

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

Staff Report

to the

Sunset Advisory Commission

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FOREWORD

The Texas Sunset Act (Article 5429k V.A.C.S.) terminates named agencies on specific dates unless continued. The Act also requires an evaluation of the operations of each agency be conducted prior to the year in which it terminates to assist the Sunset Commission in developing recommendations to the legislature on the need for continuing the agency or its functions.

To satisfy the evaluation report requirements of Section 1.07, Subsection (3) of the Texas Sunset Act, the Program Evaluation section of the Legislative Budget Board has evaluated the operations of the Texas State Board of Examiners of Psychologists, which will terminate on September 1, 1981 unless continued by law.

Based on the criteria set out in the Sunset Act, the evaluation report assesses the need to continue the agency or its function and provides alternative approaches to the current method of state regulation. The material contained in the report is divided into seven sections: Summary and Conclusions, Background, Review of Operations, Alternatives and Constraints, Compliance, Public Participation, and Statutory Changes. The Summary and Conclusions section summarizes the material developed in the report from the standpoint of whether or not Sunset criteria are being met, assesses the need for the agency or the agency's functions relative to the findings under the various criteria and develops alternative approaches for continued state regulatory activities. The Background section provides a brief history of legislative intent and a discussion of the original need for the agency. The Review of Operations section combines, for the purposes of review, the sunset criteria of efficiency, effectiveness, and the manner in which complaints are handled. The Alternatives and Constraints section combines the sunset criteria of overlap and duplication, potential for consolidation, less restrictive means of performing the regulation, and federal impact if the agency were modified or discontinued. The Compliance Section combines the Sunset criteria relating to conflicts of interest, compliance with the Open Meetings Act and the Open Records Act, and the equality of employment opportunities. The Public Participation section covers the sunset criterion which calls for an evaluation of the extent to which the public participates in agency activities. The final section, Statutory Changes, deals with legislation adopted which affected the agency, proposed legislation which was not adopted and statutory changes suggested by the agency in its self-evaluation report.

This report is intended to provide an objective view of agency operations based on the evaluation techniques utilized to date, thus providing a factual base for the final recommendations of the Sunset Commission as to the need to continue, abolish or restructure the agency.

I. SUMMARY AND CONCLUSIONS

Application and use of psychological principles has occurred in various forms throughout history. Generally, the use of these principles has been directed at exploring and solving human problems. It was not until after World War II, however, that the "practice" of psychology as a profession became recognized. At this time, due to an increasing need for services for returning veterans, various mental health practitioners were pressed into action to augment the limited psychiatric care available. Psychologists were called upon to provide direct mental health and diagnostic services outside the traditional supervisory structure of medical psychiatry. This situation raised concerns about the level of ability and training of persons practicing psychology. These concerns stemmed from the critical nature of applied psychology to a person's well being and the resultant danger to the public.

In response to these conditions, the profession established a voluntary testing system to award successful applicants a "diploma" in selected fields of psychology. Further, states began to establish minimum competency levels through licensure, with a majority of the states initiating such regulation between 1950 and 1970. In 1969, Texas joined the forty-seven other states that currently provide regulation of psychologists through the establishment of the State Board of Examiners of Psychologists.

The board, composed of six licensed psychologists, regulates approximately 3,000 licensees through licensing and enforcement functions and is supported by fees charged licensees and applicants for licensure.

Review of board operations showed that the regulatory activities of the board generally serve to ensure an adequate level of public protection. In the area of

administration, the review showed that documents are processed by the board staff in an orderly and timely fashion, that licensee records are well organized and easily accessible, board activities and staff duties are clearly defined, and procedures related to mail processing and funds management are adequate.

Although the administrative activities of the board are generally conducted in an efficient manner, two areas where improvement can be made were documented during the review. First, the board's current procedure for collecting and dispersing doctoral exam fees does not follow accepted budgeting and accounting principles. The State Auditor's Office has recommended that the practices cease and the board indicates that corrective action is being pursued. Further, future budget requests to the legislature should reflect this important board activity. Second, the board lacks explicit statutory authority to charge the doctoral examination fee, and the Act should be amended to expressly provide for this fee.

The board's licensing activities can be divided into two main categories: 1) masters level psychological associate certification; and 2) doctoral level psychologist certification, psychologist licensure, and Health Service Provider designation. The review showed that the computerization of many functions and the thorough procedures for receiving and reviewing application has contributed to the overall efficiency of the board's operations. While the licensing functions generally operates well to ensure a minimum acceptable level of competency, several aspects of the licensing activity could be improved.

The first licensing concern relates to the board's questionable authority to establish a separate application process and fee structure for the Health Service Provider (HSP) certificate. The HSP designation identifies those psychologists providing direct, preventive, assessment and therapeutic intervention services and should be expressly provided for in the Act.

Second, the board's statute concerning grounds for removal of a license or for disqualification of a person seeking to be examined for licensure contains grounds which are vague, have been declared unconstitutional, or may be inappropriate. The statute should be revised to meet two criteria: 1) that the grounds are such that they can be easily determined; and 2) that the condition expressed by the particular disqualifier currently exists. The third area of concern relates to a board rule requiring an oral interview of endorsement applicants and "diplomates" of the American Board of Professional Psychologists. The board rule mandating the interview should be eliminated. However, the interview process should be available to the board at its discretion for the purpose of discussing specific areas of concern related to an application in keeping with its treatment of other applicants. The fourth area of concern relates to the apparent lack of licensee awareness of laws, rules and regulations pertaining to the professional practice of psychology in Texas. A review of the complaints received and initiated reveals a general lack of knowledge by the licensee of the regulatory statute and rules. The board should develop and use, in conjunction with the national exams, an objective written test which covers the laws, rules and regulations. The fifth area of concern deals with the board rule requiring licensed psychologists to renew their certification annually, in addition to their license. The rule requiring annual renewal of certificates for licensed psychologists should be eliminated since it is unnecessary. The final concern in licensing relates to the time frame allowed for delinquent renewal of certificates and licenses. The present delinquency period allowing ten months is excessive and should be reduced to ninety days after which time the license would be cancelled.

With regard to enforcement activities, the board has developed policies and procedures for the efficient handling of complaints. However, the review identified two concerns which hamper the effectiveness of the board's enforcement activities. A survey of parties involved in complaints with the board revealed dissatisfaction with the board's efforts to inform them of the status of complaints filed. The agency should follow the practice of most other licensing boards and the across-the-board recommendation of the Sunset Commission with regards to keeping parties to complaints informed.

