

1-1 By: Romero, Jr., Frank (Senate Sponsor - Zaffirini) H.B. No. 1167
 1-2 (In the Senate - Received from the House April 17, 2023;
 1-3 April 18, 2023, read first time and referred to Committee on Health
 1-4 & Human Services; May 21, 2023, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 21, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the licensing of marriage and family therapists,
 1-20 marriage and family therapist associates, professional counselors,
 1-21 professional counselor associates, and social workers, including
 1-22 certain out-of-state applicants.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections [502.151](#) and [502.1515](#), Occupations Code,
 1-25 are amended to read as follows:

1-26 Sec. 502.151. GENERAL POWERS AND DUTIES OF EXECUTIVE
 1-27 COUNCIL. Except as otherwise provided by this chapter, the [The]
 1-28 executive council shall:

1-29 (1) determine the qualifications and fitness of a
 1-30 license applicant under this chapter; and

1-31 (2) adopt a code of professional ethics for license
 1-32 holders.

1-33 Sec. 502.1515. BOARD DUTIES. Except as otherwise provided
 1-34 by this chapter, the [The] board shall propose to the executive
 1-35 council:

1-36 (1) rules regarding:

1-37 (A) the qualifications necessary to obtain a
 1-38 license, including rules limiting an applicant's eligibility for a
 1-39 license based on the applicant's criminal history;

1-40 (B) the scope of practice of and standards of
 1-41 care and ethical practice for marriage and family therapy; and

1-42 (C) continuing education requirements for
 1-43 license holders; and

1-44 (2) a schedule of sanctions for violations of this
 1-45 chapter or rules adopted under this chapter.

1-46 SECTION 2. Section [502.252](#), Occupations Code, is amended by
 1-47 amending Subsections (b) and (c) and adding Subsections (d) and (e)
 1-48 to read as follows:

1-49 (b) To qualify for a license as a licensed marriage and
 1-50 family therapist associate, a person must:

1-51 (1) be at least 18 years of age;

1-52 (2) have completed a graduate internship in marriage
 1-53 and family therapy, or an equivalent internship, as approved by the
 1-54 executive council;

1-55 (3) pass the license examination and jurisprudence
 1-56 examination determined by the board;

1-57 (4) hold a master's or doctoral degree in marriage and
 1-58 family therapy or in a related mental health field with coursework
 1-59 and training determined by the board [~~executive council~~] to be
 1-60 substantially equivalent to a graduate degree in marriage and
 1-61 family therapy from a regionally accredited institution of higher

2-1 education or an institution of higher education approved by the
2-2 executive council;

2-3 (5) have not been convicted of a felony or a crime
2-4 involving moral turpitude;

2-5 (6) not use drugs or alcohol to an extent that affects
2-6 the applicant's professional competency;

2-7 (7) not have had a license or certification revoked by
2-8 a licensing agency or by a certifying professional organization;
2-9 and

2-10 (8) not have engaged in fraud or deceit in applying for
2-11 a license under this chapter.

2-12 (c) An applicant is eligible to apply for a license as a
2-13 licensed marriage and family therapist if the person:

2-14 (1) meets the requirements of Subsection (b);

2-15 (2) after receipt of a degree described by Subsection
2-16 (b)(4), has completed two years of work experience in marriage and
2-17 family therapist services that includes at least 3,000 hours of
2-18 clinical practice consisting of at least 1,500 hours of direct
2-19 clinical services, including a minimum number of hours providing
2-20 direct clinical services to couples or families as required by
2-21 board [~~executive council~~] rule; and

2-22 (3) has completed, in a manner acceptable to the board
2-23 [~~executive council~~], at least 200 hours of supervised provision of
2-24 direct clinical services by the applicant, 100 hours of which must
2-25 be supervised on an individual basis.

2-26 (d) Subsections (c)(2) and (c)(3) do not apply to an
2-27 applicant who:

2-28 (1) is licensed in good standing in another state to
2-29 independently practice as a licensed marriage and family therapist;
2-30 and

2-31 (2) has independently practiced as a licensed marriage
2-32 and family therapist in that state before the date the application
2-33 is submitted.

2-34 (e) An applicant for a license as a licensed marriage and
2-35 family therapist who practiced as a licensed marriage and family
2-36 therapist associate in another state may count that out-of-state
2-37 experience toward the requirements under Subsections (c)(2) and
2-38 (c)(3) if:

2-39 (1) the applicant is licensed in good standing as a
2-40 marriage and family therapist associate in that state; and

2-41 (2) based on a review of that experience by a licensed
2-42 supervisor in this state, the board determines that the experience
2-43 is acceptable.

