

CHAPTER 778

S.B. No. 1424

AN ACT

relating to the regulation of psychologists and to the continuation of the Texas State Board of Examiners of Psychologists; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 2, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) The term "psychological services," means acts or behaviors coming within the purview of the practice of psychology. The practice of psychology is an offering to the public or rendering to individuals or groups any service, including computerized procedures, that involves but is not restricted to the application of established principles, methods, and procedures of describing, explaining, and ameliorating behavior. The practice of psychology addresses normal behavior and the evaluation, prevention, and remediation of psychological, emotional, mental, interpersonal, learning, and behavioral disorders of individuals and groups, as well as the psychological concomitants of medical problems, organizational structures, stress, and health. *The practice of psychology includes the use of projective techniques, neuropsychological testing, counseling, career counseling, psychotherapy, hypnosis for health care purposes, hypnotherapy, and biofeedback and the evaluation and treatment by psychological techniques and procedures of mental or emotional disorders and disabilities.* The practice of psychology is based on a systematic body of knowledge and principles acquired in an organized program of graduate study and on the standards of ethics established by the profession.

SECTION 2. Subsection (c), Section 4, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Appointments to the Board shall be made without regard to [~~the~~] race, color [~~creed~~], disability, sex, religion, age, or national origin [~~of the appointees~~].

SECTION 3. Section 4a, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4a. SUNSET PROVISION. The Texas State Board of Examiners of Psychologists is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the Board is abolished and this Act expires September 1, 2005 [~~1993~~].

SECTION 4. Subsections (b), (c), (d), (e), (g), and (h), Section 5, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) *Four* [~~Six~~] members must be persons *licensed or certified* as psychologists under this Act, who have engaged in independent practice, teaching, or research in psychology for a period of at least five years. To assure adequate representation of the diverse fields of psychology, the governor shall so make his appointments that at least two of these members are engaged in rendering services in psychology, at least one of these members is engaged in research in psychology, and at least one of these members is a member of the faculty of a training institution in psychology.

(c) ~~Two members~~ [~~One member~~] must be *licensed* [~~certified~~] as [a] *psychological associates* [~~associate~~] under this Act for at least five years.

(d) ~~Three~~ [~~Two~~] members must be representatives of the general public. A person is not eligible for appointment as a public member *of the Board* if the person or the person's spouse:

(1) is *registered, certified, or licensed* by an occupational regulatory agency in the field of *health services* [~~care~~];

(2) is employed by or participates in the management of a business entity or other organization *regulated by the Board or receiving funds from the Board* [~~that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment~~]; [~~or~~]

(3) owns or[, controls, [~~or has,~~] directly or indirectly, more than a 10 percent interest in a business entity or other organization *regulated by the Board or receiving funds from the Board*; or

(4) *uses or receives a substantial amount of tangible goods, services, or funds from the Board, other than compensation or reimbursement authorized by law for Board membership, attendance, or expenses* [~~that provides health-care services or that sells, manufactures, or distributes health-care supplies or equipment~~].

(e)(1) It is a ground for removal from the Board if a member:

(A) [(1)] does not have at the time of appointment the qualifications required by Subsection (a), (b), (c), or (d) of this section [~~for appointment to the Board~~];

(B) [(2)] does not maintain during the service on the Board the qualifications required by Subsection (a), (b), (c), or (d) of this section [~~for appointment to the Board~~];

(C) [(3)] violates a prohibition established by Subsection (g) or (h) of this section; [~~or~~]

(D) *cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability*; or

(E) *is absent from more than half* [(4) ~~does not attend at least one-half~~] of the regularly scheduled Board meetings *that the member is eligible to attend during* [~~held by the Board in~~] a calendar year *unless the absence is excused by a majority vote*, [~~excluding meetings held while the person was not a member~~] of the Board.

(2) *The validity of an action of the Board is not affected by the fact that it is taken when a ground for removal of a Board member exists.*

(3) *If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the governor and the attorney general that a potential ground for removal exists.*

(g)(1) An [~~A member or employee of the Board may not be an~~] officer, employee, or paid consultant of a Texas trade association in the [~~psychology~~] field of *health services may not be a member or employee of the Board who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.*

(2) *A person who is the spouse of an officer, manager, or paid consultant of a Texas trade association in the field of health services may not be a Board member and may not be an employee of the Board who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.*

(3) *For the purposes of this subsection, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest*. [~~A member or employee of the Board may not be related within the second degree by affinity or within the second degree by consanguinity, as determined under Article 5996h, Revised Statutes, to a person who is an officer, employee, or paid consultant of a trade association in the regulated industry.~~]

(h) A person [~~who is required to register as a lobbyist under Chapter 305, Government Code,~~] may not serve as a member of the board or act as the general counsel to the Board if

the person is required to register as a lobbyist under Chapter 305, Government Code, and its subsequent amendments, because of the person's activities for compensation on behalf of a profession related to the operation of the Board.

SECTION 5. Section 7, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. ORGANIZATION AND MEETINGS OF THE BOARD. (a) The Board shall hold a regular annual meeting at which it shall select from its members a chairperson and a vice-chairperson. Other regular meetings shall be held at such times as the rules of the Board may provide but not less than two times a year. Special meetings may be held at such times as may be deemed necessary or advisable by the Board or a majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the rules of the Board. A quorum of the Board shall consist of a majority of its members.

