



TEXAS COMMISSION ON LAW ENFORCEMENT

Technical Assistance Bulletin

To: All Academies and Contract Training Providers
From: Cullen Grissom, Credentialing, Field Services and Education Services
Regarding: **Updated Process and Reporting Requirements for Medical and Psychological Examinations**
Date: August 15, 2024

Senate Bill 1445 (88R), the TCOLE Sunset Bill, added Section 1701.167, Policy Regarding Examination of License Holder or Applicant, to the Texas Occupations Code. This new section required TCOLE to empanel an advisory committee to develop a model policy regarding medical and psychological examinations. The statute requires the policy to include the reporting of failed medical and psychological examinations to the Commission. TCOLE Rule 217.1 requires that persons enrolling in any licensing course must meet the minimum standards for licensure, including the medical and psychological examination requirements. Because the medical and psychological examinations required for licensing course enrollment are ultimately accepted by TCOLE for the issuance of the license, academies and training providers that offer any licensing course have a duty to report examination failures to TCOLE.

As a result of these changes, licensing course providers, specifically open-enrollment programs, may need to change their practices. The Licensee Medical Condition Declaration (L-2) and Licensee Psychological and Emotional Health Declaration (L-3) forms have been updated to capture the data needed and inform both the applicant and examining practitioner of the changes. Previous forms only required execution of the form if someone successfully passed the examination. The new form requires execution of the form with a declaration by the practitioner that the applicant "is" or "is not" in satisfactory health. In either event the form must be returned to the agency or academy. If an applicant is declared not to be in satisfactory health (an exam failure), the academy has a duty to forward the executed L-2 or L-3 to TCOLE. The new form also advises the practitioner to submit the failure to TCOLE.

Medical and Psychological examinations for enrollment purposes should be viewed as a transaction between the training provider and the examining practitioner, not between the applicant and practitioner. Academies and training providers will need to take a more active role in governing the process than they have in the past. It is no longer acceptable to issue the applicant an L-2 or L-3 form and allow them to potentially "doctor shop" until they get a positive result. TCOLE Rule 217.1 (b)(12) requires that a psychologist or psychiatrist conducting a psychological examination review the Personal History Statement (PHS) and job description for the license sought. To ensure this occurs, the training provider, not the applicant, must make

these documents available. Academies and training providers are required to capture the PHS from each applicant as part of the enrollment process. TCOLE has provided model job descriptions that training providers may use if they do not have a local job description.

These changes do not alter the process for students enrolled in a regional academy using agency sponsorship and the Declaration of Licensing Course Enrollment Eligibility form. The duty to report a failure of an L-2 or L-3 examination falls upon the sponsoring agency rather than the academy or training provider. Law enforcement agencies are required to adopt the model fit for duty policy or one substantively similar by September 1, 2024.

To implement the new process changes, academies and training providers delivering licensing courses should:

- Designate a single source or list of approved providers for L-2 medical examinations and L-3 psychological examinations.
- Communicate directly with the approved provider(s) to coordinate the process the academy or training provider will use to submit Personal History Statements, job descriptions, and L-2/L-3 forms.
- Negotiate the direct receipt of L-2 and L-3 forms from the approved provider(s). Applicants **are not** the means by which an academy will receive this information.
- Require the applicant to complete and sign his or her section of the L-2 and L-3 forms and declare which of the approved practitioners he or she will be using for the examinations.
- Transmit the PHS, job description, and partially executed L-2 or L-3 form directly to the practitioner who will be conducting the examination.
- Receive from the practitioner the fully executed L-2 and L-3 forms and retain them with the applicant's student records.
- If an L-2 or L-3 is submitted to a practitioner and no response is received back from the practitioner, the academy or training provider should request the form be returned with an explanation. For example, if a student fails to show up for examination or fails to complete all aspects of the examination the practitioner would be unable to render a finding.
- Submit any L-2 or L-3 forms to TCOLE when an applicant fails an examination.

Initial notification to TCOLE of failed examination may be sent via US Mail or submitted via email to fitforduty@tcole.texas.gov. The process will be updated to a more streamlined digital document delivery system as soon as practical.

TEXAS COUNTY JAILER JOB DESCRIPTION (GENERIC)

GENERAL DESCRIPTION

Performs correctional work involving the care and custody of pretrial detainees and convicted offenders (inmates). Provides direct supervision of inmate work groups in their daily assigned duties, prevents escapes, and maintains discipline in conformance with strict rules, regulations, and standard operating procedures.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of county jail methods, Texas Commission on Jail Standards rules and regulations, agency policies and procedures, safety rules and regulations, and court systems and procedures.

Ability to use and care for non-lethal weapons and firearms (if issued).

Ability to use appropriate physical and defensive tactics.

Ability to administer first aid.

Ability to operate common fire suppression equipment.

Ability to communicate effectively and to provide guidance to others.

Ability to make appropriate decisions under stress.

Ability to deal with situations of extreme stress and danger.

Ability to decide the appropriate use of force and use of deadly force.

Ability to carry out duties with integrity and honesty.

EXAMPLES OF WORK PERFORMED

Classifies inmates for housing according to state regulations and agency policy.

Participates in the care and custody of inmates in adherence to correctional laws, rules, regulations, and established agency procedures.

