

THE ATTORNEY GENERAL

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Opinions

Opinion No. KP-0443

Mr. Darrel D. Spinks

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Re: Authority of the Texas Behavioral Health Executive Council to amend 22 Texas Administrative Code §465.38(d) regarding the title of an individual holding a specialist in school psychology license (RQ-0483-KP)

SUMMARY

Occupations Code subsection 501.260(a) requires the Texas Behavioral Health Executive Council to "by rule . . . issue a license to a licensed

specialist in school psychology." A proposed administrative rule that permits a licensed specialist in school psychology to use the title School Psychologist or Licensed School Psychologist does not contravene specific statutory authority, is not contrary to the general objectives of Occupations Code chapter 501, and does not impose additional burdens, conditions, or restrictions. A court would likely conclude the proposed rule is in harmony with chapter 501's objectives and thus within the Council's authority to adopt.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

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