

## **Required Reporting of Civil and Criminal Actions**

In its role in safeguarding the public, the Board requires, under Rule 469.11 as amended, that the following legal actions be reported to the Board within twenty days: (1) all criminal actions, including arrests, indictments, and convictions; (2) all pending civil actions pertaining to the practice of psychology or otherwise involving a patient or former patient; (3) any administrative action (such as a complaint or Board Order) filed against a licensee by another state's licensing board or by another licensing board in Texas. Licensees should not pre-screen these actions before notifying the Board, which would in effect deny the Board possibly relevant information about a licensee's practice.

Failure to report such actions is a violation of the Board's Rules. As more civil, criminal, administrative, and criminal information becomes available to the Board through such agencies as the ASPPB, APA, National Practitioner Databank and criminal checks through the Department of Public Safety, the Board will be in a position to open complaints against non-reporters. However, the Board will accept late reporting as a result of this notification for any legal actions that have occurred since June 30, 1998. If the legal action has already concluded, please include this information as well. **This grace period for reporting will end on January 1, 2004.**

The amendments to Rule 469.11 are included in this issue of the newsletter. If you have any questions regarding this requirement, please contact the Board's General Counsel by phone, mail, or fax. No action or complaint will be opened as a result of good faith questions concerning this requirement.

## **New Ethics Requirements for Continuing Education: June 2004**

In a change to Board Rule 461.11, the Board now requires that three out of the twelve hours of continuing education be in the areas of ethics, the Board's Rules of Conduct, or professional responsibility. Because the Rule took effect in June 2003, the first reporting of ethics continuing education will be for those licensees who are due for renewal on June 30, 2004.

Therefore, all licensees should obtain this mandated type of continuing education within the next 12 months so that it can be counted for annual license renewal beginning in June 2004.

This requirement will be construed as those non-clinical continuing education courses that inform the licensee of ethical requirements, best office practices or compliance with other state or federal laws or statutes, such as HIPAA.

For many licensees, this will not represent an additional requirement in that many existing courses deal with ethics, compliance, and best office practices. Please use the interim time for compliance to research opportunities in taking continuing education courses that deal with this subject matter.

If you have any questions regarding this new requirement, please contact Jeanette Waldrop at the Board office. The Board does not provide pre-approval of courses; however, it can give guidance in determining whether a course is likely to meet the new requirement.

## **Annual TSBEP Roster Available on TSBEP Website**

Because of the budget deficit, all state agencies were required to curtail their spending this fiscal year, as well as for the next biennium. One of the ways that the Psychology Board was able to reduce its

expenditures by 7% for the current fiscal year is by transferring the annual Roster of licensees from a paper format to online.

It is anticipated that the new online version of the Roster on the agency's website at [www.tsbep.state.tx.us](http://www.tsbep.state.tx.us) will look very similar to the former paper version. Therefore, it should be easy for any user to quickly find the names of licensees alphabetically by license type and by geographical area. The Roster will be identified as one of the menu choices on the front page of the website.

Besides the cost savings in printing and postage, the online version of the Roster will be available to the general public as well as to licensees.

Additionally, this move to an online Roster is appropriate and timely in that the Texas Legislature is encouraging and even mandating that more licensing agency activities and services be provided through the Internet. Customer service can usually be increased through online services, and the cost savings afforded through online services allows the agency to continue primary licensing and enforcement services.

The Board hopes to have the online Roster available sometime this summer and looks forward to any feedback that you might have.

## **Profiles of Psychologists Beginning Summer 2003**

It is anticipated that as early as August 2003 licensed psychologists will be required to provide profile information as a condition of renewal.

Licensees will receive information with their paper renewal forms alerting them to the need to provide profile information and instructing them on how to provide this information directly online. More instructions for entering profile information online by the licensee will be available at the online site.

Psychologists will have to attest to the fact that they have provided the required profile information when they complete their online renewal form or their paper renewal form. Psychologists will be asked to update the information at least once a year thereafter. Any psychologist who cannot provide profile information directly online may request a paper form to complete and send back to the Board office.