The final concern regarding the agency's enforcement activities relates to the scope of the board's authority under its current statute. Currently, the statute can be interpreted as both a "title" and a "practice" act. However, given the widespread use of psychological principles in many occupations, the "practice" aspect of the statute is inappropriate. As a result of this widespread use, the statute is unenforceable as a practice act. Furthermore, many persons would technically come under board regulation in areas where no danger to the public is presented. The statute should therefore be changed to a title act only and all unnecessary exemptions removed.

In addition to the above concerns, the manner in which the board holds disciplinary hearings does not conform to the provisions of the Open Meetings Act (Article 6252-17, V.A.C.S.). Specifically, the board holds executive sessions during these hearings without authorization under Section 2 of the above named Act. Board procedures should be modified to conform to the Open Meetings Act.

Lastly, the composition of the board does not provide for direct public input. The board has asked that two public members be added to its membership. Additionally, no representatives of one regulated segment of psychology, the psychological associates, currently serve on the board. To ensure that the

composition of the board reflects all segments of the regulated profession and the general public, the membership should be modified to include five psychologists (doctoral level), one psychological associate and three public members.

Need to Regulate

As in the case of other regulated activities, regulation of psychologists should be undertaken by the state only when there is a continuing need to protect the public health, safety or welfare. The Board of Examiners of Psychologists currently regulates two groups involved in psychology: 1) doctoral level psychologists; and 2) masters level psychological associates. During the review, the need for state regulation of the two above-named groups was examined separately.

With respect to psychologists, the review indicated that persons certified or licensed as psychologists are employed in a variety of settings. These areas include universities, industries, and research institutes as well as settings involving direct contact with patients for counseling or diagnostic purposes.

Current conditions indicate a continuing need for state regulation of those psychologists providing direct mental health, diagnostic, or counseling services to the public. With respect to such persons, the public has developed certain expectations as to the type, validity, and quality of the level of services being provided. The nature of these expectations are evidenced in the use of psychologists as expert witnesses in sanity hearings, in the formal testing and diagnosis of mental retardation and learning disabilities as well as other mental problems, and in the diagnosis and treatment of complex emotional disorders. Improper execution of such activities could inflict significant damage on the public involved. State regulation in this area can therefore be justified.

The review indicated, however, that the need to regulate psychologists who are not involved in such client-related diagnostic and mental health services is

much less significant. In comparison to the former group, the activities of these psychologists do not impact the consuming public in the same direct and critical fashion and, as a result, offer less danger to the public welfare. The low level of direct danger to the public where critical client relationships are not involved suggests that the need is less critical for government intervention in the form of regulation.

The regulation of psychological associates was also examined under the review. Currently, only eleven states, including Texas, regulate this group. As in the case of psychologists who do not provide direct services to the public, no easily identifiable harm would result from the deregulation of this masters level group. Psychological associates are employed under the supervision of a licensed psychologist and cannot represent themselves to the public as psychologists. In addition, review of agency complaint files does not reveal public concern relating to psychological associates, as no complaints have been filed against this certified group since the board's inception.

The regulation of psychologists can be accomplished through means other than an independent board. While the current organizational structure appears to work well, a potential exists for increased efficiency of the board's functions were to be consolidated with another agency performing related operations. Although several states other than Texas (17) have created agencies with the exclusive purpose of regulating psychologists, most states (30) have placed responsibility for such regulation in agencies with other responsibilities such as an "umbrella" department of occupational licensing or a department of health.

Alternatives

If the legislature determines that the state's regulatory method and/or the board should be continued, the following alternatives could be considered:

I. CONTINUE THE BOARD WITH INTERNAL CHANGES.

This approach would maintain an independent board to perform licensing and enforcement activities. The review indicated that the following modifications would result in more effective regulation of the occupation of psychology.

- a) current procedures used by the agency to pay the Professional Examination Service for the national examination given to doctoral level applicants should be modified so that such payments are authorized through the appropriations process (page 15);
- b) doctoral examination fees charged by the board should be statutorily authorized (page 15);
- c) the "Health Service Provider" designation for psychologists that is made available through the board should be specifically authorized by statute (page 21);
- d) the statute should be restructured so that grounds for disqualifying an applicant from sitting for an examination and grounds for removal of a license are: 1) easily determined and 2) are currently existing conditions (page 21);
- e) mandatory interviews for applicants holding out-of-state licenses and "diplomates" of the American Board of Professional Psychology should be eliminated (page 22);
- f) the board should develop and use in conjunction with the national exams an objective written test which covers the laws and rules regulating psychology in Texas (page 22);
- g) board rules should be amended so that persons holding both a certification and a license from the board are required to renew only their license on an ongoing annual basis (page 23);
- h) the statute should be amended so that the delinquency period for renewals conforms to the standard Sunset Commission approach (90 days then license cancellation) (page 23);
- i) the statute should be amended to require that parties to a complaint received by the board be informed every six months concerning the status of the complaint until its resolution (page 24);

- j) the statute should be restructured as a "title act" and all unnecessary exemptions removed (page 25);
 - k) the board should take the necessary steps to ensure that procedures used in its enforcement hearings are in compliance with the Open Meetings Act (page 36); and
 - l) the composition of the board should be modified to consist of three public members, five psychologists, and one psychological associate (page 39).
2. **CONTINUE REGULATION OF PSYCHOLOGY, BUT MODIFY THE SCOPE OF THE BOARD'S REGULATORY AUTHORITY TO INCLUDE ONLY DOCTORAL LEVEL PSYCHOLOGISTS PROVIDING DIRECT MENTAL HEALTH OR DIAGNOSTIC SERVICES (page 31-32).**
- This approach provides the benefit of continuing state regulation only where the public welfare could be significantly jeopardized, thereby reducing restrictiveness and eliminating unnecessary state intervention in the practice of the profession. If this alternative were adopted, recommendations a through k set out in Alternative 1 should also be instituted.
3. **TRANSFER THE FUNCTIONS CURRENTLY PERFORMED BY THE TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS TO THE DEPARTMENT OF HEALTH (page 31).**

Benefits to be derived through this alternative can include utilization of existing support services for administrative and enforcement activities. If this alternative were adopted, recommendations a through k set out in Alternative 1 should also be instituted.

II. BACKGROUND

Historical Perspective

Psychology is the scientific study of the behavior of man and other animals and the application of that knowledge to explore and help solve human problems. The modern practice of psychology includes testing, teaching, research, industrial psychology, and general counseling or clinical mental health therapies.

