

Laura Cooper

Re: Texas Sunset Advisory Commission Staff Report – Texas State Board of Examiners of Psychologists

I am a licensed psychologist in Dallas, Texas and I have been a small business owner for over 7 years. I would like to review the recommendations that the staff report outlines and share information that may assist you about the Sunset Commission regarding the Texas State Board of Examiners of Psychologists (TSBEP).

The Sunset Advisory Commission's staff report noted the following:

1. The Board's Oral Examination is an Unnecessary Requirement for Licensure
2. Requiring a Year of Post-Doctoral Supervision is an Unnecessary Hurdle to Licensure, Potentially Contributing to the Mental Health Care Provider Shortage in Texas
3. Key Elements of the Board's Licensing and Regulatory Functions Do Not Conform to Common Licensing Standards
4. Texas Should Continue Regulating Psychologists, but Decisions on the Structure of the Texas State board of Examiners of Psychologists Await Further Review
5. A Recent Court Decision Opens the Door to unlicensed Practice of Psychology

**Issue #1, the Oral Examination protects the public by adding a final assessment of professional competency prior to independent practice and licensure.**

The Commission staff's report refers to the high pass rates on the oral exam as the primary reason that it should be discontinued. It is true that there is a small percentage of individuals who do not pass this competency assessment are likely in need of remediation with regard to their clinical skills and/or failed the "smell test" of the profession. It is also true that many states have done away with the oral board examination but there a few that have not. I believe that our state should hold the highest standard in the Nation for licensure. This allows individuals that leave the state of Texas with full licensure to obtain licensure in another state easily and also adds another layer of protection for the public. This test requires significant preparation and review of clinical material, case conceptualization, judicial issues and assessment of possible crises in the moment with eye to eye inspection while the examinee is under distress. This test is as real as it gets to observing a clinician integrating basic knowledge and making on the spot ethical and legal choices.

I recommend the Sunset Advisory Commission to allow TSBEP to continue administering the oral exam for the protection of the public.

**Issue #2 Part A: The year of supervised Post-Doctoral experience also protects the public.** The additional year of training does not contribute to the current mental health care provider shortage in Texas.

I believe that the year of postdoctoral training prior to independent licensure is a valuable experience and should be required. The postdoctoral year allows time to ensure adequate training and competency to practice independently in Texas. Students receive considerable training during practicum experiences and the required psychology internship year, but the postdoctoral training gives the postdoc two to four additional supervisors and a year of assessment and clinical training prior to independence. Many post doc lack either assessment and/or clinical practice at the advanced level required for independent licensure in Texas. The postdoctoral year of training is also when psychologists most often specialize and gain advanced training and knowledge in important areas of care such as forensics, pediatrics, trauma, neuropsychology, geriatrics, etc. The training of psychologists in these unique and focused areas of practice is important to our profession but also, more importantly, to our patients under our care.

The Sunset Advisory Commission should all TSBEP to continue licensing psychologists in this manner for the protection of the public and that continues to demand a high level of expertise.

**Issue #2 Part B: The additional year of training does not contribute to the current mental health care provider shortage in Texas.**

The “idea” that the postdoctoral year presents a barrier to entering the workforce and therefore contributes to the mental health workforce shortage is not proven. The idea that there is a shortage of “providers” (whatever that provider word means” is not an issue. The issue is payment or lack of payment. Many of my fellow licensed psychologists rejoice about the passage of H.B. 808 in 2013. But this has only helped a few of my colleagues that work from the old “pimping” model of training. H.B. 808 has done nothing to help stand alone practices, small business or the profession of psychology. The bill has allowed the insurance industry to provide less quality of care for less money.

Issues #1 and #2: Psychologists are doctoral-level professionals and consequently should be held to higher standards of demonstrating competency. Higher standards of competency are common for all individuals with doctoral-level education. Physicians are required to demonstrate their competency to practice independently through a series of examinations and supervised experiences. Nurses are not required the standard of physicians because they do not hold the same level of education. The BAR exam is required as a test for competency after a JD is completed, a Paralegal is not required the same level of competency but their education is not of the doctoral level. Paralegals are a division of the Texas State Board under the Texas Board of Legal Specialization (TBSLS). These are the expectations to ensure protection of public and a high quality of care and expertise for consumers. Both the oral exam and postdoctoral year are similar assessments for psychologists and are necessary for protection of the public.

**Issue #3: The Sunset staff recommendation for TSBEP to bring their operations within model standards is agreed to by the undersigned.**

#### **Issue #4: The Texas Board of Examiners of Psychologists Should Remain Independent:**

On November 15, 2016, the Commission staff released a separate report on the Health Licensing Consolidation Project. The staff recommends that TSBEP, which is a currently independent, stand-alone licensing board, be consolidated along with a number of other professional health care licensing boards under a state agency (Texas Department of Licensing and Regulation [TDLR]). This would result in TSBEP becoming an advisory board, limited to rulemaking and when requested by TDLR, to advising the agency as to the investigation and prosecution of certain licensing complaints. All other functions, including evaluating candidates for licensure, would be handled by TDLR staff. To protect the public health, safety and welfare, it is critical that the individuals knowledgeable about the particular profession make decisions about the critical regulatory and professional issues to ensure high quality care for the patients served by the profession.

Lastly, the report does not indicate that TSBEP has been slow to process licensure applications, or to prioritize or resolve licensing complaints. There is no allegation that TSBEP is not effectively fulfilling its mission of protecting the public. As TSBEP has been functioning effectively and efficiently, the board should not be consolidated.

The Sunset Advisory Commission to let TSBEP continue to function as an independent board in order to best protect and benefit the public with its expertise.

#### **Issue #5: We will work on a concise legal definition for the practice of Psychology in Texas that includes the ability and right to diagnose.**

We will meet the Sunset staff's recommendations and complete a concise legal definition for the practice of Psychology. TSBEP should develop a statutory definition of what constitutes the practice of psychology as part of the proposed changes to the Psychology Practice Act. The definition must include the ability of psychologists to diagnose and treat as part of the legal scope of practice. This particular issue is of concern given a recent legal case against one of the other licensed mental health groups. We have an important opportunity to work to revise the definition now to safeguard the continuity of care for our patients and communities by ensuring the right to diagnose and provide science based treatment.

Thank you for the opportunity to provide comments on the Sunset review process for TSBEP. If you have any questions or need further information, please contact me at [drljcooper@gmail.com](mailto:drljcooper@gmail.com) or 214 587 5575.

Respectfully,

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