Members of the public will not be able to access the profile information until January 2004. At that time they will be informed that some licensee profile information will not be available until the following June 2004, after a complete renewal cycle year has occurred for all licensees.

However, once the profile system software is in place, all licensees will be encouraged to provide their profile information online as soon as possible, thereby allowing the information to be made available to the public sooner.

The format of profile information available to the public is user friendly. It will allow for several types of searches and encourages members of the public to contact the licensee directly for further clarification of the profile information.

## **New and Amended Rules**

Following is the text of new and amended TSBEP rules finally adopted since the issuance of the July 1, 2003 Rulebook. For amended rules, new language is underlined and deleted language appears in brackets. Also, current text of rules and effective dates may be viewed at: <http://www.sos.state.tx.us> by accessing the TAC viewer.

#### **461.3. Former Board Members.**

A Board member whose term has expired and who has ceased to serve as a Board member will not be employed or utilized to represent the Board in any official capacity except to serve as an oral examiner or as a professional reviewer. A former Board member may not hold himself or herself out as an official or unofficial representative of the Board. Any such representations are not binding upon the Board in any way. Disclosure of confidential or privileged information obtained by a former Board member in his or her capacity as a Board member is unprofessional conduct and grounds for disciplinary action by the Board.

#### **461.7. License Statuses.**

- (a) (No change).
- (b) Inactive Status.
- (1) (No Change).
- (2) A person may place his/her active license on inactive status for a period of two years. Reactivation of this license may occur at any time during this two-year period without the person having to take an exam provided that the person has notified the Board and has paid the required fees. At the end of the two-year period, if the [PERSON] license has not been reactivated, the license automatically becomes void. The inactive status may be extended for additional increments of two years if, prior to the end of each two-year period, the person notifies the Board in writing that an extension is requested and submits proof to the Board of continuous licensure by a psychology licensing board in this or another jurisdiction for the past two-year period and payment of all required fees. A person may indefinitely remain on inactive status if he/she is licensed in this or another jurisdiction and complies with the extension requirements set forth in this paragraph. Any person wishing to reactivate his/her license that has been on inactive status for four years or more must take and pass the Jurisprudence Exam with the minimum acceptable score as set forth in Section 463.14 of this title (relating to Cutoff Scores) unless the person holds another license on active status with this Board.
- (3) (No change).
- (4) A person with a pending complaint may not place a license on inactive status [ONLY WITH EXPRESS PERMISSION FROM THE BOARD]. If disciplinary action is taken against a person's inactive license, the person must reactivate the license until the action has been terminated.
- (c) (No change).
- (d) Restricted status. Any licensee that is currently [SUBJECT TO DISCIPLINARY ACTION AND/OR SANCTION] suspended, on probated suspension, or is currently required to fulfill some requirement in a Board order is considered to be on restricted status. A person practicing under a restricted license must comply with any restrictions placed thereon by the Board.
- (e) (No change).
- (f) Resignation Status. A person may resign only upon express agreement by the Board. A person who resigns shall be reported as:
  - (1) Resigned in lieu of adjudication if permitted to resign while a complaint is pending;
  - (2) Resigned in lieu of further disciplinary action if permitted to resign while the license is subject to restriction; and
  - [(3) RESIGNED IN LIEU OF DELINQUENCY STATUS IF PERMITTED TO RESIGN PRIOR TO VOIDING OF THE LICENSE DUE TO FAILURE TO RENEW. ]
- (g) - (h) (No change).

#### **461.11. Continuing Education.**

- (a) Requirements. All licensees of the Board are obligated to continue their professional education by completing a minimum of 12 hours of continuing education during each year that they hold a license from the Board regardless of the number of separate licenses held by the licensee. Of these 12 hours, all licensees must complete a minimum of three hours of continuing education per year in the areas of ethics, the Board's Rules of Conduct, or professional responsibility.
- (b) Relevancy. All continuing education hours must be directly related to the practice of psychology. The Board shall make the determination as to whether the activity or publication claimed by the licensee is directly related to the practice of psychology. [IT IS THE RESPONSIBILITY OF THE LICENSEE TO ENGAGE IN ACTIVITIES WHICH PROVIDE DEMONSTRATED RELEVANCE TO THE PRACTICE OF PSYCHOLOGY.] In order to establish relevancy to the practice of psychology, the Board may require a licensee to produce, in addition to the documentation required by subsection (d) of this

section, course descriptions, conference catalogs and syllabi, or other material as warranted by the circumstances. The Board does not pre-approve continuing education credit. The Board shall not allow continuing education credit for personal psychotherapy, workshops for personal growth, the provision of services to professional associations by a licensee, foreign language courses, or computer training classes.