Performs searches of buildings, dormitories, and inmate cell for contraband and performs searches of inmates.

Oversees and provides security of inmates performing technical skills such as

maintenance, laundry, food service, and other jail operations.

Oversees and controls inmate movement within buildings or specific areas.

Prepares and maintains records, forms, and reports.

Plans and participates in safety programs.

Trains consistently with issued weapons and equipment and maintains all equipment in proper condition.

Maintains proficiency in use-of-force tactics and uses appropriate force to avoid injury to the officer or inmate.

Required to work irregular hours and long shifts as necessary.

May interact with individuals with mental and emotional illnesses.

May be exposed to traumatic situations and graphic material.

TEXAS PEACE OFFICER JOB DESCRIPTION (GENERIC)

GENERAL DESCRIPTION

Performs public safety work as a first responder. Work involves the enforcement of criminal and general laws of the State of Texas and the enforcement of rules and regulations of the appointing agency regarding traffic, safety, and security of persons and property.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of law enforcement methods, traffic and criminal laws and regulations, agency policies and procedures, safety rules and regulations, evidence collection and handling, and court systems and procedures.

Ability to use and care for weapons, firearms, and equipment.

Ability to operate law enforcement vehicles.

Ability to use appropriate physical and defensive tactics.

Ability to administer first aid.

Ability to communicate effectively and to provide guidance to others.

Ability to make appropriate decisions under stress.

Ability to deal with situations of extreme stress and danger.

Ability to decide the appropriate use of force and use of deadly force.

Ability to carry out duties with integrity and honesty.

EXAMPLES OF WORK PERFORMED

Patrols and detects violations of state laws and local regulations, makes violator contacts, and places violators in custody or issues citations or warnings.

Patrols in municipal or rural areas with appropriate action to reduce crime, traffic violations, and crashes.

Conducts personnel, traffic, and criminal investigations; prepares complaints and cases for presentation in court; preserves and presents physical evidence; testifies in court; and reports disposition of cases.

Serves search and criminal arrest warrants.

Arrests, processes, and transports offenders.

Performs disaster rescue operations, responds to critical incidents and major investigations, cares for the injured, controls crowds, and directs traffic.

Removes debris from roadways; assists stranded motorists; and arranges for transportation, repair, or towing services.

Uses effective methods and resources to apprehend criminals, rescue victims, seize illegal contraband, detect and prevent terrorist attacks, and disrupt criminal organizations.

Administers first aid in emergency situations, and contacts friends or relatives of deceased or injured individuals as needed.

Answers inquiries pertaining to legal, policy, or procedural information.

Plans and participates in safety programs.

Trains consistently with issued weapons and equipment and maintains all equipment in proper condition.

Maintains proficiency in use-of-force tactics and uses appropriate force to avoid injury to the officer or suspect.

Required to work irregular hours and long shifts as necessary.

May interact with individuals with mental and emotional illnesses.

May be exposed to traumatic situations and graphic material.

TEXAS TELECOMMUNICATOR JOB DESCRIPTION (GENERIC)

GENERAL DESCRIPTION

Performs law enforcement and emergency communications work serving as the primary contact for the public, agency officers, and other local, state, and federal law enforcement assets who request assistance and information.

Operates complex telephone, radio, and electronic data communication systems.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of emergency communications systems, including radio, telephone, electronic, and mobile in-car communications.

Knowledge of state and federal Criminal Justice Information Systems (CJIS) as well as the rules and regulations governing appropriate use and protection of CJIS information.

Ability to calmly communicate and obtain information from people experiencing a mental or emotional crisis, and to provide guidance to others.

Ability to make appropriate decisions under stress.

Ability to deal with situations of extreme stress and danger.

Ability to carry out duties with integrity and honesty.

EXAMPLES OF WORK PERFORMED

Receives and answers inquiries from the public regarding risks to life and safety, violations of laws, missing persons, and weather and road information.

Transmits, receives, and relays official information using established agency communications equipment to agency officers and law enforcement agency officials.

Updates and maintains the National Crime Information Center/Texas Crime Information Center (NCIC/TCIC) databases by entering, deleting, and confirming data for wanted persons, threats to peace officers, and weapons files.

Provides communication interface between agency officers and other law enforcement agencies and serves as the primary communications link during disasters, civil disturbances, and other serious incidents using radio, telephone, electronic, and mobile in-car communications.

Provides intelligence information in support of local, state, and national security, to law enforcement officials and the public through criminal activity reports, criminal and traffic warrants, driver's license and vehicle registration information, Amber alerts, criminal records, public assistance, and information on the status of persons apprehended.

Maintains close contact with field units by communicating with agency employees, other law enforcement and criminal justice agencies, emergency service providers, and the general public to obtain and disseminate information in a timely, accurate manner.

May monitor auditory and visual alarm devices and intercoms to control access to and ensure the security of jail personnel, inmates, contraband, evidence, and property.

Prepares and updates reports, memoranda, logs, and correspondence that accurately document law enforcement communications, using appropriate agency policies and procedures.

Required to work irregular hours and long shifts as necessary.

May interact with individuals with mental and emotional illnesses.

May be exposed to traumatic situations and graphic material.