



WHY ARE WE ALARMED WITH THE PROPOSED SUPERVISION RULE AT TSBEP?

We have received a lot of questions about TSBEP's proposed rule to waive certain training requirements. We hope this FAQ answers many of these for you.

WHAT DOES THE RULE SAY?

The proposed rule adds the following language to § 463.11, *Supervised Experience Required for Licensure as a Psychologist*:

(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 in §465.2 of this title (relating to Supervision), may petition for a waiver or modification of the areas 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 waive or modify a qualification identified in paragraph (1) of this subsection if the prerequisite is not mandated by federal law, the state constitution or statute, or 22 TAC Part 41.

(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.

WHAT IS THE EFFECT OF THIS LANGUAGE?

The proposed rule allows for a waiver of virtually every formal internship requirement. Subtly, the proposed rule removes the word "pre-doctoral" from the requirements for a formal internship and also allows for a potential reduction of supervisory experience by 500 hours. Below are two scenarios of the application of this proposed rule.

Scenario 1: TSBEP accepts the application of a psychologist holding a non-accredited doctoral degree from an online program. The program offered no internship. The applicant's "formal internship," conducted by a single psychologist they found online, was conducted after graduation and included exactly 1,500 hours. The "internship supervisor" lacked clinical responsibilities and the applicant spent no time in direct contact with clients. The applicant then completed another 1,500 hours.

Scenario 2: TSBEP accepts the application of an LPC holding a non-accredited doctoral degree in psychology from an online program. The applicant exceeds 3,000 clinical hours because they have been working under the supervision of a psychologist as an LPC but not as a psychologist in training. The applicant is asking TSBEP to waive any areas of deficiency as allowable under (g)(1) and consider it a formal internship, even though the training was not part of a formal internship with nationally recognized training standards.

In both of these scenarios, the proposed rule gives TSBEP the power to circumnavigate the licensure process and grant the licenses, regardless of the fact neither completed accredited or organized (as

defined in statute)"pre-doctoral" internships consistent with standards adopted by APA and other state licensing boards.

HOW DID THIS PROPOSED RULE ARISE?

Remember Scenario 2? It is very similar to a case currently pending before TSBEP, and was, in fact, the impetus for the proposed rule. The candidate's application was accompanied by a letter from a county judge who strongly endorsed the candidate's competence and implied that this person "functioned as a psychologist."

It was argued that waiving the rule in this case would improve access to care in this region, despite the fact that the candidate holds two other mental health care licenses and has been providing mental health care services for two decades, thus it is unclear what additional mental health services would actually be added if the application was accepted.

TSBEP left this application pending until the rule can be formally adopted.

WHY DOES TPA THINK THIS IS IMPORTANT?

We recognize that TSBEP, by its addition of subsection (g)(3), may deny waiver requests. But as we have seen time and time again at the Legislature, the current regulatory environment is to reduce as many barriers to licensure as possible, which puts the quality of psychological services in jeopardy. Furthermore, recent actions by TSBEP lead us to believe the Board is not likely to deny waiver requests. In fact, earlier this year, TSBEP granted approval of an LPA to a master's level applicant, allowing the waiver of a course in Research and Methods *as specified in accreditation standards*, despite concerns of the absence of this critical knowledge voiced by Board psychologists.

We acknowledge that it is becoming difficult for students in some regions in Texas to obtain a valid internship training experience. Compounding this is the proliferation of online doctoral programs that do not offer internships. Frankly, we do not have a fix for this capital market issue; but allowing individuals to create their own internships or removing the predoctoral internship criteria is not the answer.

TSBEP is asserting that it can ignore its own rules on a case-by-case basis. This creates several slippery slope problems. It is possible that TSBEP gets overwhelmed with waiver requests or, more significantly, appeals by individuals whose applications were denied in the past. TSBEP may be pressured to approve most waiver requests for fear of being sued for fairness. Most certainly, TSBEP will be flooded with applicants across the country who have deficient training. Will there be more waivers that follow to account for additional deficiencies?

Licensed professions establish and uphold uniform standards of training and practice. The goal of TSBEP is to protect the public from inadequately trained mental health providers operating as if they were trained as psychologists. The long-term result of lowered and ambiguous standards will diminish the profession and our credibility as healthcare providers and create further confusion for the public regarding the training and competency of psychologists.

WHO IS ALLIED WITH TPA?

This rule raises alarms and elicited strong pushback from both state and national organizations. You can view [TPA's](#) and [APA's responses](#), as well as responses from former chairs of TSBEP, [Drs. Brian Stagner](#) and [Tim F. Branaman](#). This is under discussion at ASPPB because it will have implications under PSYPACT. We are reaching out to the APA Committee on Accreditation because the proposed rule will undercut accreditation agreements and standards, as well as APPIC, as this rule effectively ignores standards of training that have been developed and refined over decades.