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
On June 14, the Office of Attorney General (OAG) released its Opinion regarding the authority of BHEC to adopt a rule prohibiting certain discriminatory conduct by licensed social workers. TPA published several statements standing with NASW-TX in asking the Texas State Board of Social Worker Examiners (TSBSWE) to retain the non-discrimination protections in its rules as currently written but submitted a request to the OAG requesting removal from the impact of an opinion, with support from the social workers.

The OAG Opinion states that TSBSWE may not establish a Code of Conduct that prohibits discrimination based on disability, sexual orientation, gender identity and expression. However, as a result of the outpouring of support, TSBSWE chose to retain a Code of Conduct that prohibits discrimination.

The first Behavioral Health Executive Council (BHEC) Fee Advisory Committee meeting took place this quarter. TPA’s Executive Director Jessica Magee sits on this committee to advocate for a steep reduction in licensure and renewal fees. Largely an organizational meeting, the committee will be examining each professional licensing fee and making recommendations to the full BHEC before its February 2022 meeting.

Mrs. Magee has already submitted a proposal to bring fees for psychologists down to 85% of the national average, bringing renewal fees down by nearly $100 and licensing and application fees down by a whopping $550! Because the 2022-23 state budget has already been set, fees for the next two years must produce budget neutrality. Mrs. Magee is also recommending exploration of fee options beginning with the 2024-25 budget, as mental health providers continue to give over $1 million in fees back to the state for general revenue. During a mental health crisis and provider shortage, this is simply unacceptable and cannot continue.

Also this quarter, TPA’s Director of Professional Affairs Dr. Brian Stagner attended the first meeting of the BHEC Committee on Rules Standardization. This was mostly an introductory meeting dealing primarily with organizational and process issues. BHEC’s Executive Director Darrel Spinks supplied a list of 15 areas where there is the most disconnect in rules between the various mental health boards subject to BHEC oversight. The stated goal is to improve the efficiency of BHEC, but Dr. Stagner is keeping a close eye out to ensure rules specific to the practice of psychology do not get lost in the process.

Texas State Board of Examiners of Psychologists
Many of you received notices from the Texas State Board of Examiners of Psychologists (TSBEP) and BHEC this quarter that new rules had been published in the Texas Register. TPA’s Government Relations Consultant Kevin Stewart summarizes these rules within 24-48 hours after publication for TPA Members. Click HERE for a summary. No
surprises on this list as they are mostly the adoption of rules proposed in February that the TSBEP/BHEC Committee.

(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 and TPA Member Dr. Brandi Ragsdale participated in an organizational meeting of the Texas Health and Human Services Commission Behavioral Health Workforce Subcommittee on the Mental Health Loan Repayment Program. TPA Member Dr. Christina Fay is also part of the subcommittee. The subcommittee is working with the Texas Higher Education Coordinating Board to survey the Mental Health Loan Repayment Program recipients to determine their location and recipient demographics, including ethnicity, language, and culture. The survey results will be used by the subcommittee to make recommendations to resolve identified gaps with a focus on racial equity and geographic distribution.

The subcommittee has also decided to explore opportunities for alternative sustainable funding for the program. This includes diverting licensing fees from general revenue (mentioned earlier) to the program if the Legislature does not agree to further reduce fees in the 2024-25 state budget.

Texas Department of Insurance
During the pandemic, the Texas Department of Insurance (TDI) adopted emergency telehealth parity rules requiring coverage parity for behavioral health services. TPA and other stakeholders were concerned that, when the rules expired, existing parity laws would therefore not extend to behavioral health services, as intended with the passage of HB 3345 in the 86th session. After numerous stakeholder discussions, we are excited to report that TDI has published a bulletin clarifying that existing parity laws do in fact extend to behavioral health services.

Legislative Advocacy
The 87th Regular Session of the Texas Legislature ended May 31. TPA made great strides in the legislative session, passing several legislative priorities, playing a major role in telehealth protections, and actively participating in nearly 100 bills impacting mental health in Texas, while tracking over 200.

Two bills on TPA’s legislative priority list passed.

- HB 4 by Rep. Price and sponsored by Sen. Buckingham (filed an identical bill), in part, instructed HHSC to ensure providers are reimbursed for audio-only behavioral health services provided to Medicaid and CHIP beneficiaries.
- HB 549 by Rep. S. Thompson and sponsored by Sen. Zaffirini (filed an identical bill) protects providers from civil, criminal, and administrative causes of action for disclosing confidential information when they believe there is a probability of imminent physical injury to the
patient or others, or immediate mental or emotional injury to the patient.

Also of particular note, BHEC received an additional 4 FTEs to address its complaint and licensure backlog. TPA lobbied House Appropriations and Senate Finance Committee Members for additional funding. The backlog, a result of the merger with the mental health professional boards from HHSC, is having a direct impact on psychologists’ ability to receive responses from BHEC staff, who are overwhelmed. Those positions can be filled beginning September 1.

To view the full legislative wrap-up, click HERE.

(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.