

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Re: Texas Sunset Advisory Commission Staff Report – Texas State Board of Examiners of Psychologists
Date: Wednesday, November 30, 2016 4:15:34 PM

From: Robrina Walker [mailto:Robrina.Walker@UTSouthwestern.edu]
Sent: Wednesday, November 30, 2016 4:12 PM
To: Sunset Advisory Commission
Subject: Re: Texas Sunset Advisory Commission Staff Report – Texas State Board of Examiners of Psychologists

*Please kindly distribute to all Sunset Commission members.

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

Dear Chairman Gonzales and Sunset Commission members:

I am a licensed psychologist in the state of Texas. I would like to provide comments on some aspects of the Sunset Advisory Commission's staff report, namely:

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
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

#1 The Oral Examination Protects the Public, and No Evidence Exists to Prove that This Contributes to Mental Health Care Provider Shortages in Texas:

The Commission report is correct in noting that candidates who sit for the oral exam in Texas "have already exhibited minimum competency by meeting rigorous educational, training, and testing requirements." However, minimum competency in these areas does not necessarily translate to clinical competency in practice. Psychology is a profession that requires face-to-face interaction, and the oral exam serves to assess candidates' ability to interact with potential patients. Further, the oral exam assesses applied clinical skills, whereas other testing requirements for licensure in Texas only assess factual knowledge. Thus, the oral exam is equivalent to the Step 2 clinical skills assessment required for licensure as a physician. Medicine and psychology are both doctoral-level healthcare professions.

I urge the Sunset Advisory Commission to reconsider the recommendation outlined in the Health Licensing Consolidation Project to eliminate the oral exam as a requirement for licensure in Texas, and allow TSBEP to continue administering the oral exam for the protection of the public.

#2 A Year of Post-Doctoral Supervision Protects the Public, and No Evidence Exists to Prove that This Contributes to Mental Health Care Provider Shortages in Texas:

The Commission's arguments against the requirement for a full year of supervised post-doctoral practice do not properly recognize the more advanced nature of this training as compared to clinical training obtained earlier in training (e.g., practicum and internship). The Commission's report states that the requirement for a post-doctoral year "delays qualified individuals from becoming fully licensed psychologists," but in fact these individuals are not qualified without this higher level of clinical training. The fellowship year is an essential component of that training, just as residency years following the internship year are required for licensure as a physician.

I urge the Sunset Advisory Commission to reconsider the recommendation outlined in the Health Licensing Consolidation Project to eliminate the post-doctoral supervision requirement for licensure in Texas, and allow TSBEP to continue licensing psychologists in this manner for the protection of the public.

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

The criterion for identifying those boards which would be slated for consolidation under TDLR appears to be based solely on the staff size for an individual board, rather than the complexity of the discipline regulated by the board or whether a board actually suffers from a number of the problems identified in the report. So, for example, medicine, which oversees a number of specialties, is not targeted for consolidation since its board has more than 20 employees. Even though psychology includes a number of specialties within its discipline like medicine, it appears to be a candidate for consolidation because it employs only 14 staff persons.

Unlike some of the other licensing boards identified, 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.

Ultimately, I am opposed to consolidation of licensing boards. 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. Whether consolidation results in combining several professions into a single omnibus board or limiting the licensing board to an advisory position, it would dilute the ability to appropriately protect the public. Psychology is a doctoral-level (e.g., Ph.D. or Psy.D.) profession mandating 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. In addition, an applicant for psychology licensure must undergo four to six years of rigorous and extensive didactic and supervised clinical experience.

Furthermore, psychologists are 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. To either combine professions into one regulatory board, or to delegate board functions such as the evaluating candidates for licensure or considering whether a licensing complaint has merit to administrative staff, deprives the public of the protection of a board fully expert in how to license and regulate the complex profession of psychology.

Other states have recently moved in the opposite direction from what the Commission recommends, recognizing the importance of licensing boards with expertise in the profession that it is regulating. The prospect of an omnibus mental health licensing board has been considered in over a half-dozen jurisdictions in the past 15 or so years, but none of them adopted the omnibus board proposal.

I urge the Sunset Advisory Commission to reconsider the recommendation outlined in the Health Licensing Consolidation Project to consolidate TSBEF under TDLR, and let TSBEF continue to function as an independent board in order to best protect and benefit the public with its expertise.

#5 The Practice of Psychology in Texas Includes Diagnosis:

I agree with the recommendation that TSBEF develop a carefully crafted statutory definition of what constitutes the practice of psychology as part of the proposed changes to the Psychology Practice Act. It is important that the definition acknowledge the ability of psychologists to diagnose and treat as part of the legal scope of practice. The definition also should include mention of the ability of licensed psychologists to provide supervision of those activities enumerated in the definition.

In summary, I am opposed to items 1 and 2 of the Sunset Advisory Commission staff report. I also am opposed to the separate staff report (released 11/15/16) recommending the consolidation of TSBEF under TDLR. I am in favor of a new definition of “psychologist” in Texas that acknowledges diagnosis as an essential component of the practice of psychology.

Thank you for the opportunity to provide comments on the Sunset review process for the Texas psychology practice act.

Respectfully submitted,

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