(b) The executive director of the Board shall be employed by the Board and shall hold that position at the pleasure of the Board. The Board may employ such other persons as it deems necessary or desirable, including investigators, lawyers, consultants, and administrative staff, to carry out the provisions of this Act.

(c) *The Board shall develop and implement policies that clearly define the respective responsibilities of the Board and the staff of the Board.*

(d) The Board shall adopt and have an official seal.

SECTION 6. Subsections (c), (d), (e), (j), (k), and (l), Section 8, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), are amended to read as follows:

(c) The Board shall prepare information of *public* ~~[consumer]~~ interest describing the ~~[regulatory]~~ functions of the Board and ~~[describing]~~ the Board's procedures by which ~~[consumer]~~ complaints are filed with and resolved by the Board. The Board shall make information available to the ~~[general]~~ public and appropriate state agencies.

(d) *The Board by rule shall establish methods by which consumers and service recipients are notified of* ~~[Each written contract for services in this state of a licensed or certified psychologist must contain]~~ the name, mailing address, and telephone number of the Board for the purpose of directing complaints to the Board. *The Board may provide for that notification.*

(1) *on each registration form, application, or written contract for services of an individual or entity regulated by the Board;*

(2) *on a sign prominently displayed in the place of business of each individual or entity regulated by the Board; or*

(3) *in a bill for service provided by an individual or entity regulated by the Board.*

(e) *The Board shall list along with its regular telephone number the toll-free telephone number that may be called to present a complaint about a health professional if the toll-free number is established under other state law* ~~[There shall at all times be prominently displayed in the place of business of each licensee regulated under this Act a sign containing the name, mailing address, and telephone number of the Board and a statement informing consumers that complaints against licensees can be directed to the Board].~~

(j) The Board shall establish mandatory ~~[may recognize, prepare, or administer]~~ continuing education programs for persons regulated by the Board under this Act. *The Board by rule shall establish a minimum number of hours of continuing education required to renew a license or certificate under this Act. The Board may assess the continuing education needs of license or certificate holders and may require license or certificate holders to attend continuing education courses specified by the Board. The Board by rule shall develop a process to evaluate and approve continuing education courses. The Board shall identify the key factors for the competent performance by a license or certificate holder of the license or certificate holder's professional duties. The Board shall adopt a procedure to assess a license or certificate holder's participation in continuing education programs* ~~[Participation in the programs is voluntary].~~

(k) *The executive director or the executive director's designee* ~~[Board]~~ shall develop an intraagency career ladder program, ~~[one part of which shall be the intraagency posting of~~

~~each job opening with the Board in a nonentry level position]. The program shall require intraagency postings of all non-entry-level positions concurrently with [posting shall be made at least 10 days before] any public posting [is made].~~

~~(l) The executive director or the executive director's designee [Board] shall develop a system of annual performance evaluations [of the Board's employees based on measurable job tasks]. All [Any] merit pay for Board employees must [authorized by the Board shall] be based on the system established under this subsection.~~

SECTION 7. The Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended by adding Sections 8A, 8B, 8C, and 8D to read as follows:

Sec. 8A. EQUAL EMPLOYMENT OPPORTUNITY POLICIES. (a) *The executive director or the executive director's designee shall prepare and maintain a written policy statement to ensure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement must include:*

(1) *personnel policies, including policies relating to recruitment, evaluation, selection, application, training, and promotion of personnel that are in compliance with the Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes) and its subsequent amendments;*

(2) *a comprehensive analysis of the Board work force that meets federal and state guidelines;*

(3) *procedures by which a determination can be made of significant underuse in the Board work force of all persons for whom federal or state guidelines encourage a more equitable balance; and*

(4) *reasonable methods to appropriately address those areas of underuse.*

(b) *A policy statement prepared under Subsection (a) of this section must cover an annual period, be updated annually, be reviewed by the Commission on Human Rights for compliance with Subsection (a)(1) of this section, and be filed with the governor's office.*

(c) *The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (b) of this section. The report may be made separately or as part of other biennial reports to the legislature.*

Sec. 8B. PUBLIC PARTICIPATION IN BOARD HEARINGS. *The Board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the Board and to speak on any issue under the jurisdiction of the Board.*

Sec. 8C. PROGRAM ACCESSIBILITY. *The Board shall prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the Board's programs. The Board shall also comply with federal and state laws for program and facility accessibility.*

Sec. 8D. TRAINING AND GUIDELINES FOR MEMBERS OF THE BOARD. (a) *The Board shall establish a training program for the members of the Board.*

(b) *Before a member of the Board may assume the member's duties and before the member may be confirmed by the senate, the member must complete at least one course of the training program established under this section.*

(c) *A training program established under this section shall provide information to a participant regarding:*

(1) *the enabling legislation that created the Board to which the member is appointed;*

(2) *the programs operated by the Board;*

(3) *the role and functions of the Board;*

(4) *the rules of the Board with an emphasis on the rules that relate to disciplinary and investigatory authority;*

(5) *the current budget for the Board;*

(6) *the results of the most recent formal audit of the Board;*

(7) *the requirements of the:*

(A) open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes);

(B) open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes); and

(C) Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes);

(8) the requirements of the conflict of interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the Board or the Texas Ethics Commission.

(d) In developing the training requirements provided for in this section, the Board shall consult with the governor's office, attorney general's office, and Texas Ethics Commission.

(e) If another state agency or entity is given the authority to establish the training requirements, the Board shall allow that training in lieu of developing the Board's program.

