TO: Texas Psychological Association
FROM: Aaron Gregg
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DATE: September 6, 2023
RE: Q3 Advocacy Report

This quarter we saw finality to legislation we tracked and updates from BHEC.

The governor’s veto period ended on June 18th. As a result, all bills that had reached the governor’s desk were either signed, vetoed, or left to go into effect without his signature. With this finality to session, we now know that three of our legislative priorities were signed and have gone into effect! See below for the complete list.

**Outcome of Legislative Priority Items**

*Increase Mental Health Loan Repayment Program Funding*

**HB1**, Bonnen, General Appropriations Bill.
- 06/18/2023 Effective on 9/1/23
- Contains $14 million/year for the Mental Health Loan Repayment Program.

*Protect Personal Information of Mental Health Providers*

**SB510**, Perry, Relating to the confidentiality of certain information maintained by state licensing agencies.
- 05/19/2023 Effective on 9/1/23
- We worked closely with Sen. Perry’s office to shepherd this bill through the process. A TPA member, Dr. Frances Douglas, was the only individual to testify for this bill.

*Allow Qualified Psychologists to Prescribe*

**HB343**, Goodwin, Relating to the prescriptive authority of certain psychologists; authorizing a fee.
- Unfortunately, the House Public Health Committee did not give this bill a hearing.

*Improve Guardianship*

**SB1624**, Zaffirini, Relating to guardianships and services for incapacitated persons and to the emergency detention of certain persons with mental illness.
- 06/18/2023 Effective on 9/1/23
- Although our original bill HB4107 died on a House Floor Calendar, we were able to add functionally equivalent language to this bill.

**The Texas Behavioral Health Executive Council (BHEC) Meeting**
On August 15th, BHEC held its quarterly open meeting, and the agenda included the following topics:

Report on Implementation of Recently Passed Legislation:

**HB4062**, Harris, Cody, Relating to creating an audiovisual recording of an interview of a child by a child custody evaluator in certain suits affecting the parent-child relationship.
- This bill requires that child interviews during custody evaluations be videotaped and stored like all records.

**SB510**, Perry, Relating to the confidentiality of certain information maintained by state licensing agencies.
- Currently the BHEC system has an address form, but it does not distinguish between home and business
- BHEC will update their system so licensees can identify their home address and prevent it from appearing in public information act searches

**SB1659**, Schwertner, Relating to the sunset review process and certain governmental entities subject to that process.
- Changes BHEC’s Sunset date from 2029 to 2033 to align with other Article 8 agencies like the Texas Medical Board and the Texas State Board of Pharmacy.

Discussion of bills that Failed to Pass this Legislative Session:

**HB1167**, Romero, Relating to the licensing of marriage and family therapists, marriage and family therapist associates, professional counselors, professional counselor associates, and social workers, including certain out-of-state applicants.
- Passed the House, but was removed from the local & uncontested calendar in the Senate

**HB2557**, Buckley, Relating to the Licensed Professional Counselors Compact; authorizing fees.
- Passed the House, but failed to heard in the Senate Health & Human Services Committee

Rulemaking – Licensed Specialist in School Psychology (LSSP)

BHEC also reviewed and considered a proposed change to Texas Administrative Code Rule §463.9 governing LSSPs that would allow applicants who were licensed in other states to provide school psychological services or applicants with graduate degrees in related disciplines to psychology to be eligible to apply for licensure as an LSSP so long as the applicant also meets the coursework, examinations, and internship requirements.
- The text of the proposed rule change can be found below.
- BHEC is accepting comments before their next meeting on October 24th, 2023.

Q4 Action Items
This next quarter, we are in the process of:
- Scheduling meetings with members and staff of the House Public Health Committee and the Senate Health & Human Services Committee (and other members and staff when helpful)
- Monitoring the interim hearings of the House Public Health Committee and the Senate Health & Human Services Committee and other hearings discussing pertinent issues
- Continuing to monitor developments from BHEC
- Connecting with think tanks and associations to find opportunities to collaborate
Rule: 463.9 Licensed Specialist in School Psychology.

Action: Proposed Amendment

Comment: The proposed rule amendments allow applicants who were licensed in other states to provide school psychological services or applicants with graduate degrees in related disciplines to psychology to be eligible to apply for licensure as an LSSP so long as the applicant also meets the coursework, examinations, and internship requirements.

463.9 Licensed Specialist in School Psychology.

(a) License Requirements. An applicant for licensure as a specialist in school 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: the applicant holds a certificate of completion from a graduate-level training course designed to train individuals from related disciplines in the practice of school psychology.

(A) the applicant holds a certificate of completion from a graduate-level training course 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 section.

(3) Any portion of an internship completed within a public school must be supervised by a Licensed Specialist in School 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:

(A) 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; or

(B) the individual has completed an internship that meets the requirements of this rule, and has submitted an application for licensure as a Licensed Specialist in School Psychology to the Council that has not been denied or returned.

(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.

(3) An unlicensed individual may not engage in the practice of psychology under paragraph (1)(B) of this subsection for more than forty-five days following receipt of the application by the Council.

(4) The authority to practice referenced in paragraph (1)(B) of this subsection is limited to the first or initial application filed by an individual under this rule, but is not applicable to any subsequent applications filed under this rule.