(c) (No change.)

(d) Documentation. It is the responsibility of each licensee to maintain documentation of all continuing education hours claimed under this rule and to provide this documentation upon request by the Board. Licensees shall maintain documentation of all continuing education hours claimed for at least five years. The Board will accept as documentation of continuing education:

(1) - (3) (No change.)

(4) for presenters of continuing education workshops or programs, copies of the official program announcement naming the licensee as a presenter and an outline or syllabus of the contents of the program or workshop; [AND ]

(5) for authors or editors of publications, a copy of the article or table of contents or title page bearing the name of licensee as the author or editor; and

(6) for online or self-study courses, a copy of the certificate of completion generated by the completion of the course.

(e) (e) Declaration Form. All licensees must sign and submit a completed Continuing Education Declaration Form for each year in which they are licensed by the Board specifying the continuing education received for the preceding renewal period. Licensees wishing to renew their license must submit the declaration form with the annual renewal form and fee no later than the renewal date. Licensees who do not wish to renew their license must submit the declaration form along with a written request to retire the license on or before the renewal date. Licensees shall not submit documentation of continuing education credits obtained unless requested to do so by the Board. Licensees who are not audited pursuant to subsection (f) and who are otherwise eligible may declare their continuing education on the online license renewal form.

(f) (No change.)

#### **461.15. Compliance with Act, Rules, Board Directives and Orders.**

Licensees must comply with the Act, Rules, Board Directives and Board Orders and must cooperate with Board investigations as prescribed in Rule 465.35. Failure to comply may subject the licensee to a Board-initiated complaint and disciplinary action.

#### **461.17. Profile Information.**

The Board is required to establish a system whereby licensed psychologists will have public profile information maintained by the Board. The Board must collect a fee to be set by the Texas Online Authority beginning in 2002 for this system. Licensed psychologists must supply this information as a condition of annual renewal. This information may be supplied as a part of the online renewal process. The Board collects the following information as part of its profile information on licensed psychologists:

(1)- (8) (No change.)

#### **463.2. Application Process.**

Applications for licensure are processed in the following manner:

(1) An individual requests the application packet for the type of licensure desired and includes the fee for the Board to send the application packet. No applicant can have more than one application pending before the Board at one time, unless the second application is to become a [WITH THE EXCEPTION OF THE] licensed specialist in school psychology [APPLICATION].

(2) - (4) (No change.)

#### **463.9. Licensed Specialist in School Psychology.**

(a) - (b) (No change.)

(c) Completion of internship. Applicants must have completed a minimum of 1200 hours, of which 600 must be in a public school. [FOR APPLICANTS WHOSE INTERNSHIPS BEGIN ON OR AFTER JULY 1, 2001, A ]A formal internship or other site-based training must be provided through a formal course of supervised study from a regionally accredited institution of higher education in which the applicant was enrolled or be obtained in accordance with 463.11(c)(1) and (c)(2)(C) of this title (relating to Licensed Psychologist). [FOR APPLICANTS WHOSE INTERNSHIPS BEGIN BEFORE THIS DATE, EITHER A FORMAL INTERNSHIP OR EXPERIENCE MAY BE OBTAINED TO COMPLY WITH THIS INTERNSHIP RULE.]The internship in the public school must be supervised by an individual qualified in accordance with 465.38 of this title (relating to Psychological Services in the Schools). Internship which is not obtained in a public school must be supervised by a licensed psychologist. No experience with a supervisor who is related within the second degree of affinity or within the second degree by consanguinity to the person, or is under Board disciplinary order, may be considered for specialist in school psychology licensure. Internships may not involve more than two sites (a school district is considered one site) and may be obtained in not less than one or more than two academic years. These individuals must be designated as interns. Direct, systematic supervision

must involve a minimum of one face-to-face contact hour per week or two consecutive face-to-face contact hours once every two weeks with the intern. The internship must include direct intern application of assessment, intervention, behavior management, and consultation, for children representing a range of ages, populations and needs.

