adopt codes of conduct for the professions it oversees. Concerned with a potential overreaching response from the Attorney General, in January TPA and the other impacted professional associations collectively submitted a response brief to the Attorney General for consideration. No further movement on this has yet occurred.

At the January BHEC quarterly meeting, Jessica Magee spoke again on TPA’s continued concern that licensing fees for psychologists are disproportionately higher than the other professions. No meetings have been scheduled yet for BHEC’s advisory committee on fees, but Darrel Spinks recently solicited preferred meeting days from committee members. Mrs. Magee also expressed concern for the delays in licensing and renewals since the roll-out of BHEC.

Texas State Board of Examiners of Psychologists
In February, TPA submitted comments to the Texas State Board of Examiners of Psychologists (TSBEP) regarding Rule 463.13, multiple relationships. The proposed language would have prohibited psychologists from withdrawing from a professional relationship for the purpose of entering into a personal, financial, or other relationship with a patient or client. TPA’s BHEC/TSBEP Committee was concerned the proposed language does not factor in acceptable but unforeseen personal, financial, or other relationships that would be labeled harmful under the rule.

TSBEP agreed that the language as proposed could have resulted in unintended consequences, and therefore tabled the rule to discuss further.

(BHEC/TSBEP Committee Members: Drs. Carol Grothues and Bret Moore, Co-Chairs; Fran Douglas; David Hill; Elisabeth Middleton, Dan Roberts, and Corrine Zupanick).

Texas Health and Human Services
This quarter, Mrs. Magee began participating in the Texas Health and Human Services Behavioral Health Workforce Workgroup. The Workgroup produced a report in 2020 and will be examining “next steps” as outlined in the report. There is significant opportunity to develop policy and assist in implementation efforts as a result of participation in this workgroup.

Texas Department of Insurance
It came to our attention recently that the Texas Department of Insurance interprets existing telemedicine/telehealth parity laws to not include behavioral health services. We are currently in the process of working with the Governor’s Office and the agency to resolve any confusion over the law. We are hoping for a successful resolution to this issue soon.

Legislative Advocacy
The 87th Regular Session of the Texas Legislature began January 12. In January, we were unsure of the impact the pandemic would have on session, including bill filing, in-person meetings, witness testimony, and
impact to the budget. While there are fewer people present in the Pink Dome and much more work is being done remotely, the Legislature is full steam ahead at this point.

TPA’s Legislative Committee now meets weekly to discuss legislation set for hearings or for debate on the floor. From January through the end of March, the Legislative Committee directed Kevin Stewart and Mrs. Magee to take action on nearly fifty pieces of legislation. TPA Members receive an extensive legislative update each Thursday and are able to track these pieces of legislation on our website.

Significant legislation is outlined below. Because session is ongoing and this report is public, some information is not included. A full report will be provided after session.

As of March 31, this includes testifying on four bills:

- HB 549, our liability bill, with testimony from TPA President Dr. Fran Douglas
- HB 4, the audio-only Medicaid bill, with testimony from TPA BOT Member Dr. Hani Talebi
- SB 412, the companion to HB 4, with testimony from TPA BOT Member and Membership Chair Dr. John Godfrey
- HB 2612, a telehealth bill also addressing pay parity and provider choice of platform, by TPA BOT Member Dr. Hani Talebi

Additional significant actions include:

- Submitting a letter in support of additional funding for BHEC to increase staff size and address backlogs
- Supporting HB 15, which establishes the Brain Institute of Texas
- Supporting HB 133, extending Medicaid eligibility postpartum
- Encouraged the Business of Practice Division to submit written testimony to oppose HB 2093, which would license physician assistants as non-physician mental health professionals
- Worked with Rep. Ann Johnson on substitute language for HB 2473, which would create an occupational license for music therapists. Music therapists are not mental health providers, but often work collaboratively in behavioral health practices.
- Worked with Rep. Romero to remove psychologists from HB 3626, which would have allowed out-of-state LPs to practice in Texas without applying with PSYPACT
- Working in the Senate to address concerns with SB 922 that would allow out-of-state providers to practice telehealth and telemedicine in Texas without a compact. Well intended, providers agree this is not the right approach. Psychologists have reciprocity with PSYPACT, which would be eroded under this bill.

(Legislative Committee Members: Drs. Fran Douglas, Chair; Alfonso Mercado, Jennifer Rockett, Megan Mooney, Robin Burks, David Hill, Rick McGraw, Kirk Coverstone, Cheryl Hall, Nyaz Didehbani, Kennetha Frye, Sophia
Tani, Carol Grothues, and Stephanie Robertson, as well as students Catherine Ritchie and Jacob Wella)

If you have any questions about the information contained within this report, please email Jessica Magee at jessica@texaspsyc.org.