

1-1 By: Romero, Jr., et al. H.B. No. 3626
 1-2 (Senate Sponsor - Zaffirini)
 1-3 (In the Senate - Received from the House May 10, 2021;
 1-4 May 14, 2021, read first time and referred to Committee on Health &
 1-5 Human Services; May 21, 2021, reported favorably by the following
 1-6 vote: Yeas 8, Nays 0; May 21, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the licensing of marriage and family therapists,
 1-21 marriage and family therapist associates, professional counselors,
 1-22 professional counselor associates, and social workers, including
 1-23 certain out-of-state applicants.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Sections [502.151](#) and [502.1515](#), Occupations Code,
 1-26 are amended to read as follows:

1-27 Sec. 502.151. GENERAL POWERS AND DUTIES OF EXECUTIVE
 1-28 COUNCIL. Except as otherwise provided by this chapter, the [The]
 1-29 executive council shall:

1-30 (1) determine the qualifications and fitness of a
 1-31 license applicant under this chapter; and

1-32 (2) adopt a code of professional ethics for license
 1-33 holders.

1-34 Sec. 502.1515. BOARD DUTIES. Except as otherwise provided
 1-35 by this chapter, the [The] board shall propose to the executive
 1-36 council:

1-37 (1) rules regarding:

1-38 (A) the qualifications necessary to obtain a
 1-39 license, including rules limiting an applicant's eligibility for a
 1-40 license based on the applicant's criminal history;

1-41 (B) the scope of practice of and standards of
 1-42 care and ethical practice for marriage and family therapy; and

1-43 (C) continuing education requirements for
 1-44 license holders; and

1-45 (2) a schedule of sanctions for violations of this
 1-46 chapter or rules adopted under this chapter.

1-47 SECTION 2. Section [502.252](#), Occupations Code, is amended by
 1-48 amending Subsections (b) and (c) and adding Subsections (d) and (e)
 1-49 to read as follows:

1-50 (b) To qualify for a license as a licensed marriage and
 1-51 family therapist associate, a person must:

1-52 (1) be at least 18 years of age;

1-53 (2) have completed a graduate internship in marriage
 1-54 and family therapy, or an equivalent internship, as approved by the
 1-55 executive council;

1-56 (3) pass the license examination and jurisprudence
 1-57 examination determined by the board;

1-58 (4) hold a master's or doctoral degree in marriage and
 1-59 family therapy or in a related mental health field with coursework
 1-60 and training determined by the board [~~executive council~~] to be
 1-61 substantially equivalent to a graduate degree in marriage and

2-1 family therapy from a regionally accredited institution of higher
 2-2 education or an institution of higher education approved by the
 2-3 executive council;
 2-4 (5) have not been convicted of a felony or a crime
 2-5 involving moral turpitude;
 2-6 (6) not use drugs or alcohol to an extent that affects
 2-7 the applicant's professional competency;
 2-8 (7) not have had a license or certification revoked by
 2-9 a licensing agency or by a certifying professional organization;
 2-10 and
 2-11 (8) not have engaged in fraud or deceit in applying for
 2-12 a license under this chapter.

2-13 (c) An applicant is eligible to apply for a license as a
 2-14 licensed marriage and family therapist if the person:

2-15 (1) meets the requirements of Subsection (b);

2-16 (2) after receipt of a degree described by Subsection
 2-17 (b)(4), has completed two years of work experience in marriage and
 2-18 family therapist services that includes at least 3,000 hours of
 2-19 clinical practice consisting of at least 1,500 hours of direct
 2-20 clinical services, including a minimum number of hours providing
 2-21 direct clinical services to couples or families as required by
 2-22 board [~~executive council~~] rule; and

2-23 (3) has completed, in a manner acceptable to the board
 2-24 [~~executive council~~], at least 200 hours of supervised provision of
 2-25 direct clinical services by the applicant, 100 hours of which must
 2-26 be supervised on an individual basis.

2-27 (d) Subsections (c)(2) and (c)(3) do not apply to an
 2-28 applicant who:

2-29 (1) is licensed in good standing in another state to
 2-30 independently practice as a licensed marriage and family therapist;
 2-31 and

2-32 (2) has independently practiced as a licensed marriage
 2-33 and family therapist in that state before the date the application
 2-34 is submitted.

2-35 (e) An applicant for a license as a licensed marriage and
 2-36 family therapist who practiced as a licensed marriage and family
 2-37 therapist associate in another state may count that out-of-state
 2-38 experience toward the requirements under Subsections (c)(2) and
 2-39 (c)(3) if:

2-40 (1) the applicant is licensed in good standing as a
 2-41 marriage and family therapist associate in that state; and

2-42 (2) based on a review of that experience by a licensed
 2-43 supervisor in this state, the board determines that the experience
 2-44 is acceptable.