The State Board of Examiners of Psychologists was established in 1969 to regulate persons engaged in the practice of psychology. The reasons underlying the creation of the board can be seen through the evolution of psychology as a profession.

Prior to World War II, psychology was not a wide spread or well-established profession. The practice of psychology was generally in the nature of research. In addition, with regard to the clinical practice of psychology, psychologists generally worked under the supervision or direction of psychiatrists. However, as a result of the war, the nature of the practice of psychology changed substantially. Many veterans returned home with severe emotional problems, thereby requiring psychotherapeutic assistance. Such demand could not be met by the limited number of psychiatrists available and, as a result, psychologists were called upon to provide direct counseling and diagnostic services. These services lead to the establishment of psychologists providing direct services to the public. This trend was met with concern by the medical profession, which was unsure of the level of ability and training of persons practicing psychology. Such concern stemmed from the critical nature of applied psychology to a persons' well being and the resultant danger to the public.

In recognition of such concerns, efforts were made to identify and establish the competency of psychologists. In 1946, the American Psychological Association

established a voluntary testing system to award successful applicants a "diploma" in selected fields of psychology. In addition, states began to establish minimum competency levels through licensure, with a majority of the states initiating such regulation between 1950 and 1970.

As a result of the same concerns that stimulated the licensing effort in other states, Texas, in 1969, joined the forty-seven other states that currently provide regulation of psychologists.

Currently, the board is composed of six licensed psychologists who regulate approximately 3,000 licensees (both masters level and doctoral level). The administrative functions of the board are carried out with a staff of two and a half employees. For fiscal year 1980, the board was appropriated \$88,051 from the psychologist licensing fund to carry out its operations.

Comparative Analysis

To determine the pattern of regulation of the occupation of psychology within the United States, a survey of the fifty states was conducted.

The need to regulate the occupation of psychology is currently recognized through licensing requirements imposed by forty-eight states. From the standpoint of organizational patterns, eighteen states, including Texas, meet this expressed need through an independent board or commission. In thirty states, the regulation of psychologists is carried out through a board associated with a state agency charged with multiple regulatory functions. Board members are appointed by the chief executive in forty-six states.

Licensing boards composed entirely of psychologists administer psychology laws in twenty-one states, including Texas. In twenty states, the regulation of psychology is achieved through a board consisting of psychologists as well as public

members. Masters level psychologists are included on seven state boards. While fees are collected by all forty-eight boards, funding patterns vary across the states. Boards in thirty-four states, including Texas, are supported at least partially by the fees they collect. Unlike Texas, twenty of the psychology boards receive general revenue funds. In fourteen states, not including Texas, psychology boards have advisory functions only.

In thirty-seven states including Texas, psychology boards conduct investigations in response to consumer complaints. Complaint inquiries are conducted by an investigative unit of a centralized agency in eleven states. In forty states, including Texas, psychology boards have responsibility for conducting disciplinary hearings.

In thirty-nine states, including Texas, licensure by some form of endorsement or reciprocity is authorized.

All psychology boards surveyed indicate the need to perform the basic regulatory functions of administration, testing, license issuance, and enforcement.

III. REVIEW OF OPERATIONS

The material presented in this section combines several sunset criteria for the purpose of evaluating the activities of the agency. The specific criteria covered are the efficiency with which the agency operates; the objectives of the agency and the manner in which these objectives have been achieved; and the promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency.

Organization and Objectives

The Texas Board of Examiners of Psychologists was established to regulate the practice of psychology. The board's stated objectives are to ensure that applicants for licensure and certification are qualified to provide service to consumers and to ensure that licensees do not violate the Act. In order to achieve its objectives, the board performs three major functions: administration, licensing, and enforcement.

The board is composed of six psychologists appointed by the governor with the advice and consent of the senate for six-year overlapping terms. To be qualified for appointment, individuals must be citizens of the United States, Texas residents, certified as psychologists under the Act, and have engaged in independent practice, teaching, or research in psychology for at least five years. To assure adequate representation of the diverse field of psychology, the board consists of at least two members who are engaged in rendering services in psychology, at least one member who is engaged in research in psychology, and at least one member who is a member of the faculty of a training institution in psychology. Statutorily required board duties include promulgating rules and

regulations, adopting and publishing a Code of Ethics, reviewing qualifications of applicants, issuing certificates and licenses, conducting license revocation and suspension hearings, instituting actions to enjoin the violation of the Act and generally aiding in the enforcement of the Act.

Staff for the board is provided by two full-time employees (an executive secretary and a secretary) and one part-time employee (an accountant). Activities generally performed by the staff in the traditional areas of administration, licensing, and enforcement include: responding to requests for information, processing applications, maintaining records, accounting for board revenues and expenditures, conducting routine investigations of violations of the Act, and providing secretarial services to the board.

Funding for the board is provided exclusively from fees collected by the board under the provisions of the Act and deposited in the State Treasury to the credit of the Psychologists Licensing Fund.

Evaluation of Agency Activities

As with most other licensing agencies, the operations of the State Board of Examiners of Psychologists can be broken down into three basic activities: administration, licensing, and enforcement. Below, each of these activities were reviewed to determine the degree to which agency objectives have been met. To make this determination, the evaluation focused on whether the board has complied with statutory provisions; whether these provisions facilitate accomplishment of the objectives; whether agency organization, rules, and procedures are structured in a manner that contributes to cost-effective accomplishment of the agency's task; and whether procedures provide for fair and unbiased decision-making.

Administration

The general objective of any administration activity is to provide for the efficient operation of all board functions. The review of these activities indicated that documents are processed by board staff in an orderly and timely fashion, that licensee records are well organized and easily accessible, and board activities and staff duties are clearly defined. Also, board procedures related to mail processing and funds management were adequate. In addition, the board has begun to institute improvements in several areas pointed out by the state auditor. While administration is generally carried out effectively, there are several areas where improvements could be made.

The first area relates to the current procedures used by the agency to pay the Professional Examination Service for the national examination given to doctoral level students. The board asks that the applicants make money orders and cashier checks payable to the Professional Examination Service. These checks are held by the board until the service returns exam results, at which time the board forwards the appropriate number of checks in payment for the exam. This process allows the board to avoid normal budgeting and disbursement procedures followed by other state agencies. Further, the action violates Section 9 of the Psychologist's Licensing Act (Article 4512c, V.A.C.S.) which requires that monies derived under the Act shall be deposited weekly in the State Treasury. The state auditor has recommended that appropriate action be taken to correct the procedures now in place and the board indicates that such actions are being pursued. Additionally, the board should include the exam expense in its request for operating funds to the Sixty-seventh Legislature for the 1982-83 biennium.