SECTION 8. Section 9, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. RECEIPTS AND DISBURSEMENTS. ~~All money paid to the Board [The executive director of the Board shall receive and account for all monies derived] under this Act [The executive director] shall be deposited in the state treasury [pay these monies weekly to the State Treasurer who shall keep them in a separate fund to be known as the "Psychologists Licensing Fund." Monies may be paid out of this fund only by warrant drawn by the State Comptroller upon the State Treasurer, upon itemized voucher, approved by the chairperson of the Board or the executive director of the Board. The financial transactions of the Psychologists Licensing Fund are subject to audit by the Auditor of the State of Texas in accordance with Chapter 321, Government Code. The executive director of the Board shall give a surety bond for the faithful performance of his duties to the governor in the sum of Ten Thousand Dollars (\$10,000.00) or an amount recommended by the State Auditor. The premium for this bond shall be paid out of the Psychologists Licensing Fund. The Board may make expenditures from this fund for any purpose which is reasonably necessary to carry out the provisions of this Act, including the advance payment of an amount not to exceed 80 percent of the travel expenses of a witness called by the Board to testify on the Board's behalf].~~

SECTION 9. Section 10, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 10. ANNUAL REPORT OF THE BOARD. ~~The [As soon as practicable after the close of each fiscal year, the] Board shall file annually with [submit a report to] the governor and the presiding officer of each House of the Legislature a complete and detailed written report accounting for all funds received and disbursed by [concerning the work of] the Board during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.~~

SECTION 10. Subsection (d), Section 11, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) In addition to the requirements of Subsection (b) or (c) of this section, the applicant must meet the following qualifications:

(1) the applicant has attained the age of majority;

(2) the applicant is of good moral character;

(3) in the judgment of the Board, the applicant is physically and mentally competent to render psychological services with reasonable skill and safety and is afflicted with no disease or condition, either mental or physical, which would impair competency to render psychological services; and

(4) the applicant:

(A) has not been convicted of a felony or a crime involving moral turpitude;

(B) does not use drugs or intoxicating liquors to an extent that affects the applicant's professional competency;

(C) has not been guilty of fraud or deceit in making the application;

(D) except as provided by Section 15B of this Act, has not aided or abetted a person, not a licensed psychologist, in representing that person as a psychologist in this state;

(E) except as provided by Section 15B of this Act, has not represented himself or herself to be a psychologist licensed in this state at a time he or she was not licensed to practice psychology in this state, or practiced psychology in this state without a license to practice psychology in this state.[;]

SECTION 11. Subsection (a), Section 14, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Board shall administer examinations to qualified applicants for certification at least once a year. *The Board shall have the written portion of the examination, if any, validated by an independent testing professional.* The Board shall determine the subject and scope of the examinations and establish appropriate fees for examinations administered. Part of the examinations shall test applicant knowledge of the discipline and profession of psychology and part shall test applicant knowledge of the laws and rules governing the profession of psychology in this state. This latter part of the examination is to be known as the Board's jurisprudence examination. An applicant who fails his examination may be reexamined at intervals specified by the Board upon payment of another examination fee corresponding to the examination failed.

SECTION 12. Section 15A, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 15A. *ENDORSEMENT [RECIPROCITY].* (a) *The Board may grant a provisional license or certificate to an [An] applicant [is entitled to certification or licensure]* on submission to the Board of an application in the form prescribed by the Board and payment of the required application fees if:

(1) the individual is licensed, certified, or registered as a psychologist or *psychological associate* by another state, the District of Columbia, or a commonwealth or territory of the United States and is in good standing with the regulatory agency of that jurisdiction;

(2) the requirements for licensing, certification, or registration in the other jurisdiction are substantially equal to those prescribed by this Act;

(3) ~~the individual has engaged in the practice of psychology for not less than five years on the date of application for certification; and~~

[4] the individual has passed a national or other [the Board's jurisprudence] examination recognized by the Board relating to psychology; and

(4) *the individual is sponsored by a person licensed or certified by the Board under this Act with whom the provisional license or certificate holder may practice under this section.*

(b) *An applicant for a provisional license or certificate may be excused from the requirement of Subsection (a)(4) of this section if the Board determines that compliance with that subsection constitutes a hardship to the applicant.*

(c) *A provisional license or certificate is valid until the date the Board approves or denies the provisional license or certificate holder's application for a license or certificate. The Board shall issue a license or certificate under this Act to the holder of a provisional license or certificate under this section if:*

(1) *the provisional license or certificate holder passes the examination required by Section 14 of this Act;*

(2) *the Board verifies that the provisional license or certificate holder has the academic and experience requirements for a license or certificate under this Act; and*

(3) *the provisional license or certificate holder satisfies any other license or certification requirements under this Act.*

(d) *The Board must complete the processing of a provisional license or certificate holder's application for a license or certificate not later than the 180th day after the date the provisional license or certificate is issued.*

(e) The Board may adopt rules for the *provisional* certification or licensing of an individual who holds a valid license or the equivalent from another country.