2-45 SECTION 3. Sections 502.2545(a) and (b), Occupations Code,
 2-46 are amended to read as follows:

2-47 (a) The board [~~executive council~~] may waive the requirement
 2-48 that an applicant for a license as a licensed marriage and family
 2-49 therapist pass the examination required by Section 502.254 if the
 2-50 applicant:

2-51 (1) is a provisional license holder under Section
 2-52 502.259 and the executive council determines that the applicant
 2-53 possesses sufficient education and professional experience to
 2-54 receive a license without further examination; ~~or~~

2-55 (2) holds a license issued by another licensing agency
 2-56 in a profession related to the practice of marriage and family
 2-57 therapy and the executive council determines that the applicant
 2-58 possesses sufficient education and professional experience to
 2-59 receive a license without satisfying the examination requirements
 2-60 of this chapter; or

2-61 (3) meets the criteria provided by Section 502.252(d).

2-62 (b) The executive council may, subject to approval by the
 2-63 board, adopt rules necessary to administer this section, including
 2-64 rules under Subsection (a)(2) prescribing the professions that are
 2-65 related to the practice of marriage and family therapy.

2-66 SECTION 4. Section 502.259(b), Occupations Code, is amended
 2-67 to read as follows:

2-68 (b) An applicant for a provisional license must:

2-69 (1) be licensed in good standing as a marriage and

3-1 family therapist or a marriage and family therapist associate in
 3-2 another state or jurisdiction that has licensing requirements that
 3-3 are substantially equal to the requirements of this chapter;

3-4 (2) have passed a national or other examination that:
 3-5 (A) is recognized by the board [~~executive~~
 3-6 ~~council~~]; and

3-7 (B) relates to marriage and family therapy; and
 3-8 (3) be sponsored by a person licensed by the executive
 3-9 council with whom the provisional license holder may practice under
 3-10 this section.

3-11 SECTION 5. Section 503.201(a), Occupations Code, is amended
 3-12 to read as follows:

3-13 (a) Except as otherwise provided by this chapter, the [~~The~~
 3-14 executive council shall:

3-15 (1) determine the qualifications and fitness of an
 3-16 applicant for a license, license renewal, or provisional license;

3-17 (2) examine for, deny, approve, issue, revoke,
 3-18 suspend, suspend on an emergency basis, place on probation, and
 3-19 renew the license of an applicant or license holder under this
 3-20 chapter;

3-21 (3) adopt and publish a code of ethics; and

3-22 (4) by rule adopt a list of authorized counseling
 3-23 methods or practices that a license holder may undertake or
 3-24 perform.

3-25 SECTION 6. Section 503.2015, Occupations Code, is amended
 3-26 to read as follows:

3-27 Sec. 503.2015. BOARD DUTIES. Except as otherwise provided
 3-28 by this chapter, the [~~The~~] board shall propose to the executive
 3-29 council:

3-30 (1) rules regarding:

3-31 (A) the qualifications necessary to obtain a
 3-32 license, including rules limiting an applicant's eligibility for a
 3-33 license based on the applicant's criminal history;

3-34 (B) the scope of practice of and standards of
 3-35 care and ethical practice for professional counseling; and

3-36 (C) continuing education requirements for
 3-37 license holders; and

3-38 (2) a schedule of sanctions for violations of this
 3-39 chapter or rules adopted under this chapter.

3-40 SECTION 7. Section 503.302, Occupations Code, is amended by
 3-41 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
 3-42 read as follows:

3-43 (a) A person qualifies for a license under this chapter if
 3-44 the person:

3-45 (1) is at least 18 years old;

3-46 (2) has a master's or doctoral degree in counseling or
 3-47 a related field;

3-48 (3) has successfully completed a graduate degree at a
 3-49 regionally accredited institution of higher education and the
 3-50 number of graduate semester hours required by the board [~~executive~~
 3-51 ~~council rule~~], which may not be less than 48 hours and must include
 3-52 at least 300 clock hours of supervised practicum that:

3-53 (A) is primarily counseling in nature; and

3-54 (B) meets the specific academic course content
 3-55 and training standards established by the board [~~executive~~
 3-56 ~~council~~];

3-57 (4) has completed the number of supervised experience
 3-58 hours required by executive council rule, which may not be less than
 3-59 3,000 hours working in a counseling setting that meets the
 3-60 requirements established by the executive council after the
 3-61 completion of the graduate program described by Subdivision (3);

3-62 (5) passes the license examination and jurisprudence
 3-63 examination required by this chapter;

3-64 (6) submits an application as required by the
 3-65 executive council, accompanied by the required application fee; and

3-66 (7) meets any other requirement established by the
 3-67 board or [~~prescribed by~~] the executive council.

