



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

August 25, 1969

Honorable Henry B. Hardt, Ph.D.
President, State Board of Examiners
in the Basic Sciences
1012 State Office Building
Austin, Texas 78701

Opinion No. M-453

Re: Construction of S.B. 667,
Acts of the 61st Legis-
lature, R.S., 1969, re-
lating to licensing of
"psychologists".

Dear Dr. Hardt:

The first question posed by your request for the opinion of this office asks:

"1. As set forth in S.B. No. 667, are the 'psychological services' and 'practice of psychology' to be rendered by holders of licenses from the State Board of Examiners of Psychologists construed to be a practice of the healing art or any branch thereof?"

Sections 2 and 3 of Senate Bill 667, Acts of the 61st Legislature, Regular Session, 1969, the bill to which your request refers, provide:

"Sec. 2. Definitions. In this Act, unless the context otherwise requires:

"(a) 'Board' means the Texas State Board of Examiners of Psychologists provided for by this Act.

"(b) A person represents himself to be a 'psychologist' within the meaning of this Act when he holds himself out to the public by any title or description of services incorporating the words 'psychological,' 'psychologists' or 'psychology,' or offers to render or renders services to individuals, corporations, or the public for compensation.

"(c) The term 'psychological services,' means acts or behaviors coming within the purview

of the practice of psychology.

"Sec. 3. Practice of Medicine Not Authorized. Nothing in this Act shall be construed as permitting the practice of medicine as defined by the laws of this state." (Emphasis added.)

Article 4510, Vernon's Civil Statutes, defines the practice of medicine in these terms:

"Any person shall be regarded as practicing medicine within the meaning of this law:

"(1) Who shall publicly profess to be a physician or surgeon and shall diagnose, treat, or offer to treat, any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect cures thereof; (2) or who shall diagnose, treat or offer to treat any disease or disorder, mental or physical or any physical deformity or injury by any system or method and to effect cures thereof and charge therefor, directly or indirectly, money or other compensation; provided, however, that the provisions of this Article shall be construed with and in view of Article 740, Penal Code of Texas, and Article 4504, Revised Civil Statutes of Texas as contained in this Act."

Section 3 of S.B. 667 specifically forbids the practice of medicine and must be read in conjunction with Section 2c defining the term "psychological services" as meaning "acts of behavior coming within the purview of the practice of psychology" to thus exclude those services or treatments which are defined as the practice of medicine by Article 4510, Vernon's Civil Statutes. "Psychological services and practice of psychology" to be rendered by holders of license from the State Board of Examiners of Psychologists would not be considered as the practice of the healing art or any branch thereof under the terms of S.B. 667.

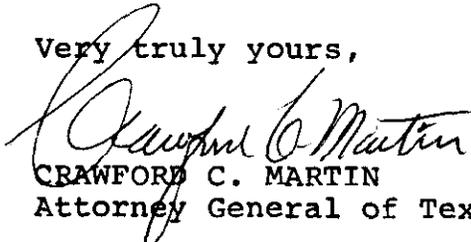
As the remaining three questions presented in your opinion request are predicated upon an answer to your first question contrary with the answer given, they become moot and will not be discussed herein.

Hon. Henry B. Hardt, page 3 (M-453)

S U M M A R Y

Psychological services and practice of psychology, as defined by Senate Bill 667, Acts of the 61st Legislature, Regular Session, 1969, are not construed to be a practice of the healing art or any branch thereof.

Very truly yours,


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Attorney General of Texas

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