SECTION 13. Section 15B, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 15B. *RECIPROCITY* [~~TEMPORARY PERMIT~~]. *The Board may enter into and implement agreements for reciprocal licensing with other jurisdictions if the requirements for licensing, certification, or registration in the other jurisdiction are substantially equal to those prescribed by this Act* [~~(a) An applicant for certification or licensure by reciprocity under Section 15A of this Act may apply for a temporary permit to authorize the applicant to practice psychology in this state.~~

~~[(b) A person may apply for a temporary permit by completing an application and paying a temporary permit fee prescribed by the Board.~~

~~[(c) The board shall adopt rules for the issuance of temporary permits.~~

~~[(d) A temporary permit issued under this section does not constitute a vested property right].~~

SECTION 14. Section 16B, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

(c) *A psychologist is exempt from this section if the psychologist's services and use of official title are within the scope of that psychologist's employment as exempted by Subsection (a) of Section 22 of this Act.*

SECTION 15. Section 16, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 16. FEES. (a) ~~The [fees shall be fixed by the] Board~~ *by rule shall establish fees* in amounts that are reasonable and necessary *to produce sufficient revenue* to cover the costs of administering this Act.

(b) *The fees set by the Board may be adjusted so that the total fees collected are sufficient to meet the expenses of administering this Act. The Board may not set a fee for an amount less than the amount of that fee on September 1, 1998* [~~The Board shall not maintain unnecessary fund balances, and fee amount shall be set in accordance with this requirement~~].

SECTION 16. Subsections (b), (c), and (h), Section 17, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) [~~Certificates and licenses will be renewed no less than once every two years.~~] Unless otherwise provided by board rule, certificates and licenses expire on December 31st in the [~~appropriate~~] year following their issuance or renewal and are invalid thereafter unless renewed. The Board by rule may adopt a system under which certificates or licenses expire on various dates during the year. For the year in which the expiration date is changed, certification or licensing fees shall be prorated so that each certificate or license holder must pay only that portion of the fee that is allocable to the number of months during which the certificate or license is valid. On renewal of the certificate or license on the new expiration date, the full certification or licensing fee is payable.

(c) [~~The Board shall notify every person certified or licensed under this Act of the date of expiration of his certificate or license and the amount of the renewal fee.~~] A person may renew an unexpired certificate or license by paying to the Board before the expiration date of the certificate or license the required renewal fee. If a person's certificate or license has been expired for [~~not longer than~~] 90 days *or less*, the person may renew the certificate or license by paying to the Board the required renewal fee and a fee that is one-half of the examination fee for the certificate or license. If a person's certificate or license has been expired for longer than 90 days but less than *one year* [~~two years~~], the person may renew the certificate or license by paying to the Board all unpaid renewal fees and a fee that is equal to the examination fee for the certificate or license. If a person's certificate or license has been expired for *one year* [~~two years~~] or longer, the person may not renew the certificate or license. The person may obtain a new certificate or license by submitting to reexamination and complying with the requirements and procedures for obtaining an original certificate or license. *However, the Board may renew without reexamination an expired license or certificate of a person who was licensed or certified in this state, moved to another state, and*

is currently licensed or certified and has been in practice in the other state for the two years preceding application. The person must pay to the Board a fee that is equal to the examination fee for the license or certificate. At least 30 days before the expiration of a person's license or certificate, the Board shall send written notice of the impending license or certificate expiration to the person at the license or certificate holder's last known address according to the records of the Board.

(h) The renewal of licenses [~~certificates~~] held by psychological associates as established by Section 19 of this Act is subject to the renewal procedures prescribed by this section except that the licenses [~~certificates~~] expire May 31st in the appropriate year following their issuance or renewal, unless otherwise provided by board rule. The Board by rule may adopt a system under which licenses [~~certificates~~] expire on various dates during the year. For the year in which the expiration date is changed, license [~~certification~~] fees shall be prorated so that each license [~~certificate~~] holder must pay only that portion of the fee that is allocable to the number of months during which the license [~~certificate~~] is valid. On renewal of the license [~~certificate~~] on the new expiration date, the full license [~~certification~~] fee is payable.

SECTION 17. Section 19, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 19. SUB-DOCTORAL LICENSE [~~CERTIFICATION~~]. The Board, with the advice of the Psychological Associate Advisory Committee as provided by Section 19A of this Act, shall set standards for qualification and issue licenses [~~certificates of qualification~~] for sub-doctoral levels of psychological personnel. Sub-doctoral personnel must have a master's degree in a program that is primarily psychological in nature in an accredited university or college. Sub-doctoral levels shall be designated by a title(s) which includes the adjective "psychological" followed by a noun such as "associate," "assistant," "examiner," "technician," etc.

SECTION 18. The Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes) is amended by adding Section 19A to read as follows:

Sec. 19A. ADVISORY COMMITTEE. (a) The Psychological Associate Advisory Committee is created as an advisory committee to the Board. The committee consists of six members appointed by the governor.

(b) Three members must be licensed psychological associates.

(c) One member must be a licensed psychologist.

(d) Two members must be members of the general public who are not licensed in the field of health care. To be eligible for appointment as a public member, a person must meet the eligibility requirements for public members of the Board under Section 5 of this Act.

(e) Appointments to the committee shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(f) A person who is required to register as a lobbyist under Chapter 305, Government Code, and its subsequent amendments, may not serve as a member of the committee.

(g) It is a ground for removal from the committee if a member fails to attend at least one-half of the regularly scheduled committee meetings held in a calendar year.

(h) Members of the advisory committee hold office for staggered terms of six years, with two members' terms expiring February 1 of each odd-numbered year.

(i) The committee shall select its officers to serve in that capacity for a period of one year.

(j) Each member of the committee is entitled to a per diem as set by legislative appropriation for each day that the member engages in the business of the committee.

