

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW:  
**Date:** Monday, April 30, 2018 3:59:23 PM

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**From:**  
**Sent:** Monday, April 30, 2018 3:57 PM  
**To:** Sunset Advisory Commission  
**Subject:**

To whom it may concern:

Since its creation in 1969, the Texas State Board of Examiners of Psychologists' mission is to protect the public by ensuring psychological services are provided by qualified and competent practitioners who adhere to established professional standards. The Texas State Board of Examiners of Psychologists (TSBEP) has been an independent board regulating the practice of licensed psychologists, licensed psychological associates (LPA), and licensed specialists in school psychology (LSSP) within an independent agency. The nine-member board currently consists of four psychologists, two LPA members, and three public members. One of the members must practice as an LSSP. Diversity is also required to represent practice providers, researchers, and university training. TSBEP regulates a number of licensees across general and specialized areas of psychology and maintains complex regulatory requirements for obtaining and maintaining licensure.

#### Sunset Commission Review 2016

The 2016 Texas Sunset Staff Report states, "Overall, the Sunset review found the psychology board is a generally well run agency." The TSBEP has operated within its allotted budget based on dues and other revenue generated by licensees. Data on board complaints reflects that the TSBEP board resolves complaints within a shorter period of time than other mental health boards. As in years past, the Sunset Commission recommended consolidation of several licensing boards, including the Psychology Board. With heavy opposition, the consolidation bill failed last session, and the Psychology Board was continued for 2 years.

#### Sunset Commission Review 2018

The Sunset Commission limited review this year has once again shown that the Psychology Board is functioning well. However, the Sunset staff is recommending consolidating the board as it did in 1980, 1992, 2004 & 2016. The data from the last 30 years has invalidated the repeatedly stated claims that the small size of the TSBEP is impeding the board's ability to do its work. No one is saying that psychologists will be better served by a state board composed of non-psychologists. In fact, we expect increases in wait times and delays in board functions because of the proposed merger of the Psychology board with other licensing boards that are not functioning well. Is the point of the Sunset review of the Psychology Board to make our regulatory system worse? If it ain't broke, don't fix it.

Texas is experiencing a mental health crisis. To protect the public, it is imperative that the individuals knowledgeable about psychology make decisions about the critical regulatory and professional issues to ensure high quality care for patients. Psychology is a doctoral profession and psychologists have more mental health training than any other mental health professional.

Psychologists have extensive education and training in biological, cognitive, emotional and social bases for human behavior and in diagnostic evaluation (including psychological and neuropsychological testing), research and ethics. Psychologists are also bound by strict patient confidentiality laws – both federal and state – which generally afford greater and different privacy protection to mental/ behavioral health information as compared to other health information. Psychology also has a unique code of ethics. Understanding those legal and ethical obligations is a critical component of the licensing board’s functioning.

Unlike other mental health professionals, psychologists are recognized (1) along with psychiatrists as the only professionals who may be appointed to evaluate a defendant for competency (Code of Criminal Procedure [CCP] 468); (2) along with psychiatrists as the only professionals who can examine a defendant for sanity (CCP 46C.102); (3) as the only professionals who can be ordered by the Attorney General’s office to conduct a psychological evaluation of a crime victim (CCP 56.31); (4) along with psychiatry, are the only professionals who can conduct a psychological evaluation of a peace officer, jailer, or telecommunications operator (Occupations Code 1701 and Texas Administrative Code [TAC] 217.1 [12]); (5) as the only professionals who can administer the Minnesota Multiphasic Personality Inventory (MMPI) and evaluate the results for Personal Protection Officers (TAC 35.91); and (6) along with psychiatrists, are the only professionals who provide Social Security disability determination evaluations. To combine professions into one regulatory board, or to delegate evaluating candidates for licensure and consider whether a licensing complaint has merit to administrative staff deprives the public of protection from a board fully expert in how to license and regulate the complex profession of psychology. The other behavioral healthcare professions targeted for consolidation (professional counselors, marriage and family therapists, clinical social workers, chemical dependency counselors) have distinct and separate training curriculums and standards, accrediting bodies, scopes of practice, and treatment modalities that are far narrower in scope than the full practice of psychology. A “one size fits all” model will not work.

Please do not hesitate to contact me with any questions or concerns.

Avery Hoenig