The second concern deals with the examination fee currently collected by the board from its doctoral level applicants. According to opinions of the attorney

general, an agency must have specific statutory authority to charge a fee; however, the board is not statutorily authorized to collect the doctoral exam fee. Lack of such authorization is unusual among the licensing agencies of the state. Given the common practice of the state as well as the fundamental nature of the examination to the psychologist licensing process, the agency should be given the necessary statutory authority to charge the examination fee.

Licensing

The objective of the licensing function is to ensure that a minimum standard of competency has been achieved by persons authorized to practice psychology. To accomplish this objective, the board certifies and licenses psychologists, designates psychologists as Health Service Providers and certifies psychological associates.

Requirements for certification and licensure include a doctoral degree in psychology (or its substantial equivalent), an age of twenty-one years, residency in the state, good moral character, citizenship in the United States, and physical and mental competence. Further, the applicant cannot have been convicted of a felony or crime involving moral turpitude and cannot be intemperate in the use of or addiction to drugs. Two years experience in the field of psychological services, personal references, and passage of the national examination are also required. In addition to licensure as a psychologist, the Health Service Provider designation requires two reference letters from Health Service Providers who are familiar with the applicant's work and the two years of supervised experience required for the license must have been in a health service training program.

The psychological associate must meet all the qualifications and requirements of psychologist applicants except the degree is at a masters level and the applicant must have 450 hours of experience supervised by a licensed psychologist.

The board uses national examinations for both its doctoral and masters level applicants. Exhibit III-1 presents examination pass/fail rates for both examinations for fiscal years 1976-1979.

As illustrated in Exhibit III-2, the number of persons regulated by the board is growing. In the 1976-79 period, the number of persons regulated increased by approximately twenty-eight percent.

Exhibit III-1

**LICENSING EXAMINATION PASS/FAIL RATES
FISCAL YEARS 1976-1979**

| Year | Psychologists | | | | | Psychological Associates | | | | |
|-------|------------------------|----------------------|-----------------------|----------------------|-----------------------|--------------------------|----------------------|-----------------------|----------------------|-----------------------|
| | <u>Number Examined</u> | <u>Number Passed</u> | <u>Percent Passed</u> | <u>Number Failed</u> | <u>Percent Failed</u> | <u>Number Examined</u> | <u>Number Passed</u> | <u>Percent Passed</u> | <u>Number Failed</u> | <u>Percent Failed</u> |
| 1976 | 160 | 133 | 83.1 | 27 | 16.9 | 153 | 120 | 78.5 | 33 | 21.5 |
| 1977 | 229 | 200 | 87.4 | 29 | 12.6 | 188 | 141 | 75.0 | 47 | 25.0 |
| 1978 | 224 | 176 | 78.5 | 48 | 21.5 | 238 | 194 | 81.5 | 44 | 18.5 |
| 1979 | 210 | 162 | 77.1 | 48 | 22.9 | 200 | 170 | 85.0 | 30 | 15.0 |
| Total | 823 | 671 | 81.6 | 152 | 18.4 | 779 | 625 | 80.0 | 154 | 20.0 |

Exhibit III-2

**NUMBER OF RENEWING PSYCHOLOGISTS BY TYPE AND YEAR
1976-1979**

| | Masters Level | | Doctoral Level Certified Psychologists | | | Total | Percent Increase Over Preceding Year |
|------|--------------------------|--------------------------------------|--|------------------------|----------------------------------|-------|--------------------------------------|
| | Psychological Associates | Percent Increase Over Preceding Year | Certified Only | Certified and Licensed | Certified and Licensed with HSP* | | |
| 1976 | 901 | | 330 | 1,153 | 520 | 1,473 | |
| 1977 | 964 | 7% | 480 | 1,249 | 644 | 1,729 | 17% |
| 1978 | 1,097 | 14% | 494 | 1,431 | 861 | 1,925 | 11% |
| 1979 | 1,041 | -5% | 464 | 1,527 | 856 | 1,991 | 3% |

*Are not counted in total since this group is a portion of the certified and licensed population.

Exhibit III-3 depicts the board's current fee schedule for both psychologists and psychological associates. This fee structure is currently being reviewed by the board for possible revision to avoid accumulation of the unnecessary fund surpluses.

Exhibit III-3
CURRENT FEE STRUCTURE - PSYCHOLOGY BOARD

| | <u>Psychologist (Doctoral Level)</u> | <u>Pschyhological Associate (Masters Level)</u> |
|--|--|---|
| Application for Certification | \$ 65 | \$ 50 (includes exam) |
| Examination Fee | 60 | N/A |
| Application for Licensure | 50 | N/A |
| Annual Renewal of Certification | 15 | 15 |
| Annual Renewal of Licensure* | 50 | N/A |
| Original Application of Health Service Provider (HSP) | 20 | N/A |
| Annual Renewal of HSP | 10 | N/A |
| Inactive Status | 3 | 3 |
| Remailing | 5 | 5 |
| Replacement | 10 | 10 |

*To renew licensure, certification must be renewed and current.

The review showed that the licensing process generally functions in a satisfactory manner. Computerization of many functions has increased the overall efficiency of the process. The board has also developed thorough procedures for receiving and reviewing applications. While the licensing function generally operates well and ensures a minimum acceptable level of competency, several aspects of the licensing activity should be improved.

The first of these areas relates to the Health Service Provider (HSP) designation for psychologists available through the board. This designation identifies those psychologists engaged in "the delivery of direct, preventive, assessment, and therapeutic intervention services to individuals whose growth, adjustment, or functioning is actually impaired or is demonstrably at high risk of impairment." The designation is used for the purpose of third party insurance reimbursement.

The board's provision of the HSP designation appears to constitute a useful service. However, it is questionable whether the agency has the authority to carry out this function since authorizing language is not clearly set out in its statute. Also, as in the case of the examination fee, the board charges for this service without statutory authorization. To correct this situation, the board should be specifically authorized in statute to provide the HSP designation; in addition, since licensees of all occupations customarily pay for processing services provided, the board should be given the authority to charge a reasonable fee for this service.

The second area relates to the statutory framework developed by the board concerning grounds for refusal to allow an individual to sit for an examination and the grounds for removal of a license once issued. The statute erroneously requires the board in many cases to act essentially as a court of competent jurisdiction in determining the legal status of an individual and requires the board to define and apply terms which may have no legal basis or are vague and hard to apply. An example of such language can be seen in the "good moral character" requirement in the board's statute. To correct this situation and to place the board in an appropriate setting, the statute dealing with the grounds for disqualification should be structured in such a manner that each of the grounds meet a two-part test.