(k) The advisory committee is subject to:

(1) the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and its subsequent amendments;

(2) the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), and its subsequent amendments; and

(3) the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments.

(l) *The advisory committee shall develop and recommend rules to the Board that establish:*

- (1) *the license qualifications for psychological associates;*
- (2) *the supervision requirements for psychological associates practicing less than five years;*
- (3) *the permitted activities and services within the practice of psychological associates;*
- (4) *the schedule of disciplinary sanctions required by Section 23(b) of this Act that apply to psychological associates;*
- (5) *the continuing education requirements for psychological associates;*
- (6) *the proportional billing guidelines for services rendered by psychological associates with less than five years experience; and*
- (7) *the guidelines, including additional educational requirements, for practice with minimal supervision for psychological associates with five or more years of experience.*

(m) *On receiving the recommendations of the advisory committee, the Board must approve or reject the proposed rules. If the Board does not approve a rule developed by the advisory committee, the Board shall indicate to the advisory committee the reasons that the Board did not approve the rule and return the rule to the advisory committee for further development.*

SECTION 19. Section 20, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20. ~~LICENSE REQUIRED TO PRACTICE [REPRESENTATION AS A PSYCHOLOGIST, PSYCHOLOGICAL ASSOCIATE, OR PSYCHOLOGIST'S ASSISTANT PROHIBITED].~~ A [~~After December 31, 1970, no~~] person may not engage in the practice of psychology or [~~shall~~] represent the person [~~himself~~] as a psychologist or psychological associate within the meaning of this Act unless the person [~~he~~] is licensed or certified [~~and registered~~] under [~~the provisions of~~] this Act or is exempt from this Act.

SECTION 20. Subsection (a), Section 21, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Any person who *practices psychology* [~~offers psychological services~~] as defined herein for compensation, must apply to the Board and upon payment of a fee shall be granted a license by the Board. No person may be licensed as a *psychologist* unless:

- (1) the person is certified as a psychologist under the authority of this Act; and
- (2) the person has had at least two years of supervised experience in the field of psychological services, one year of which may be part of the doctoral program and at least one year of which was after the person's doctoral degree was conferred.

SECTION 21. Section 22, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 22. EXEMPTIONS. Nothing in this Act shall be construed to apply to:

(a) the activities, services and use of official title on the part of a person employed as a psychologist or *psychological associate* by any: (1) governmental agency, (2) public school district, or (3) regionally accredited institution of higher education provided such employee is performing those duties for which he is employed by such agency, district, or institution and within the confines of such agency, district, or institution insofar as such activities and services are a part of the duties of his office or position as a psychologist or *psychological associate* with such agency, district, or institution; except that persons employed as psychologists or *psychological associates* who offer or provide psychological services to the public (other than lecture services) for a fee, monetary or otherwise, over and above the salary that they receive for the performance of their regular duties, and/or persons employed as psychologists or *psychological associates* by organizations that sell psychological services to the public (other than lecture services) for a fee, monetary or otherwise must be licensed under the provisions of this Act;

(b) the activities and services of a student, intern or resident in psychology, pursuing a course of study in preparation for the profession of psychology under qualified supervision in recognized training institutions or facilities, if these activities and services constitute a part of his supervised course of study, provided that such an individual is designated by a

title such as “psychological intern,” “psychological trainee,” or others clearly indicating such training status;

(c) the activities and services of members of other *licensed professions, including physicians, surgeons, attorneys, registered nurses, licensed vocational nurses, occupational therapists, certified social workers, licensed professional counselors, career counselors, licensed marriage and family therapists, and licensed chemical dependency counselors, if the activities and services are permitted under the applicable license and the members do not represent themselves to be psychologists or describe their services by the use of the term “psychological”* [~~professional groups licensed, certified, or registered by this state, Christian Scientist practitioners who are duly recognized by the Church of Christ Scientist as registered and published in the Christian Science Journal, or duly ordained religions doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions, provided that they do not represent themselves by any title or in any manner prohibited by this Act;~~];

(d) *the activities and services of duly recognized members of the clergy who are acting within the members’ ministerial capabilities, if the members do not represent themselves to be psychologists or describe their services by the use of the term “psychological”;*

(e) *the voluntary activities and services of persons employed by or working on the behalf of charitable nonprofit organizations, if the persons do not represent themselves to be psychologists or describe their services by the use of the term “psychological.”* [~~persons, other than psychologists licensed or certified under this Act, who hold themselves out to the public as marriage and family therapists or counselors and who provide counseling exclusively related to marriage and family concerns and who hold a master’s or doctoral degree in the area of marriage and family therapy from a college or university accredited under a system utilized by the Texas College Coordinating Board and who abide by a code of ethics recognized by their profession.]~~]

SECTION 22. Section 23, Psychologists’ Certification and Licensing Act (Article 4512c, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 23. REVOCATION, CANCELLATION, OR SUSPENSION OF LICENSE OR CERTIFICATION; CIVIL PENALTY. (a) The [~~Texas State~~] Board [~~of Examiners of Psychologists~~] shall [~~have the right to cancel,~~] revoke or[, suspend a[, or refuse to renew the] license or [~~certification of any psychologist or the~~] certificate, *place on probation a person whose license or certificate has been suspended,* [~~of any psychological associate~~] or reprimand a license or certificate holder if the license or certificate holder [~~any psychologist upon proof that the psychologist~~]:

(1) has been convicted of a felony or of a violation of the law involving moral turpitude by any court; the conviction of a felony shall be the conviction of any offense which if committed within this state would constitute a felony under the laws of this state; [~~or~~]

