

1-1 By: Truitt, et al. (Senate Sponsor - Carona) H.B. No. 1283
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on
1-4 Government Organization; May 17, 2005, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 17, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the continuation and functions of the Texas State Board
1-9 of Examiners of Professional Counselors; providing an
1-10 administrative penalty.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 503.002, Occupations Code, is amended by
1-13 adding Subdivision (1-a) and amending Subdivision (2) to read as
1-14 follows:

1-15 (1-a) "Commissioner" means the commissioner of the
1-16 department.

1-17 (2) "Department" means the [~~Texas~~] Department of State
1-18 Health Services.

1-19 SECTION 2. Section 503.005, Occupations Code, is amended to
1-20 read as follows:

1-21 Sec. 503.005. APPLICATION OF SUNSET ACT. The Texas State
1-22 Board of Examiners of Professional Counselors is subject to Chapter
1-23 325, Government Code (Texas Sunset Act). Unless continued in
1-24 existence as provided by that chapter, the board is abolished
1-25 September 1, 2017 [~~2005~~].

1-26 SECTION 3. Section 503.101, Occupations Code, is amended to
1-27 read as follows:

1-28 Sec. 503.101. BOARD MEMBERSHIP. (a) The Texas State Board
1-29 of Examiners of Professional Counselors consists of nine members
1-30 appointed by the governor with the advice and consent of the senate
1-31 as follows:

1-32 (1) five licensed professional counselor members, at
1-33 least three of whom are in private practice and at least one of whom
1-34 is a counselor educator; and

1-35 (2) four members who represent the public.

1-36 (b) Appointments to the board shall be made without regard
1-37 to the race, color, disability, sex, religion, age, or national
1-38 origin of the appointee.

1-39 SECTION 4. Section 503.103, Occupations Code, is amended to
1-40 read as follows:

1-41 Sec. 503.103. ELIGIBILITY OF PUBLIC MEMBERS. A person is
1-42 not eligible for appointment as a public member of the board if:

1-43 (1) the person [~~or the person's spouse:~~

1-44 ~~(1)]~~ is registered, certified, or licensed by an
1-45 occupational regulatory agency in the field of health care;

1-46 (2) the person's spouse is registered, certified, or
1-47 licensed by an occupational regulatory agency in the field of
1-48 mental health; or

1-49 (3) the person or the person's spouse:

1-50 (A) is employed by or participates in the
1-51 management of a business entity or other organization receiving
1-52 funds from the board;

1-53 (B) [~~(3)~~] owns or controls, directly or
1-54 indirectly, more than a 10 percent interest in a business entity or
1-55 other organization receiving funds from the board; or

1-56 (C) [~~(4)~~] uses or receives a substantial amount
1-57 of funds from the board, other than compensation or reimbursement
1-58 authorized by law for board membership, attendance, or expenses.

1-59 SECTION 5. Section 503.104, Occupations Code, is amended to
1-60 read as follows:

1-61 Sec. 503.104. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)
1-62 In this section, "Texas trade association" means a [~~nonprofit,~~
1-63 ~~cooperative,~~] and voluntarily joined statewide association of
1-64 business or professional competitors in this state designed to

2-1 assist its members and its industry or profession in dealing with
 2-2 mutual business or professional problems and in promoting their
 2-3 common interest.

2-4 (b) A person [An officer, employee, or paid consultant of a
 2-5 Texas trade association in the field of health care] may not be a
 2-6 member of the board and may not be a department [an] employee
 2-7 employed in a "bona fide executive, administrative, or professional
 2-8 capacity," as that phrase is used for purposes of establishing an
 2-9 exemption to the overtime provisions of the federal Fair Labor
 2-10 Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

2-11 (1) the person is an officer, employee, manager, or
 2-12 paid consultant of a Texas trade association in the field of health
 2-13 care; or

2-14 (2) the person's spouse is an officer, manager, or paid
 2-15 consultant of a Texas trade association in the field of mental
 2-16 health [of the department who carries out the functions of the board
 2-17 who is exempt from the state's position classification plan or is
 2-18 compensated at or above the amount prescribed by the General
 2-19 Appropriations Act for step 1, salary group A17, of the position
 2-20 classification salary schedule].

2-21 (c) [A person who is the spouse of an officer, manager, or
 2-22 paid consultant of a Texas trade association in the field of health
 2-23 care may not be a member of the board and may not be an employee of
 2-24 the department who carries out the functions of the board who is
 2-25 exempt from the state's position classification plan or is
 2-26 compensated at or above the amount prescribed by the General
 2-27 Appropriations Act for step 1, salary group A17, of the position
 2-28 classification salary schedule.

2-29 [(d)] A person may not be [serve as] a member of the board or
 2-30 act as the general counsel to the board or the department if the
 2-31 person is required to register as a lobbyist under Chapter 305,
 2-32 Government Code, because of the person's activities for
 2-33 compensation on behalf of a profession related to the operation of
 2-34 the board.

