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BOARD OF
EXAMINERS OF
PSYCHOLOGISTS**

EXECUTIVE DIRECTOR
Sherry L. Lee



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RQ-0503- JC

January 29, 2002

CERTIFIED MAIL #7000 1670 0008 5608 6509

The Honorable John Cornyn
Attorney General of the State of Texas
Opinions Committee
P. O. Box 12548
Austin, Texas 78711-2548

FILE # ML-42402-02
I.D. # 42402

RE: Request for Attorney General's Opinion.

Dear Sir:

Pursuant to Texas Government Code §402.042, the Texas State Board of Examiners of Psychologists (the "Board") requests your opinion regarding several issues concerning the Board's jurisdictional scope vis-à-vis the exemptions to the requirement for licensure under the Psychologists' Licensing Act, Section 501.004, Occupations Code (the "Act"). The Board requests your opinion on the following matter:

Section 501.004 exempts from the Act persons who act as a "recognized member of the clergy" in providing counseling or therapy "within the person's ministerial capabilities." What guidelines exist in the laws or regulations of the State of Texas that define "recognition" of a member of the clergy? Is a person receiving ordination via the Internet or mail for a fee considered a recognized member of the clergy?

DISCUSSION

The Board is occasionally confronted in its injunctive activities by persons who claim exemption using a ministerial certificate or other ordination procured without training via the mail or Internet. The Board wants to recognize good faith claims of exemption, so as not to infringe on the Constitutional guarantees of the free exercise of religion or the clear dictates of the Act. However, because certain organizations offer ordination without training or structure (e.g. the Universal Life Church), the exemption could potentially become an all-inclusive loophole for persons who want to avoid the requirements of the Act. Therefore, the Board is requesting guidance from the Attorney

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General concerning other provisions in the Texas Statutes pertaining to recognition of clergy members or churches.

Thank you for your assistance in this matter. Should you need additional information, please contact Brett Norbraten, the Board's general counsel, at (512) 305-7700.

Sincerely,

A handwritten signature in cursive script that reads "Sherry L. Lee".

Sherry L. Lee
Executive Director

SLL:bn