(2) uses drugs or intoxicating liquors to an extent that affects his professional competency; [~~or~~]

(3) has been guilty of fraud or deceit in connection with his services rendered as a psychologist; [~~or~~]

(4) except as provided by Section 15B of this Act, has aided or abetted a person, not a licensed psychologist, in representing that person as a psychologist within this state; [~~or~~]

(5) except as provided by Section 15B of this Act, has represented himself or herself to be a psychologist licensed in this state at a time he or she was not licensed to practice psychology in this state, or practiced psychology in this state without a license to practice psychology in this state; [~~or~~]

(6) *violates a rule adopted* [~~has been guilty of unprofessional conduct as defined by the rules established~~] by the Board; or

(7) *violates a provision* [~~for any cause for which the Board shall be authorized to take that action by another section~~] of this Act.

(b) If the Board proposes to refuse a person’s application for a license or certification, to suspend or revoke a person’s license or certificate, or to reprimand a person, the person is entitled to a hearing before the *State Office of Administrative Hearings. The Board by rule*

shall adopt a broad schedule of sanctions for violations under this Act. The State Office of Administrative Hearings shall use the schedule for any sanction imposed as the result of a hearing conducted by that office [Board].

(c) Proceedings for the refusal, suspension, or revocation of a license or certificate or for the reprimand of a person are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(d) An appeal of an action of the Board is governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes). Judicial review of an action of the Board shall be conducted under the substantial evidence rule.

(e) A person who violates this Act or a rule or order adopted by the Board under this Act is liable to the state for a civil penalty of \$1,000 for each day of violation. At the request of the Board, the attorney general shall bring an action to recover a civil penalty authorized under this subsection. A penalty collected under this subsection shall be remitted to the comptroller for deposit in the general revenue fund.

(f) In addition to the other disciplinary actions authorized by this section, the Board may require that a license or certificate holder who violates this Act participate in continuing education programs. The Board shall specify the continuing education programs that may be attended and the number of hours that must be completed by an individual license or certificate holder to fulfill the requirements of this subsection.

(g) If a license or certificate suspension is probated, the Board may require the license or certificate holder to:

- (1) report regularly to the Board on matters that are the basis of the probation;
- (2) limit practice to the areas prescribed by the Board; or

(3) continue or review continuing professional education until the license or certificate holder attains a degree of skill satisfactory to the Board in those areas that are the basis of the probation. [The Board shall have the right and may, upon majority vote, rule that the order revoking, cancelling, or suspending the psychologist's license or certification be probated so long as the probationer conforms to such orders and rules as the Board may set out as the terms of probation. The Board, at the time of probation, shall set out the period of time which shall constitute the probationary period. Provided further, that the Board may at any time while the probationer remains on probation hold a hearing, and upon majority vote, rescind the probation and enforce the Board's original action in revoking, cancelling, or suspending the psychologist's license or certification, the said hearing to rescind the probation shall be called by the chairperson of the Texas State Board of Examiners of Psychologists who shall cause to be issued a notice setting a time and place for the hearing and containing the charges or complaints against the probationer, said notice to be served on the probationer or the probationer's counsel at least ten (10) days prior to the time set for the hearing. Service of notice of a board action is effected by sending written notice by certified mail to the license holder's address of record. At said hearing the respondent shall have the right to appear either personally or by counsel or both, to produce witnesses or evidence in the behalf of the respondent, to cross-examine witnesses, and to have subpoenas issued by the Board. The Board shall thereupon determine the charges upon their merits. All charges, complaints, notices, orders, records, and publications authorized or required by the terms of this Act shall be privileged. The order revoking or rescinding the probation shall not be subject to review or appeal.]

[~~(f) On application, the Board may reissue a certificate or a license to a person whose certificate or license has been cancelled or revoked. Such an application may not be made before the expiration of one year after the date of the cancellation or revocation or a period determined by the Board.~~]

SECTION 23. The Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes) is amended by adding Section 23A to read as follows:

Sec. 23A. ADMINISTRATIVE PENALTY. (a) The Board may impose an administrative penalty against a person licensed or regulated under this Act who violates this Act or a rule or order adopted under this Act.

(b) *The penalty for a violation may be in an amount not to exceed \$1,000. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.*

(c) *The amount of the penalty shall be based on:*

(1) *the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited acts, and the hazard or potential hazard created to the health, safety, or economic welfare of the public;*

(2) *the economic harm to property or the environment caused by the violation;*

(3) *the history of previous violations;*

(4) *the amount necessary to deter future violations;*

(5) *efforts to correct the violation; and*

(6) *any other matter that justice may require.*

(d) *An executive director who determines that a violation has occurred may issue to the Board a report that states the facts on which the determination is based. The Board shall make a recommendation on the imposition of a penalty, including a recommendation on the amount of the penalty.*

(e) *Within 14 days after the date the report is issued, the executive director shall give written notice of the report to the person. The notice may be given by certified mail. The notice must include a brief summary of the alleged violation and a statement of the amount of the recommended penalty and must inform the person that the person has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.*

(f) *Within 20 days after the date the person receives the notice, the person in writing may accept the determination and recommended penalty of the Board or may make a written request for a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.*

(g) *If the person accepts the determination and recommended penalty of the Board, the Board shall issue an order and impose the recommended penalty.*