First, the grounds for disqualification should be clear and related to the practice of the profession. As a second part of the test, the grounds for disqualification should be stated in terms of a currently existing condition rather than an absolute condition which exists over the lifetime of the individual.

A third concern relates to a board rule (400.02.00.006) which requires an oral interview for out-of-state "endorsement" applicants as well as for applicants who hold a diploma awarded by the American Board of Professional Psychology. Interviews can be a useful tool in evaluating unclear portions of a transcript and the board has utilized interviews for this purpose. However, the interview, as an absolute requirement of "diplomates" and endorsement applicants, places an additional burden on those persons that other applicants are not required to meet. Furthermore, the interview is not necessarily limited to matters related directly to the completion of missing information that may be required on an application but serves more as an oral examination. Given the subjective nature of such a procedure, it is possible that licensing decisions could be unfairly biased on the basis of factors such as appearance or personality.

While discretionary interviews for specific purposes such as completing missing or needed information for an application is reasonable, the board rule mandating an oral interview of the nature now conducted should be eliminated. This would help ensure objective decision-making for all applicants to the board.

The fourth area relates to the lack of licensee awareness of board rules and regulations, the Code of Ethics, and statutes pertaining to the professional practice of psychology. This problem is exemplified in a review of complaints received by the board. A large majority of these complaints show an ignorance of the board's statute and rules.

A review of other licensing boards in Texas indicates that sixteen of the twenty-six currently under review have developed a required jurisprudence portion of their examination. The board should develop and use in conjunction with the national exams an objective written test which covers the laws and rules regulating psychology in Texas.

The fifth concern deals with the board rules requiring licensees to renew their certification annually, in addition to the renewal of their license. Certification, as presented previously, is the first step toward licensure. Since the licensee is granted all the privileges of the certified psychologist and since the licensing process provides an annual tracking mechanism, there is no need to renew the licensee certification on a yearly basis. This requirement should therefore be removed.

The final area of concern in licensing relates to the time frame allowed for delinquent renewal of certificates and licenses. In accordance with the Act, psychologists and psychological associates have what amounts to a ten month delinquency period during which licensees are permitted to continue practicing. Delinquency periods among other licensing boards range from thirty days to one year, with the majority of boards allowing a ninety-day period for delinquency. The psychologist's delinquency period is excessive in comparison with other licensing boards and should conform to the Sunset Commission's across-the-board approach which allows late renewal of up to ninety days, after which the license is cancelled.

Enforcement

The basic objective of the enforcement activity is to protect the public by identifying and where necessary, taking appropriate action against persons who do

not comply with the Act or its rules. Basic enforcement responsibility is largely that of the board members and no agency staff are specifically employed for investigation or enforcement purposes. The board reports that a total of ninety-three complaints have been filed since 1976. Exhibit III-4 presents the disposition and source of complaints received by the board.

Exhibit III-4
SOURCE AND DISPOSITION OF COMPLAINTS
1976-1979

| | Source | | | | |
|----------------------------|----------|----------|----------------|-------|-------|
| | Consumer | Licensee | Another Agency | Board | Total |
| Referred to Another Agency | 5 | 0 | 0 | 0 | 5 |
| Warning Issued | 0 | 0 | 0 | 1 | 1 |
| Conciliation Reached | 0 | 0 | 0 | 33 | 33 |
| No Action Required | 3 | 0 | 0 | 25 | 28 |
| Number Pending | 2 | 0 | 0 | 22 | 24 |
| Licenses Cancelled | 2 | 0 | 0 | 0 | 2 |
| Total | 12 | 0 | 0 | 81 | 93 |

Through board policy, procedures for handling complaints have been established which provide for the logical and fair review of enforcement matters coming to the board's attention, and the established complaint policy adequately addresses the needs of the board. However, the review revealed two areas of concern that hampers the effectiveness of the board's enforcement activities.

The review of board records gave no indication that the board has systematically attempted to keep parties to a complaint informed as to the status of their

complaint, an across-the-board approach recommended by the Sunset Commission. Responses gathered from questionnaires sent to complainants also indicated dissatisfaction with the board's notification procedures.

As a general policy, parties to a complaint should be informed periodically as to the complaint's status. A systematic procedure of this nature helps ensure the public of timely and effective action on complaints. The board has indicated that a procedure of this nature has recently been adopted. To ensure the continued use of a systematic notification procedure, the standard language concerning notification recommended by the Sunset Commission should be incorporated into the board's statute.

A final concern in the enforcement area relates to the scope of the board's regulatory authority. Review of the board's statute shows that the Act can be interpreted as both a "title" and a "practice" Act. Thus, persons holding themselves out to the public as "psychologists", as well as persons who are involved in rendering "psychological services" for pay, are subject to regulation by the board.

Since the statute can be enforced as a practice act, it is technically possible that persons involved in a large number of occupations could come under the regulation of the board. This possibility stems from the number of occupations which could be considered to render psychological services as a normal part of their occupation (advertising firms, personnel consultants, etc.).

The possibility of such broad application is inappropriate for two reasons. First, because of the difficulty involved in defining and identifying "psychological services," the practice aspects of the Act cannot be practically enforced. This fact is demonstrated in the current approach of the board, which has been to

enforce the Act exclusively as a title act. Second, the activities of non-psychologists who may use psychological principles in their employment are not necessarily dangerous to the public. The public does not expect these persons, as they expect psychologists, to provide a specific type of service which is of critical importance to a person's welfare. As a result, government intervention in the form of regulation could be unnecessary. The lack of practice-oriented complaints to the board suggests that there is not significant public concern related to the use of psychological principles by those not called psychologists.

For the above reasons, the board's statute should be changed to a title act only. In addition, all unnecessary exemptions such as those currently provided for nurses and lawyers should be removed. Such exemptions would not be required since, as a title act, the law could be enforced only against persons holding themselves out as psychologists.

Summary

The Board of Examiners of Psychologists is a six-member board appointed by the governor with the advice and consent of the senate for six-year overlapping terms. The board is directed by statute to regulate the practice of psychology.

Board operations can be categorized in three activities: administration, licensing, and enforcement. With regard to administration, the agency meets the objectives of efficient management in several respects. However, the review identified two concerns.

The first concern relates to the board's procedures for purchasing the doctoral examination. Currently, this activity is not budgeted in the agency's funding structure and exam fees collected are not deposited in the board's fund in the treasury. The state auditor has recommended that the practice of merely

holding exam fees be stopped and proper budgeting and fund expenditure procedures be implemented. Further, future board funding requests to the legislature should include the examination activity.

