

TPA LEGISLATIVE REPORT – APRIL 2023

Overview:

Since our last report, the Legislative Committee has been actively monitoring and tweaking legislation advancing in the 2023 General Assembly. The Committee initially reviewed bills introduced in January 2023 and provided feedback on those bills affecting the profession of psychology and those we serve to the TPA Board and our lobbyist. Additional feedback was provided by members of the neuropsychological committee, Dr. Pam Auble, and the Legislative Chair to our superb lobbyist, Mark Greene, several times a week since the start of the session.

I am pleased to tell the Board that I believe we've had an excellent year. Many victories and no defeats. The two bills TPA introduced are going to pass once they clear the necessary hoops in the legislative process. We've been able to amend problematic bills in order to protect our flanks. The work of your lobbyist, Mark Greene, has been simply superb and he should be richly commended for his efforts for us all. His weekly legislative reports to the membership have been informative and very well received by our members. In short, it really has been an A+ performance by our team.

Here is a rundown of events we've accomplished this year:

- 1) We passed our PSYPACT renew for another seven years;
- 2) Our psychological technician bill has passed the Senate and the House subcommittees, heading to the full House committee next week. We added the ability for Sr. Psychological Examiners to supervise these technicians. The language of the bill is what we wanted with no one adding any type of problematic amendments on it. In the end, this bill will pass this year;
- 3) Our licensing of Senior Psychologists from other states has passed House Calendar and Rules and will advance toward passage next week. Again, no problematic amendments are added to it and the language of the bill is what we introduced with a minor tweaking of words. This bill will also pass this year;
- 4) In the past Title 56 (insurance statute) had a "in person" requirement within 16 months for those doing telehealth. Such a barrier defeats the intentionality of telehealth which is to improve access. We successfully amended that part of the code so that the "16 month" requirement shall "not apply to a patient who is receiving an initial behavior health evaluation or assessment";
- 5) There was a bill creating homeless encampments which would have required a provision for judicial commitment that would have rewritten our commitment laws. TPA and others opposed this commitment provision so it was successfully removed from the bill, resulting in no change in our commitment laws;

- 6) The Hospital Association introduced and passed a bill to permit Advanced Nurse Practitioners and Physician Assistants serving as one of the two persons necessary for involuntary admissions for inpatient care. Provisions for fast tracking such admissions were provided for psychiatrists. TPA made sure this bill did not trump any of our commitment procedures in psychology's scope of practice which the sponsors agreed to without any complications;
- 7) The music therapists introduced their licensure bill. The bill initially placed them under the purview of the Board of Health who then asked TPA to place the music therapists under the jurisdiction of the Board of Examiners in Psychology, much like the Art Therapists. TPA agreed to this plan provided the music therapists were certified instead of licensed, held no seat on the BOE, that all actions of their music therapists committee had to be approved by the BOE, and TPA added a statement that specifically forbid them from practicing psychology as defined in TCA 63-11. The music therapists agreed to our amendments and that amended bill was passing nicely through the various committees. Late in the session, the Administration flagged the bill which killed the bills progress this year.

There were several "cultural and social issues" bills introduced this year. Here is a summary of events:

- 8) The Transgender Medical Bill passed and prohibits medical procedures for minors who identify and live with a gender identity different than their sex at birth. The prohibitions included surgery, puberty blockers and hormone treatments. When this bill was introduced several years ago, it included prohibiting psychotherapy. TPA successfully added an amendment that stated this bill does not limit or apply to the provision of psychological services for these individuals. Another bill which would have prevented TnCare paying for these procedures by out-of-state providers was defeated;
- 9) The bill known as the Adult Cabaret Entertainment bill passed;
- 10) There is a bill introduced requiring a person's biological sex as determined by anatomy at birth be listed on any state document (i.e., driver's license). The fiscal impact of this bill and potential litigation costs are effecting its passage which at this time remains uncertain;
- 11) There is a bill introduced that permits teachers or other employees of a school or local education agency to refuse calling a student by their preferred pronoun. The high fiscal note associated with this bill makes passage difficult if not unlikely;
- 12) There is a bill introduced that says one is not required to marry people if such action is inconsistent with one's conscience of religious beliefs. The bill has been amended now to simply say one is not required to perform a marriage. The vote on this bill has been postponed by the Senate sponsor until 2024;

- 13) There is a bill introduced that says a private school student participating in athletics can only be on a team based on their sex at birth. Females at birth can participate on a male team if no female team exists at the school. These provisions are already in place for public schools. The fate of this bill is unknown as it is still going through the committee structure;
- 14) There was a bill introduced that required camps to provide a “reasonable accommodation” to a child who wants more privacy when using restrooms or changing facilities at a camp. This bill was defeated;
- 15) A bill was introduced that prohibited universities and health related licensing boards (our BOE) from requiring Diversity, Equity, and Inclusion training and ideologies. The bill prompted strong blowback from universities, professional associations (TPA), and others. The bill also had legal risk and a high fiscal note hence, it was placed in the Senate Education General Subcommittee for next year and taken off notice in the House, effectively killing its passage this year;
- 16) There is a bill introduced that prevents education agencies, public charter schools or public institutions of higher education from requiring employees to complete or participate in implicit bias training. This bill has a high fiscal note so it’s passage is doubtful but not dead at this time; and
- 17) There is a bill introduced known as the “Transparency Act” which prohibits teaching of “divisive ideologies”. The bill does not define who determines the teaching “divisive”. At present this bill continues to work its way through the committee structure and it also has fiscal note problems so its fate is unknown.

Future Work:

TPA successfully secured a \$2500.00 from APA Services specifically earmarked for working on passing RxP legislation (now ten states have it). The effort to pass this bill is headed by Dr. Roger Clark who has organized a statewide interest group. We are working on securing an updated access survey, using the same company TPA used in 2002-2003. Once the access survey is completed, we will work on updating our presentation materials such as brochures, new power points with current data, and digitalizing our “Becky’s Song” CD that we utilized in the past. The working is on-going and proceeding at a good pace.

Lance T. Laurence, Ph.D.
TPA Legislative Chair