(h) *If the person requests a hearing or fails to respond timely to the notice, the executive director shall set a hearing and give notice of the hearing to the person. The hearing shall be held by an administrative law judge of the State Office of Administrative Hearings. The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the Board a proposal for a decision about the occurrence of the violation and the amount of a proposed penalty. Based on the findings of fact, conclusions of law, and proposal for a decision, the Board by order may find that a violation has occurred and impose a penalty or may find that no violation occurred.*

(i) *The notice of the Board's order given to the person under the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments must include a statement of the right of the person to judicial review of the order.*

(j) *Within 30 days after the date the Board's order is final as provided by Section 16(c), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments, the person shall:*

(1) *pay the amount of the penalty;*

(2) *pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or*

(3) *without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.*

(k) *Within the 30-day period, a person who acts under Subsection (j)(3) of this section may:*

(1) *stay enforcement of the penalty by:*

(A) paying the amount of the penalty to the court for placement in an escrow account;
or

(B) giving to the court a supersedeas bond approved by the court for the amount of the penalty and that is effective until all judicial review of the Board's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the amount of the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the executive director by certified mail.

(l) An executive director who receives a copy of an affidavit under Subsection (k)(2) of this section may file, with the court within five days after the date the copy is received, a contest to the affidavit. The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the amount of the penalty and to give a supersedeas bond.

(m) If the person does not pay the amount of the penalty and the enforcement of the penalty is not stayed, the executive director may refer the matter to the attorney general for collection of the amount of the penalty.

(n) Judicial review of the order of the Board:

(1) is instituted by filing a petition as provided by Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments; and

(2) is under the substantial evidence rule.

(o) If the court sustains the occurrence of the violation, the court may uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty. If the court does not sustain the occurrence of the violation, the court shall order that no penalty is owed.

(p) When the judgment of the court becomes final, the court shall proceed under this subsection. If the person paid the amount of the penalty and if that amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the person. The rate of the interest is the rate charged on loans to depository institutions by the New York Federal Reserve Bank, and the interest shall be paid for the period beginning on the date the penalty was paid and ending on the date the penalty is remitted. If the person gave a supersedeas bond and if the amount of the penalty is not upheld by the court, the court shall order the release of the bond. If the person gave a supersedeas bond and if the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the amount.

(q) A penalty collected under this section shall be remitted to the comptroller for deposit in the general revenue fund.

(r) All proceedings under this section are subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments.

SECTION 24. The Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes) is amended by adding Section 23B to read as follows:

Sec. 23B. **TEMPORARY SUSPENSION.** (a) An executive committee of the Board, consisting of the presiding officer of the Board and two other Board members appointed by the presiding officer, may temporarily suspend the license or certificate of a license or certificate holder under this Act if the executive committee determines from the evidence or information presented to the committee that the continued practice by the license or certificate holder constitutes a continuing or imminent threat to the public welfare.

(b) A temporary suspension authorized under Subsection (a) of this section may also be ordered on a majority vote of the Board.

(c) A license or certificate temporarily suspended under this section may be suspended without notice or hearing if, at the time the suspension is ordered, a hearing on whether

disciplinary proceedings under this Act should be initiated against the license or certificate holder is scheduled to be held not later than the 14th day after the date of the suspension. A second hearing on the suspended license or certificate shall be held not later than the 60th day after the date the suspension was ordered. If the second hearing is not held in the time required by this subsection, the suspended license or certificate is automatically reinstated.

(d) The Board by rule shall adopt procedures for the temporary suspension of a license or certificate under this section.

SECTION 25. Section 24, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 24. INJUNCTIONS. The [~~Texas State~~] Board [~~of Examiners of Psychologists~~] shall have the right to institute an action in its own name to enjoin the violation of any provisions of this Act. Said action for injunction shall be in addition to any other action, proceeding or remedy authorized by law. The [~~Texas State~~] Board [~~of Examiners of Psychologists~~] shall be represented by the Attorney General or [~~and/or~~] the County or District Attorneys of this state.

SECTION 26. Section 25, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 25. VIOLATIONS. Any person, *whether acting as an individual, firm, partnership, corporation, agency, or other entity, who engages in the practice of psychology or* [~~after December 31, 1970,~~] *represents the person* [~~himself~~] *to be a psychologist in violation* [~~within this state without being certified or licensed or exempted in accordance with the provisions~~] *of this Act is guilty of a Class A misdemeanor* [~~and, upon conviction, shall be punished by a fine not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and by imprisonment in county jail for not more than thirty (30) days~~]. Each day of violation is a separate offense.

SECTION 27. The Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes) is amended by adding Sections 25A, 25B, 25C, and 25D to read as follows:

Sec. 25A. COMPLAINT PROCEDURE IN GENERAL. *(a) The Board shall keep an information file about each complaint filed with the Board. The Board's information file shall be kept current and contain a record for each complaint of:*

- (1) all persons contacted in relation to the complaint;*
- (2) a summary of findings made at each step of the complaint process;*
- (3) an explanation of the legal basis and reason for a complaint that is dismissed; and*
- (4) other relevant information.*

(b) If a written complaint is filed with the Board that the Board has authority to resolve, the Board, at least as frequently as quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

(c) The Board by rule shall adopt a form to standardize information concerning complaints made to the Board. The Board by rule shall prescribe information to be provided to a person when the person files a complaint with the Board.

(d) The Board shall provide reasonable assistance to a person who wishes to file a complaint with the Board.