The second administrative concern also relates to the doctoral examination. The board lacks specific statutory authority to charge an examination fee. The doctoral examination is an integral part of the licensing process and the statute should provide for an examination fee.

The board's licensing activity can be divided into three categories: certification and licensure of psychologists, Health Service Provider designation of psychologists, and certification of psychological associates. While the review showed that the board generally functions in an efficient manner, several aspects of the licensing activity could be improved. The first area of concern relates to the board's establishment of a separate process and fee requirement not provided for in the Act, to obtain the Health Service Provider designation. The Health Service Provider designation identifies those psychologists providing direct, preventive, assessment and therapeutic intervention services. The board's authority to issue and renew this designation is questionable, however, and should be specifically authorized by statute. Secondly, review of the board's statutory authority concerning grounds for refusal to allow an individual to sit for an examination indicates that the statute erroneously requires the board to act essentially as a court of competent jurisdiction and apply terms of vague definition. The statute should be restructured so that disqualification provisions meet a two-part test:

- 1) the grounds should be clear and related to the practice of the profession, and
- 2) the condition stated by the expressed disqualification should be currently existing before a license can be denied or some other action taken. Examples of conditions set out in the statute which may not meet these tests are provisions relating to good moral character, felony conviction, addiction to drugs, etc.

Thirdly, an interview is required by board rule of applicants for certification on the basis of the diploma awarded by the American Board of Professional Psychology or on the basis of endorsement. The board rule mandating the interview is restrictive and should be eliminated, leaving authority to conduct interviews as needed to gather specific information directly related to a person's application.

Fourthly, the review indicated an apparent lack of awareness by licensees of board rules and regulations, and laws in Texas pertaining to the professional practice of psychology. The board should develop, and use in conjunction with the national exams, an objective written test which covers the laws, rules and regulations concerning the practice of psychology in Texas.

Fifthly, licensed psychologists are required by board rule to renew their certification annually, as well as their license. The board rules should be amended to allow for annual renewal of certificates for persons in exempt agencies, but discontinue requiring annual certification of licensed psychologists.

The final concern in the area of licensing deals with the delinquency time frame allowed of certificates and licenses. The present system of penalty allows what amounts to a ten-month delinquency period during which time licensees are permitted to continue practicing. The board's delinquency period is excessive in comparison with other licensing agencies and should be reduced to a ninety-day period, after which time the license would be cancelled.

With respect to the enforcement activity the review indicated that the board has established a complaint policy which adequately addresses the need of the board. However, the review revealed two areas of concern that hamper the effectiveness of the board's enforcement activities.

First, the review indicated that, in the past, the board has not made a sufficient effort to keep parties to complaints notified of the status of the complaint. Almost half of those responding to a questionnaire sent to those who had filed a complaint indicated they were not kept sufficiently informed regarding its processing. The agency should follow the practice set out in the across-the-board recommendation of the Sunset Commission regarding notification of parties to complaints.

The second area of concern in the agency's enforcement activities is the scope of the board's authority under its current statute. Currently, the statute can be interpreted as both a "title" and a "practice" act. However, given the widespread use of psychological principles in many occupations, the "practice" aspect of the statute is inappropriate. As a result of this widespread use the statute is extremely difficult to enforce as a practice act. Furthermore, many persons would technically come under board regulation in areas where no significant danger to the public is presented. The statute should therefore be changed to a title act only and all unnecessary exemptions removed.

IV. ALTERNATIVES AND CONSTRAINTS

The material presented in this section combines several sunset criteria for the purpose of evaluating the activities of the agency. The specific criteria covered are the extent of overlap and duplication with other agencies and the potential for consolidation with other agencies; an assessment of less restrictive or alternative methods of performing any regulation that could adequately protect the public; and the impact in terms of federal intervention or the loss of federal funds if the agency is abolished.

Consolidation Alternatives

The organization of regulatory activities in other states was reviewed to identify consolidation alternatives with potential for use in Texas. The review indicated that psychologists are currently licensed in forty-eight states. In thirty of these states, regulation is carried out through a state agency charged with multiple regulatory functions. Of these, fifteen states use an "umbrella" department of occupational licensing, seven states regulate through a department of health, five states employ a department of consumer affairs, two states regulate through a secretary of state's office and one state employs a department of commerce.

Of the consolidation alternatives identified in other states, the Department of Health and the Office of the Secretary of State are the only available options for Texas since the other organizational forms do not exist in this state. To determine the feasibility of these options, each agency was reviewed to determine whether its objectives and functions were compatible with those of the Board of Examiners of Psychologists. In addition, the alternatives were considered from the standpoint of whether consolidation of functions would result in identifiable benefits.

The analysis of organizational alternatives available in Texas indicates that the Department of Health best satisfies the requirements of closely related operations with identifiable benefits resulting from consolidation. The Department of Health provides administrative support services for other regulatory boards of similar size, and has the capacity to perform administration, examination, and licensing functions. In addition, the department has an established mechanism for investigating complaints and for enforcement through the department's regional offices.

Regulatory Alternatives

Need for State Regulation

The Texas State Board of Examiners of Psychologists currently regulates two groups involved in psychology: 1) doctoral level psychologists, and 2) masters level psychological associates. The regulation of any occupation should be undertaken by the state only when there is a continuing need to protect the public health, safety or welfare. During the review, the need for state regulation of the two categories of licensees was examined separately.

With respect to psychologists, the review indicated that persons certified or licensed as psychologists are employed in a variety of settings. These areas include universities, industries, and research institutes as well as settings involving direct contact with patients for counseling or diagnostic purposes. Current conditions indicate that the area of greatest need is for state regulation of those psychologists providing direct mental health, diagnostic, or counseling services to the public. The public has developed certain expectations as to the type, validity, and quality of the level of services being provided by these psychologists. The nature of these expectations is evidenced in the use of psychologists as expert witnesses in

sanity hearings, in the formal testing and diagnosis of mental retardation and learning disabilities as well as other mental problems, and in the diagnosis and treatment of complex emotional disorders. Improper execution of such activities could inflict significant damage on the public involved. Continued state regulation in this area would protect the public in the area where the greatest harm could occur.

The review indicated, however, that the need to regulate psychologists who are not involved in such client-related diagnostic and mental health services is less significant. In comparison to the former group, the activities of these psychologists do not impact the consuming public in the same direct and critical fashion and, as a result, offer less danger to the public welfare. The low level of direct danger to the public where critical client relationships are not involved suggests that this is an area where regulation can be eliminated.