3-68 (a-1) Subsection (a)(4) does not apply to an applicant who:

3-69 (1) is licensed in good standing in another state to

4-1 independently practice as a professional counselor or as an art
 4-2 therapist; and

4-3 (2) has independently practiced as a professional
 4-4 counselor or an art therapist in that state for at least the two
 4-5 years preceding the date the application is submitted.

4-6 (a-2) The executive council may waive the requirement that
 4-7 an applicant pass the license examination required by Subsection
 4-8 (a)(5) if the applicant meets the criteria provided by Subsection
 4-9 (a-1). The applicant must pass the jurisprudence examination.

4-10 SECTION 8. Section 503.3025, Occupations Code, is amended
 4-11 to read as follows:

4-12 Sec. 503.3025. EXPERIENCE REQUIRED TO ACT AS SUPERVISOR. A
 4-13 ~~[The executive council shall allow a]~~ license holder who has
 4-14 practiced as a licensed counselor in another state may ~~[to]~~ count
 4-15 that out-of-state experience toward any experience that the license
 4-16 holder is required ~~[by executive council rule]~~ to obtain to act as a
 4-17 supervisor under this chapter if the ~~[executive council determines~~
 4-18 ~~that the]~~ other state has license requirements substantially
 4-19 equivalent to the requirements of this chapter.

4-20 SECTION 9. Section 503.308, Occupations Code, is amended to
 4-21 read as follows:

4-22 Sec. 503.308. ASSOCIATE ~~[TEMPORARY]~~ LICENSE. (a) The
 4-23 board may establish and the executive council ~~[by rule]~~ may provide
 4-24 for the issuance of an associate ~~[a temporary]~~ license. Rules
 4-25 adopted under this subsection must provide a time limit for the
 4-26 period an associate ~~[a temporary]~~ license is valid.

4-27 (b) The executive council by rule may adopt a system under
 4-28 which an associate ~~[a temporary]~~ license may be issued to a person
 4-29 who:

4-30 (1) meets all of the academic requirements for
 4-31 licensing; and

4-32 (2) enters into a supervisory agreement with a
 4-33 supervisor approved by the executive council.

4-34 SECTION 10. Section 505.3575, Occupations Code, is amended
 4-35 by amending Subsection (a) and adding Subsection (c) to read as
 4-36 follows:

4-37 (a) Notwithstanding any other licensing requirement of this
 4-38 subchapter:

4-39 (1) the executive council may not require an applicant
 4-40 who is licensed in good standing in another state to pass a
 4-41 licensing examination conducted by the executive council under
 4-42 Section 505.354 if an applicant with substantially equivalent
 4-43 experience who resides in this state would not be required to take
 4-44 the licensing examination; ~~[and]~~

4-45 (2) the executive council may waive the requirement
 4-46 that an applicant not otherwise described by Subdivision (1) pass a
 4-47 licensing examination conducted by the executive council under
 4-48 Section 505.354 if the applicant:

4-49 (A) is licensed in good standing in another state
 4-50 to independently practice as a social worker; and

4-51 (B) has independently practiced as a licensed
 4-52 social worker in that state for at least one year preceding the date
 4-53 the application is submitted; and

4-54 (3) the executive council may issue a license to an
 4-55 applicant who is currently licensed in another state to
 4-56 independently practice social work if:

4-57 (A) after an assessment, the executive council
 4-58 determines that the applicant:

4-59 (i) demonstrates sufficient experience and
 4-60 competence, subject to Subsection (c);

4-61 (ii) has passed the jurisprudence
 4-62 examination conducted by the executive council under Section
 4-63 505.3545; and

4-64 (iii) at the time of the application, is in
 4-65 good standing with the regulatory agency of the state in which the
 4-66 applicant is licensed; and

4-67 (B) the applicant presents to the executive
 4-68 council credentials that the applicant obtained from a national
 4-69 accreditation organization and the executive council determines

5-1 that the requirements to obtain the credentials are sufficient to
5-2 minimize any risk to public safety.

5-3 (c) An applicant satisfies the requirements of Subsection
5-4 (a)(3)(A)(i) if the applicant:

5-5 (1) is licensed in good standing in another state to
5-6 independently practice as a social worker; and

5-7 (2) has independently practiced as a licensed social
5-8 worker in that state for at least one year preceding the date the
5-9 application is submitted.

5-10 SECTION 11. The changes in law made by this Act apply only
5-11 to an application for a license submitted on or after the effective
5-12 date of this Act. An application for a license submitted before the
5-13 effective date of this Act is governed by the law in effect on the
5-14 date the application was submitted, and that law is continued in
5-15 effect for that purpose.

5-16 SECTION 12. This Act takes effect September 1, 2021.

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