Sec. 25B. COMPLAINT INVESTIGATION AND DISPOSITION. *(a) The Board shall adopt rules concerning the investigation of a complaint filed with the Board. The rules adopted under this subsection shall:*

- (1) distinguish between categories of complaints;*
- (2) ensure that complaints are not dismissed without appropriate consideration;*
- (3) require that the Board be advised of a complaint that is dismissed and that a letter be sent to the person who filed the complaint explaining the action taken on the dismissed complaint;*

(4) ensure that the person who filed the complaint has an opportunity to explain the allegations made in the complaint; and

(5) prescribe guidelines concerning the categories of complaints that require the use of a private investigator and the procedures for the Board to obtain the services of a private investigator.

(b) The Board shall dispose of all complaints in a timely manner. The Board shall establish a schedule for conducting each phase of a complaint that is under the control of the Board not later than the 30th day after the date the complaint is received by the Board. The schedule shall be kept in the information file for the complaint, and all parties shall be notified of the projected time requirements for pursuing the complaint. A change in the schedule must be noted in the complaint information file, and all parties to the complaint must be notified not later than the seventh day after the date the change is made.

(c) The executive director of the Board shall notify the Board of a complaint that extends beyond the time prescribed by the Board for resolving the complaint so that the Board may take necessary action on the complaint.

Sec. 25C. INFORMAL PROCEEDINGS. (a) The Board by rule shall adopt procedures governing:

(1) informal disposition of a contested case under Section 13(e), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments; and

(2) informal proceedings held in compliance with Section 18(c), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments.

(b) Rules adopted under this section must provide the complainant and the license or certificate holder an opportunity to be heard and must require the presence of an attorney to advise the Board or Board's employees. The attorney must be a member of the Board's legal staff, if the Board has a legal staff. If the Board does not have a legal staff, the attorney must be a member of the office of the attorney general.

Sec. 25D. MONITORING OF LICENSE OR CERTIFICATE HOLDER. The Board by rule shall develop a system for monitoring license or certificate holders' compliance with the requirements of this Act. Rules adopted under this section shall include procedures for monitoring a license or certificate holder who is ordered by the Board to perform certain acts to ascertain that the license or certificate holder performs the required acts and to identify and monitor license or certificate holders who represent a risk to the public.

SECTION 28. (a) The changes in law made by this Act relating to an administrative or civil penalty that may be imposed apply only to a violation of the Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes) or a rule or order adopted by the Texas State Board of Examiners of Psychologists that occurs on or after the effective date of this Act. A violation occurs on or after the effective date of this Act only if each element of the violation occurs on or after that date. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for this purpose.

(b) As the terms of members of the Texas State Board of Examiners of Psychologists expire or as a vacancy occurs on the board, the governor shall appoint members to the board to achieve, as soon as possible, the membership plan prescribed for the board by this Act.

(c) The changes in law made by this Act in the qualifications of members of the Texas State Board of Examiners of Psychologists do not affect the entitlement of a member appointed before September 1, 1993, to continue to hold office on the board for the term for which the member was appointed. Except as provided by Subsection (d) of this section, the changes in the qualifications apply only to a member appointed on or after September 1, 1993.

(d) The change in law made by Subsection (c), Section 5, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), as amended by this Act, requiring a psychological associate to be licensed under the Psychologists' Certification and Licensing Act to be eligible for appointment as a member of the Texas State Board of Examiners of Psychologists, applies only to a member appointed on or after September 1,

1999. For a psychological associate to be eligible for appointment to the board before that date, the sum of the time the person was certified under the Psychologists' Certification and Licensing Act and the time the person was licensed under that Act must be at least five years.

SECTION 29. (a) As soon as possible after the effective date of this Act, the governor shall appoint the initial members of the Psychological Associate Advisory Committee in accordance with the requirements of this Act. A certified psychological associate is eligible to serve as an initial psychological associate member. In making the initial appointments, the governor shall designate members to serve terms as follows:

(1) one psychological associate and one public member for terms expiring February 1, 1995;

(2) one psychological associate and one licensed psychologist for terms expiring February 1, 1997; and

(3) one psychological associate and one public member for terms expiring February 1, 1999.

(b) The Psychological Associate Advisory Committee shall develop proposed rules for the consideration of the Texas State Board of Examiners of Psychologists as required by Section 19A, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), as added by this Act, not later than February 1, 1994. The board shall adopt rules relating to the licensure of psychological associates not later than September 1, 1994.

(c) The change in law made by this Act relating to the issuance or renewal of licenses of psychological associates applies only to a license issued or renewed on or after September 1, 1994. The issuance or renewal of a certificate of a psychological associate before that date is covered by the law in effect when the certificate was issued, and the former law is continued in effect for that purpose.

(d) On or after September 1, 1994, the Texas State Board of Examiners of Psychologists shall issue licenses without cost or additional requirements to psychological associates to replace unexpired psychological associate certificates issued before September 1, 1994. Licenses issued under this subsection expire on the date the replaced certificate expires.

SECTION 30. Section 26, Psychologists' Certification and Licensing Act (Article 4512c, Vernon's Texas Civil Statutes), is repealed.

SECTION 31. This Act takes effect September 1, 1993.

SECTION 32. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 10, 1993, by a viva-voce vote; the Senate concurred in House amendments on May 26, 1993, by a viva-voce vote; passed the House, with amendments, on May 22, 1993, by a non-record vote.

Approved June 17, 1993.

Effective Sept. 1, 1993.