The regulation of psychological associates was also examined to determine if this regulation was critical to the protection of the public. Currently, only eleven states including Texas regulate this group. As in the case of psychologists who do not provide direct services to the public, no easily identifiable harm would result from the deregulation of this masters level group. Psychological associates are employed under the supervision of a licensed psychologist and cannot represent themselves to the public as psychologists. In addition, review of agency complaint files does not reveal public concern relating to psychological associates, as no complaints have been filed against this certified group since the board's inception.

Other Methods of Regulation

In looking at the need to protect the public welfare, the review indicated that state regulation is necessary only where psychologists are providing direct diagnos-

tic or mental health services to the public. Currently, this regulation is provided by the board through a licensure technique. In order to identify possible alternatives to this method, regulatory schemes used in other states were examined.

The review indicated that the only method of regulating psychologists was through licensing. However, analysis shows that certification and registration approaches are often employed in the regulation of other occupations and can therefore be considered as potential options for the regulation of psychologists in Texas. Before such methods can be considered as feasible, the alternatives should provide a degree of public protection approximately equal to or greater than that now provided, and be less restrictive than the present system.

Given these criteria, neither certification nor registration could be considered feasible for the state. While both methods are less restrictive than the current process, neither alternative includes an enforcement component. Lack of such a component would reduce the level of protection to the public since, under the current licensing system, the board has been active in the enforcement area.

Summary

A review of consolidation alternatives in other states was conducted to determine the potential for combining the regulation of psychologists with the function of another agency. Of the forty-eight states that regulate psychologists, thirty states have consolidated this regulation within other agencies. One-half of these states use a department of occupational licensing. While Texas has no "umbrella" licensing agency, other agencies do exist in Texas that are used in various states for the regulation of psychologists. These are the Department of Health and the Secretary of State's Office.

Of these alternatives, the Department of Health is the most reasonable alternative for consolidation. The department has the capacity to perform administration, examination, and licensing functions. In addition, benefits could result from the use of the department's regional offices for enforcement activities.

In examining the need to regulate psychologists in Texas, the review indicated that public protection through state regulation was warranted only in the case of doctoral level psychologists who provide direct mental health or diagnostic services to the public. With regard to the regulatory alternatives concerning this group, the review indicated that all states regulating psychologists utilize the licensing approach. Other alternatives such as certification and registration are frequently used to regulate other occupations. While less restrictive than licensing, these two options provide less protection to the public than the current system and therefore do not constitute suitable alternatives for Texas.

V. COMPLIANCE

The material presented in this section combines several sunset criteria for the purpose of evaluating the activities of the agency. The specific criteria covered are the extent to which the agency issues and enforces rules relating to potential conflict of interest of its employees, the extent to which the agency complies with the Open Records Act and the Open Meetings Act, and the extent to which the agency has complied with necessary requirements concerning equality of employment opportunities and the rights and privacy of individuals.

In its efforts to protect the public through licensing and enforcement, the agency's operations should be structured in a manner that is fair and impartial to all interests. The degree to which this objective is met can be partially judged on the basis of potential conflicts of interest in agency organization and operation, as well as agency compliance with statutes relating to conflicts of interests, open meetings, and open records.

Conflict of Interest

Board members, as appointed state officers, are subject to statutory standards of conduct and conflict-of-interest provisions (Article 6252-9b., V.A.C.S.). A review of the documents filed with the Office of the Secretary of State indicates that both the board members and the executive secretary of the agency have complied with the filing requirements set out in the state's general statutes dealing with conflict of interest. In addition, a review of the minutes of board meetings indicates that board members generally follow the practice of refraining from deliberation of matters in which they have a personal or financial interest, as required by law.

Open Meetings - Open Records

As evidenced by publications in the Texas Register, board meetings have been preceded by adequate and timely notice to the public. However, the board has not complied with procedures required for closed meetings as outlined in Article 6252-17, V.A.C.S. The Act requires that the presiding officer must announce that a closed meeting will be held and must identify the section of the Act authorizing such a meeting. The Act also requires that all final actions taken on subjects discussed in a closed meeting be made in an open meeting. The board has conducted closed sessions frequently to discuss and take action on complaints. The section(s) of the Act which authorizes such meetings are not cited nor are final decisions made in open meeting. The executive secretary has been informed of the appropriate procedures for closed meetings and has indicated that future meetings will be in compliance.

The board considers three types of records to be confidential pursuant to the Open Records Act -- personnel records, examination materials, and records concerning pending or possible litigation. The agency indicated that no requests for confidential information have ever been received.

Employment Practices

Agency staff consists of two full-time and one part-time employees. Although the board does not operate under an affirmative action plan or formal grievance procedures, the Governor's Equal Employment Office indicated that this is characteristic of other agencies of similar size. The board has never received a formal complaint on employment practices.

Summary

The agency has complied with statutory requirements regarding conflict of interest and open records. However, certain board meetings have not been conducted within the requirements of the Open Meetings Act. Meetings have been improperly closed to the public and final decisions have been made in closed meetings. Agency staff indicate that steps will be taken to ensure future compliance with the Open Meetings Act. The board has never received a formal complaint on employment practices.

VI. PUBLIC PARTICIPATION

The review under this section covers the sunset criterion which calls for an evaluation of the extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates and the extent to which the public participation has resulted in rules compatible with the objectives of the agency.

The degree to which the agency has involved the public in the rules and decisions of the agency can be judged on the basis of agency compliance with statutory provisions on public participation, the nature of rule changes adopted, the availability of information concerning rules and agency operations, and the existence of public members on the board.

Agency Activities

Review of pertinent records indicates that the board has adopted thirty rule changes in the last four fiscal years. The content area of the rules adopted can be broken down into six categories: general rulings (5); applications (10); rules of practice (7); announcements (1); specialty certification (3); and renewal (4). The adoption of these rules has been in compliance with public participation requirements found in general state law. Although only one public hearing has been held in relation to these rule changes, the board reports that numerous written communications have been generated in response to certain rule change proposals. It is estimated, however, that less than five percent of the communications have been from the general public.