2-44 SECTION 3. Sections 502.2545(a) and (b), Occupations Code,
2-45 are amended to read as follows:

2-46 (a) The board [~~executive council~~] may waive the requirement
2-47 that an applicant for a license as a licensed marriage and family
2-48 therapist pass the examination required by Section 502.254 if the
2-49 applicant:

2-50 (1) is a provisional license holder under Section
2-51 502.259 and the executive council determines that the applicant
2-52 possesses sufficient education and professional experience to
2-53 receive a license without further examination; ~~or~~

2-54 (2) holds a license issued by another licensing agency
2-55 in a profession related to the practice of marriage and family
2-56 therapy and the executive council determines that the applicant
2-57 possesses sufficient education and professional experience to
2-58 receive a license without satisfying the examination requirements
2-59 of this chapter; or

2-60 (3) meets the criteria provided by Section 502.252(d).

2-61 (b) The executive council may, subject to approval by the
2-62 board, adopt rules necessary to administer this section, including
2-63 rules under Subsection (a)(2) prescribing the professions that are
2-64 related to the practice of marriage and family therapy.

2-65 SECTION 4. Section 502.259(b), Occupations Code, is amended
2-66 to read as follows:

2-67 (b) An applicant for a provisional license must:

2-68 (1) be licensed in good standing as a marriage and
2-69 family therapist or a marriage and family therapist associate in

3-1 another state or jurisdiction that has licensing requirements that
 3-2 are substantially equal to the requirements of this chapter;

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

3-6 (B) relates to marriage and family therapy; and
 3-7 (3) be sponsored by a person licensed by the executive
 3-8 council with whom the provisional license holder may practice under
 3-9 this section.

3-10 SECTION 5. Section 503.201(a), Occupations Code, is amended
 3-11 to read as follows:

3-12 (a) Except as otherwise provided by this chapter, the [~~The~~]
 3-13 executive council shall:

3-14 (1) determine the qualifications and fitness of an
 3-15 applicant for a license, license renewal, or provisional license;

3-16 (2) examine for, deny, approve, issue, revoke,
 3-17 suspend, suspend on an emergency basis, place on probation, and
 3-18 renew the license of an applicant or license holder under this
 3-19 chapter;

3-20 (3) adopt and publish a code of ethics; and

3-21 (4) by rule adopt a list of authorized counseling
 3-22 methods or practices that a license holder may undertake or
 3-23 perform.

3-24 SECTION 6. Section 503.2015, Occupations Code, is amended
 3-25 to read as follows:

3-26 Sec. 503.2015. BOARD DUTIES. Except as otherwise provided
 3-27 by this chapter, the [~~The~~] board shall propose to the executive
 3-28 council:

3-29 (1) rules regarding:

3-30 (A) the qualifications necessary to obtain a
 3-31 license, including rules limiting an applicant's eligibility for a
 3-32 license based on the applicant's criminal history;

3-33 (B) the scope of practice of and standards of
 3-34 care and ethical practice for professional counseling; and

3-35 (C) continuing education requirements for
 3-36 license holders; and

3-37 (2) a schedule of sanctions for violations of this
 3-38 chapter or rules adopted under this chapter.

3-39 SECTION 7. Section 503.302, Occupations Code, is amended by
 3-40 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
 3-41 read as follows:

3-42 (a) A person qualifies for a license under this chapter if
 3-43 the person:

3-44 (1) is at least 18 years old;

3-45 (2) has a master's or doctoral degree in counseling or
 3-46 a related field;

3-47 (3) has successfully completed a graduate degree at a
 3-48 regionally accredited institution of higher education and the
 3-49 number of graduate semester hours required by the board [~~executive~~
 3-50 ~~council rule~~], which may not be less than 48 hours and must include
 3-51 at least 300 clock hours of supervised practicum that:

3-52 (A) is primarily counseling in nature; and

3-53 (B) meets the specific academic course content
 3-54 and training standards established by the board [~~executive~~
 3-55 ~~council~~];

3-56 (4) has completed the number of supervised experience
 3-57 hours required by executive council rule, which may not be less than
 3-58 3,000 hours working in a counseling setting that meets the
 3-59 requirements established by the executive council after the
 3-60 completion of the graduate program described by Subdivision (3);

3-61 (5) passes the license examination and jurisprudence
 3-62 examination required by this chapter;

3-63 (6) submits an application as required by the
 3-64 executive council, accompanied by the required application fee; and

3-65 (7) meets any other requirement established by the
 3-66 board or [~~prescribed by~~] the executive council.