(d)-(f) (No change.)

#### **463.11. Licensed Psychologist.**

(a) Application Requirements by Provisional Licensure. This application is provided free of charge to the applicant who has taken the oral examination. Upon passage of the oral examination, the applicant may submit the licensed psychologist application. An application for licensure as a psychologist includes, in addition to the requirements set forth in 463.5(1) of this title (relating to Application File Requirements):

(1)- (3) (No change.)

(4) Documentation of licensure in other jurisdictions, including information on disciplinary action and pending complaints, sent directly to the Board.

(b) (No change.)

(c) Supervised Experience. In order to qualify for licensure, a psychologist must submit proof of two years of supervised experience, at least one year of which must have been received after the doctoral degree was officially conferred or completed, whichever is earliest, as shown on the official transcript, and at least one year of which must have been a formal internship. The formal internship year may be met either before or after the doctoral degree is conferred or completed. Supervised experience must be obtained in a minimum of two, and no more than three, calendar years, for full-time experience.

(1) General. All supervised experience for licensure as a psychologist, including the formal internship, must meet the following requirements:

(A)- (E) (No change.)

(F) When supervised experience is interrupted, the Board may waive [IN ACCORDANCE WITH ESTABLISHED BOARD POLICY, ] upon a showing of good cause by the supervisee, the requirement that the supervised experience be completed in consecutive months. Any consecutive experience obtained before or after the gap must be at least six months unless the supervisor remains the same. Waivers for such gaps are rarely approved and must be requested in writing and include sufficient documentation to permit verification of the circumstances supporting the request. No waiver will be granted unless the Board finds that the supervised experience for which the waiver is sought was adequate and appropriate. Good cause is defined as:

(i) unanticipated discontinuance of the supervision setting.

(ii) maternity or paternity leave of supervisee.

(iii) relocation of spouse or spousal equivalent.

(iv) serious illness of the supervisee, or serious illness in supervisee's immediate family.

(G)-(O) (No change.)

(2) - (3) (No change.)

#### **465.1. Definitions.**

The following terms have the following meanings:

(1) - (10) (No change.)

(11) "Recognized member of the clergy," as used in Section 501.004(a)(4) of the Act, means a member in good standing of and accountable to a legally recognized denomination, church, sect or religious organization legally recognized under the Internal Revenue Code, Section 501(c)(3).

(12) [(11)] "Records" are any information, regardless of the format in which it is maintained, that can be used to document the delivery, progress or results of any psychological services including, but not limited to, data identifying a recipient of services, dates of services, types of services, informed consents, fees and fee schedules, assessments, treatment plans, consultations, session notes, test results, reports, release forms obtained from a client or patient or any other individual or entity, and records concerning a patient or client obtained by the licensee from other sources.

(13) [(12)] "Report" includes any written or oral assessment, recommendation, psychological diagnostic or evaluative statement containing the professional judgment or opinion of a licensee.

(14) [(13)] "Test data" refers to testing materials, test booklets, test forms, test protocols and answer sheets used in psychological testing to generate test results and test reports.

#### **465.3. Providers of Psychological Services.**

(a) Psychologists shall employ or utilize an individual to provide psychological services, in any setting not specifically exempt under §§501.004(a)(1) of the Psychologists' Licensing Act (the Act), only if:

(1) - (4) (No change.)

(5) The individual is completing supervised experience for purposes of satisfying the requirements to become a licensed professional listed in Section 501.004(b) of the Act.

(c) (No change.)

**465.33. Improper Sexual Conduct.**

(a) - (c) (No change.)

(d) A licensee may not engage in sexual harassment, sexual impropriety, or a sexual relationship with a current patient or client, a former patient or client over whom the licensee has influence due to a therapeutic relationship, one of their students, individuals who the licensee knows to be the parents, guardians, spouses, significant others, children, or siblings of current patients, or a supervisee over whom the licensee has administrative or clinical responsibility.