The board has taken efforts to develop material to inform registrants, potential registrants and the general public of its activities and responsibilities. These efforts culminate in an annual publication of a licensee roster (required by

Sec. 18, Art. 4512c, V.A.C.S.) which includes a listing of persons regulated by the board, the board's statute, rules and regulations, the American Psychological Association (APA) Ethical Standards of Psychologists (adopted by the board), case examples of "Ethical and Legal Actions" and APA guidelines for psychologists wishing to change their specialty (adopted by the board). The roster is distributed to licensees, facilities operated by the Texas Department of Mental Health and Mental Retardation, public libraries, governmental agencies, hospitals, judges, school districts, insurance companies and others upon request. The board also maintains a copy of board minutes for public inspection at the Austin office and distributes upon request application packets and separate copies of its statute, rules, and ethical standards. Seminars concerning the requirements of the psychology act are held at annual meetings of the Texas Psychological Association.

Public Membership

Although the board's efforts to inform the public of its activities appear numerous, active public input into the work of the board has been minimal. Currently, the board's composition does not include members from the general public. The lack of such members eliminates one means by which the point of view of the public in the development of rules and deliberations concerning professional and consumer matters can be represented.

The board has requested that two public members and one psychological associate be added to the board. This approach, however, does not achieve a level of one-third public membership generally recommended by the Sunset Commission. To meet this general standard and address the agency's request for psychological associate representation while maintaining sufficient membership with professional backgrounds to assist in evaluating applicant qualifications, the composition of the

board should be modified to include three public members, one psychological associate and five psychologists.

Summary

The board has complied with general public notification requirements and makes efforts to inform the public of its responsibilities and activities. These efforts, however, have resulted in minimal public input and the board has requested that public members be added to its makeup. It appears that at least three public members should be added to the board and modification of the licensee representation should be made to include one psychological associate and five psychologists.

VII. STATUTORY CHANGES

The material presented in this section combines several sunset criteria for the purpose of evaluating the activities of the agency. The specific criteria covered are whether statutory changes recommended by the agency or others were calculated to be of benefit to the public rather than to an occupation, business, or institution the agency regulates; and statutory changes recommended by the agency for the improvement of the regulatory function performed.

Past Legislative Action

The enabling legislation of the Board of Examiners of Psychologists has been amended four times since its enactment in 1969. In 1971, the expiration dates of board member terms were modified to meet constitutional requirements (House Bill No. 63, Sixty-second Legislature) and in 1973, the board was given authority to stagger the renewal of licenses (Senate Bill No. 831, Sixty-third Legislature). Major changes were made in 1975 through Senate Bill No. 405, Sixty-fourth Legislature. These changes related to: 1) the board's ability to certify specialty areas of psychological practice and charge fees for licensing these specialties; 2) the specification of supervision requirements for persons seeking licensure; 3) the ability of the board to refuse to renew licenses; 4) the addition of qualification elements for applicants; 5) a modification of the definition of "psychological services"; 6) the addition of exemptions from the Act for registered nurses, optometrists and employees of public school districts and institutions of higher education; and 7) the definition of those who must obtain licensure to offer psychological services. In 1977, the board was made subject to the provisions of the Texas Sunset Act (Senate Bill No. 54, Sixty-fifth Legislature). Another

significant statutory modification made by the Sixty-fifth Legislature was the amendment of the state insurance code to allow persons to receive services from licensed psychologists and have the costs related to those services reimbursed through individual and group insurance policies (House Bill No. 360, Sixty-fifth Legislature). No statutory modifications relating to psychologists were made by the Sixty-sixth Legislature in 1979.

Proposed Legislative Action

Apart from the successful legislation mentioned above, several other bills concerning the board's operations were unsuccessfully proposed in the past three legislative sessions. One bill, House Bill No. 1787, was introduced in the Sixty-fourth Legislature and would have established a Department of Professional and Occupational Regulation. The Board of Examiners of Psychologists was to be transferred to and administered by this department. Senate Bill No. 406, also introduced in the Sixty-fourth Legislature, would have prohibited non-profit corporations offering group hospital services from contracting for the services of a psychologist and would have made psychological services rendered by a licensed psychologist reimbursable through individual and group insurance policies.

House Bill No. 1977 introduced in the Sixty-fifth Legislature would have provided for a major reorganization of state government. Within its provisions, a Department of Regulatory Agencies was proposed to which the Board of Examiners of Psychologists was to be transferred.

Two bills introduced in the Sixty-sixth Legislature proposed transfers of the board's functions to another agency or to an "umbrella" regulatory department. House Bill No. 55 would have created a Department of Regulatory Agencies to which the Board of Examiners of Psychologists was to be transferred. House Bill

No. 1415 would have transferred the psychology board and five other agencies to the Texas Department of Health. A third bill, House Bill No. 1652, would have added public members to a number of regulatory boards and two public members were to be added to the Board of Examiners of Psychologists.

In the agency's self-evaluation report, the agency has made five general recommendations for modifications to its statutes: 1) add one psychological associate and two public members to the board; 2) delete the specific dollar amount (\$3.00) mentioned in the statute (Sec. 17(c), Art. 4512c, V.A.C.S.) to place a licensee on inactive status; 3) modify the licensing requirements (Sec. 21(2), Art. 4512c, V.A.C.S.) to require two years of "adequate supervision" prior to licensure rather than the current system requiring one year's experience at the post-doctoral level and one year's experience under a psychologist licensed under the Act; 4) delete the current \$20 per diem amount for board members (Sec. 6, Art. 4512c, V.A.C.S.) and replace it with an amount acceptable to the legislature; and 5) delete current age, residency and citizenship requirements for certification (Sec. 11(b), (c) and (e), Art. 4512c, V.A.C.S.). The board also indicates that it has taken under consideration the recommendation that exemptions relating to employees of governmental agencies, public school districts and institutions of higher education (Sec. 22(a), Art. 4512c, V.A.C.S.) and sociologists or social psychologists (Sec. 22(d), Art. 4512c, V.A.C.S.) be eliminated.

Summary

The agency's enabling legislation has been amended four times since the inception of the board in 1969. In general, these bills have been aimed at modifications of board member terms, staggering of license renewals, increasing the board's abilities to regulate the practice of psychology, and making the board

subject to the Texas Sunset Act. Legislation was also enacted in 1977 which allowed fees for services rendered by licensed psychologists to be reimbursed through individual or group insurance policies. In addition, several bills failing enactment were introduced in the last three legislative sessions. During each session, bills were introduced which proposed a transfer of board operations to another existing or proposed agency. One bill dealt with the insurance issue discussed above, and another bill would have added public members to many regulatory boards (two would have been added to the psychology board). In its self-evaluation report, the board has made several recommendations for modifications of its statutes. These changes generally relate to the addition of public and psychological associate members, deletion of certain fees and per diem amounts currently specified by statute and modification or deletion of certain licensure application requirements.