3-67 (a-1) Subsection (a)(4) does not apply to an applicant who:

3-68 (1) is licensed in good standing in another state to
 3-69 independently practice as a professional counselor or as an art

4-1 therapist; and
 4-2 (2) has independently practiced as a professional
 4-3 counselor or an art therapist in that state for at least the two
 4-4 years preceding the date the application is submitted.

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

4-9 SECTION 8. Section 503.3025, Occupations Code, is amended
 4-10 to read as follows:

4-11 Sec. 503.3025. EXPERIENCE REQUIRED TO ACT AS SUPERVISOR. A
 4-12 ~~[The executive council shall allow a]~~ license holder who has
 4-13 practiced as a licensed counselor in another state may ~~[to]~~ count
 4-14 that out-of-state experience toward any experience that the license
 4-15 holder is required ~~[by executive council rule]~~ to obtain to act as a
 4-16 supervisor under this chapter if the ~~[executive council determines~~
 4-17 ~~that the]~~ other state has license requirements substantially
 4-18 equivalent to the requirements of this chapter.

4-19 SECTION 9. Section 503.308, Occupations Code, is amended to
 4-20 read as follows:

4-21 Sec. 503.308. ASSOCIATE ~~[TEMPORARY]~~ LICENSE. (a) The
 4-22 board may establish and the executive council ~~[by rule]~~ may provide
 4-23 for the issuance of an associate ~~[a temporary]~~ license. Rules
 4-24 adopted under this subsection must provide a time limit for the
 4-25 period an associate ~~[a temporary]~~ license is valid.

4-26 (b) The executive council by rule may adopt a system under
 4-27 which an associate ~~[a temporary]~~ license may be issued to a person
 4-28 who:

4-29 (1) meets all of the academic requirements for
 4-30 licensing; and

4-31 (2) enters into a supervisory agreement with a
 4-32 supervisor approved by the executive council.

4-33 SECTION 10. Section 505.3575, Occupations Code, is amended
 4-34 by amending Subsection (a) and adding Subsection (c) to read as
 4-35 follows:

4-36 (a) Notwithstanding any other licensing requirement of this
 4-37 subchapter:

4-38 (1) the executive council may not require an applicant
 4-39 who is licensed in good standing in another state to pass a
 4-40 licensing examination conducted by the executive council under
 4-41 Section 505.354 if an applicant with substantially equivalent
 4-42 experience who resides in this state would not be required to take
 4-43 the licensing examination; ~~[and]~~

4-44 (2) the executive council may waive the requirement
 4-45 that an applicant not otherwise described by Subdivision (1) pass a
 4-46 licensing examination conducted by the executive council under
 4-47 Section 505.354 if the applicant:

4-48 (A) is licensed in good standing in another state
 4-49 to independently practice as a social worker; and

4-50 (B) has independently practiced as a licensed
 4-51 social worker in that state for at least one year preceding the date
 4-52 the application is submitted; and

4-53 (3) the executive council may issue a license to an
 4-54 applicant who is currently licensed in another state to
 4-55 independently practice social work if:

4-56 (A) after an assessment, the executive council
 4-57 determines that the applicant:

4-58 (i) demonstrates sufficient experience and
 4-59 competence, subject to Subsection (c);

4-60 (ii) has passed the jurisprudence
 4-61 examination conducted by the executive council under Section
 4-62 505.3545; and

4-63 (iii) at the time of the application, is in
 4-64 good standing with the regulatory agency of the state in which the
 4-65 applicant is licensed; and

4-66 (B) the applicant presents to the executive
 4-67 council credentials that the applicant obtained from a national
 4-68 accreditation organization and the executive council determines
 4-69 that the requirements to obtain the credentials are sufficient to

5-1 minimize any risk to public safety.

5-2 (c) An applicant satisfies the requirements of Subsection

5-3 (a)(3)(A)(i) if the applicant:

5-4 (1) is licensed in good standing in another state to

5-5 independently practice as a social worker; and

5-6 (2) has independently practiced as a licensed social

5-7 worker in that state for at least one year preceding the date the

5-8 application is submitted.

5-9 SECTION 11. The changes in law made by this Act apply only
5-10 to an application for a license submitted on or after the effective
5-11 date of this Act. An application for a license submitted before the
5-12 effective date of this Act is governed by the law in effect on the
5-13 date the application was submitted, and that law is continued in
5-14 effect for that purpose.

5-15 SECTION 12. This Act takes effect September 1, 2023.

5-16

* * * * *