

TSBEP Newsletter

Vol 19. No. 2

Summer 2006

Contents:

Unreported Past Criminal Records of Licensees to Result in Disciplinary Actions

Disciplinary Actions: February/May 2006 Board Meetings

Unreported Past Criminal Records of Licensees to Result in Disciplinary Actions

The 79th Texas Legislature amended state law to require that TSBEP obtain quarterly criminal record checks on current licensees of this Board. This information is stored in the database maintained by the Texas Department of Safety.

Board staff review these criminal records and compare them with reports submitted by the licensees notifying the Board of criminal arrests, charges, indictments and convictions. Board rule 469.11 requires that licensees report such incidents within 30 days of the activity. Such incidents apply to felonies as well as to many misdemeanors that involve moral turpitude.

Section 501.401 of the Psychologists Licensing Act requires the Board to take disciplinary action against a licensee who is convicted of a felony or a misdemeanor of moral turpitude. Additionally, Chapter 53 of the Occupations Code provides guidance in determining whether a criminal conviction directly affects a licensee's present fitness to perform as a licensee. Also, Board rule 469.7 provides additional information on those crimes which the Board considers as directly related to the performance of the activities of a licensee.

Licensees have been required to report felony and misdemeanor convictions as described in Board rules since 1996 via the annual renewal forms. Additionally, licensees have been required to report civil or criminal actions to the Board in accordance with Board rules since 1992.

Also, applicants for licensure have been required to inform the Board about criminal actions by Board rules since 1985.

When the Board discovers that a licensee has failed to report such criminal incidents, the Board will open a complaint against the licensee. Depending on the nature of the criminal incidents the Board may allow the licensee to simply pay a penalty fee for failure to comply with Board rule 469.11. Penalty fees for felony incidents are

generally expected to be higher than for misdemeanor incidents. However, for felony convictions and for some misdemeanor convictions, the licensee can expect to be required to appear before an informal settlement panel and may be levied an administrative penalty for failure to report as well as other disciplinary action for the crime itself.

It is important to note that an arrest is required to be reported, as well as a conviction, if such occurs for the alleged offense.

Licensees who have failed to report past arrests, charges, indictments and convictions to the Board should do so as soon as possible. Even at this late date, it would be taken into consideration that the licensee finally complied with the Board rules to report such incidents to the Board.

It should be noted that current Board rule 469.11 is the same rule that requires that civil lawsuits filed against a licensee that pertain to his/her practice of psychology or involving a licensee's patient or former patient must be reported to the Board office by sending a copy of the initial pleadings to the Board within 20 days of the filing of such action in the court.
