



THE ATTORNEY GENERAL
OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL,
ATTORNEY GENERAL

January 22, 1976

The Honorable Betty Cleland
Executive Secretary
Texas State Board of Examiners
of Psychologists
108 West 15th Street
Austin, Texas 78701

Opinion No. H-769

Re: Whether a person employed as a psychologist by a hospital licensed by the Department of Mental Health and Mental Retardation is exempt from the licensing requirements of the Psychologists Certification and Licensing Act.

Dear Ms. Cleland:

You have requested our opinion regarding whether a person employed as a psychologist by a hospital licensed by the Texas Department of Mental Health and Mental Retardation is exempt from the licensing requirements of the Psychologists Certification and Licensing Act, article 4512c, V.T.C.S. Section 22 of the Act provides, in part:

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 by any: (1) governmental agency, (2) public school district, (3) institution of higher education approved by the Board or any hospital licensed by the Texas State Department of Health (Emphasis added).

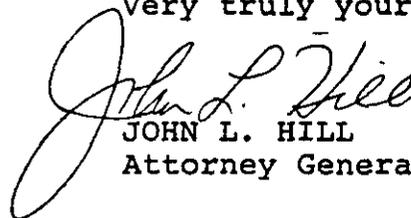
The Texas Board of Health Resources, which is part of the Texas Department of Health Resources (formerly the Texas State Department of Health), article 4414a, V.T.C.S., is granted licensing authority over "general" and "special" hospitals under the terms of article 4437f, V.T.C.S.

Private mental hospitals, however, are excepted from this statute, and the licensing of any "person or political subdivision" operating such a mental hospital is committed by article 5547-88, V.T.C.S., to "the Department," by which is meant the Department of Mental Health and Mental Retardation. V.T.C.S. art. 5547-4(a). Since there is nothing in article 4512c which would indicate that the exemption regarding the State Department of Health is also applicable to the Department of Mental Health and Mental Retardation, it is our opinion that a person employed as a psychologist by a hospital licensed by the Department of Mental Health and Mental Retardation and not by the Texas Department of Health Resources is not exempt from the licensing requirements of the Psychologists Certification and Licensing Act.

S U M M A R Y

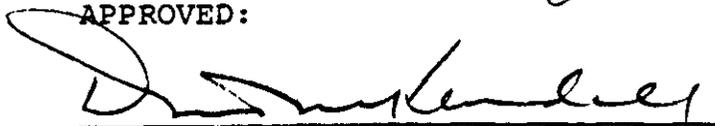
A person employed as a psychologist by a hospital licensed by the Texas Department of Mental Health and Mental Retardation is not exempt from the licensing requirements of the Psychologists Certification and Licensing Act, article 4512c, V.T.C.S.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant
C. ROBERT HEATH, Chairman
Opinion Committee

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