(e) Psychologists do not accept as clients individuals with whom they have engaged in sexual relationships.

**465.35. Resolution of Allegations of Board Rule Violations.**

(a) - (b) (No change.)

(c) A licensee must cooperate with any investigation conducted by the Board, including providing all requested information to the Board's Enforcement Division for thorough investigation of the complaint. Disclosure of patient information in an investigation is authorized by Sections 611.006(a)(1) and 611.006(a)(2) of the Texas Health and Safety Code.

**[465.36. CODE OF ETHICS.**

THE CODE OF ETHICS IS A SYSTEM OF STANDARDS WHICH HAS AS ITS PRIMARY GOAL THE WELFARE AND PROTECTION OF THE INDIVIDUALS AND GROUPS TO WHOM LICENSEES PROVIDE PSYCHOLOGICAL SERVICE.

(1) RESPECT. LICENSEES RESPECT THE RIGHTS OF OTHERS, INCLUDING THE RIGHT OF CLIENTS TO MAKE INFORMED AUTONOMOUS CHOICES. LICENSEES DO NOT UNFAIRLY DISCRIMINATE.

(2) NONMALFEASANCE. LICENSEES DO NOT CAUSE HARM THROUGH THE DELIVERY OF THEIR SERVICES.

(3) INTEGRITY. LICENSEES ARE HONEST AND FAIR IN THEIR WORK. THEY ARE FAITHFUL TO THEIR WORD AND CONTRACTUAL OBLIGATIONS. THEY DO NOT EXPLOIT OR MISLEAD.

(4) RESPONSIBILITY. LICENSEES TAKE RESPONSIBILITY FOR UPHOLDING PROFESSIONAL STANDARDS OF PRACTICE. THEY CLARIFY THEIR PROFESSIONAL ROLES AND OBLIGATIONS. THEY CONSULT WITH, REFER TO, OR COOPERATE WITH OTHER PROFESSIONALS, PARTICULARLY TO PREVENT OR AVOID UNETHICAL CONDUCT.

(5) BENEFICENCE. LICENSEES PROVIDE SERVICES WHICH ARE OF BENEFIT, PARTICULARLY IN FOSTERING THE POSITIVE GROWTH OF INDEPENDENCE AND PROBLEM SOLVING SKILLS IN THE RECIPIENTS OF THEIR SERVICES. ]

**469.11. Legal Actions Reported.**

Any criminal action taken against a licensee including, but not limited to, arrest, indictment, or conviction, must be reported to the Board within thirty days of the activity. [LEGAL ACTION, CIVIL OR CRIMINAL IN NATURE, TAKEN AGAINST A LICENSEE OR PRACTICE OF A LICENSEE MUST] Any civil lawsuit pertaining to the practice of psychology or involving a licensee's patient or former patient must be reported to the Board's office by sending a copy of the initial pleadings to the Board within twenty days of the filing of such action with the court. The licensee may, if desired, submit any further documentation and/or a written explanation along with a copy of the pleadings. Any administrative action (complaint, agreed order) initiated against a licensee by another health licensing board in this state or any other jurisdiction must be reported to this Board by sending a copy of the correspondence from the other licensing board within thirty days of its receipt by the licensee.

## **Wanted: Neuropsychologists!**

The Board is seeking licensed psychologists who specialize in neuropsychology to serve as Oral Examiners. If you would like to know more about the qualifications to become an examiner and are interested in this kind of service to the Board and the profession, please contact Brian Creath, Executive Assistant, at the Board Office.

## **Bulletins**

For the first three months, 24% of licensees who renewed their licenses renewed online. Why not take the plunge and try online renewal!!!

Have a question? Write the Board a letter. The Board now can meet only four times a year due to budget cutbacks in funding for the agency. However, the Board reviews written inquiries at every meeting and would be pleased to respond to you.

Thanks to an efficient and experienced licensing staff and many recent changes to licensing operations, all licensing staff now receive calls from applicants Monday-Friday.