2-35 SECTION 6. Sections 503.107(a) and (c), Occupations Code,
 2-36 are amended to read as follows:

2-37 (a) It is a ground for removal from the board that a member:

2-38 (1) does not have at the time of taking office
 2-39 [appointment] the qualifications required by Section 503.102 [for
 2-40 appointment to the board];

2-41 (2) does not maintain during the service on the board
 2-42 the qualifications required by Section 503.102 [for appointment to
 2-43 the board];

2-44 (3) is ineligible for membership under [violates a
 2-45 prohibition established by] Section 503.103 or [Section]
 2-46 503.104[(b) or (c)];

2-47 (4) cannot, because of illness or disability,
 2-48 discharge the member's duties for a substantial part of the member's
 2-49 term; or

2-50 (5) is absent from more than half of the regularly
 2-51 scheduled board meetings that the member is eligible to attend
 2-52 during a calendar year without an excuse approved by a [unless the
 2-53 absence is excused by] majority vote of the board.

2-54 (c) If the executive director has knowledge that a potential
 2-55 ground for removal [of a board member] exists, the executive
 2-56 director shall notify the presiding officer of the board of the
 2-57 potential ground. The presiding officer shall then notify the
 2-58 governor and the attorney general that a potential ground for
 2-59 removal exists. If the potential ground for removal involves the
 2-60 presiding officer, the executive director shall notify the next
 2-61 highest ranking officer of the board, who shall then notify the
 2-62 governor and attorney general that a potential ground for removal
 2-63 exists.

2-64 SECTION 7. Section 503.108, Occupations Code, is amended to
 2-65 read as follows:

2-66 Sec. 503.108. [PER DIEM,] REIMBURSEMENT. [(a) A board
 2-67 member is entitled to a per diem as set by the General
 2-68 Appropriations Act for each day the member engages in the business
 2-69 of the board.

3-1 ~~[(b)]~~ A board member may receive reimbursement for expenses
 3-2 as provided by the General Appropriations Act.

3-3 SECTION 8. Sections 503.110(a), (b), and (c), Occupations
 3-4 Code, are amended to read as follows:

3-5 (a) A person who is appointed to and qualifies for office as
 3-6 a member of the ~~[Before a]~~ board may not vote, deliberate, or be
 3-7 counted as a member in attendance at a meeting until the person
 3-8 completes ~~[member may assume the member's duties and before the~~
 3-9 ~~member may be confirmed by the senate, the member must complete at~~
 3-10 ~~least one course of]~~ a training program that complies with
 3-11 ~~[established by the board under]~~ this section.

3-12 (b) The training program must provide the person with
 3-13 information ~~[to a participant]~~ regarding:

3-14 (1) this chapter and the board's programs, functions,
 3-15 rules, and budget;

3-16 (2) ~~[the programs operated by the board;~~
 3-17 ~~[(3) the role and functions of the board;~~
 3-18 ~~[(4) the rules of the board, with an emphasis on the~~
 3-19 ~~rules that relate to disciplinary and investigatory authority;~~

3-20 ~~[(5) the current budget for the board;~~
 3-21 ~~[(6)] the results of the most recent formal audit of~~
 3-22 ~~the board;~~

3-23 (3) ~~[(7)]~~ the requirements of laws relating to open
 3-24 meetings, public information, administrative procedure, and
 3-25 conflicts-of-interest; and

3-26 (4) ~~[Chapters 551, 552, 2001, and 2002, Government~~
 3-27 ~~Code;~~

3-28 ~~[(8) the requirements of the conflict of interest laws~~
 3-29 ~~and other laws relating to public officials; and~~

3-30 ~~[(9)] any applicable ethics policies adopted by the~~
 3-31 ~~board or the Texas Ethics Commission.~~

3-32 (c) A person appointed to the board is entitled to
 3-33 reimbursement, as provided by the General Appropriations Act, for
 3-34 the travel expenses incurred in attending the training program
 3-35 regardless of whether the attendance at the program occurs before
 3-36 or after the person qualifies for office ~~[In developing the~~
 3-37 ~~training program, the board shall consult with the governor, the~~
 3-38 ~~attorney general, and the Texas Ethics Commission].~~

3-39 SECTION 9. Section 503.154, Occupations Code, is amended to
 3-40 read as follows:

3-41 Sec. 503.154. DIVISION OF RESPONSIBILITIES. The board
 3-42 shall develop and implement policies that clearly separate ~~[define]~~
 3-43 the policymaking ~~[respective]~~ responsibilities of the board and the
 3-44 management responsibilities of the executive director and staff of
 3-45 the ~~department~~ board.

3-46 SECTION 10. Subchapter E, Chapter 503, Occupations Code, is
 3-47 amended by adding Section 503.2045 to read as follows:

3-48 Sec. 503.2045. RULES ON CONSEQUENCES OF CRIMINAL
 3-49 CONVICTION. (a) The board shall adopt rules necessary to comply
 3-50 with Chapter 53.

3-51 (b) In its rules under this section, the board shall list
 3-52 the specific offenses for which a conviction would constitute
 3-53 grounds for the board to take action under Section 53.021.

3-54 SECTION 11. Section 503.205, Occupations Code, is amended
 3-55 to read as follows:

3-56 Sec. 503.205. DELEGATION TO ~~[INDIVIDUAL MEMBER OR]~~
 3-57 COMMITTEE. The board may delegate a function or activity required
 3-58 by this chapter ~~[to an individual board member or]~~ to a committee of
 3-59 board members on a permanent or temporary basis if ~~[+~~

3-60 ~~[(1)] the board agrees to the delegation ~~[, and~~~~
 3-61 ~~[(2) the person clearly possesses the professional~~
 3-62 ~~and personal qualifications to carry out the delegation].~~

3-63 SECTION 12. Subchapter E, Chapter 503, Occupations Code, is
 3-64 amended by adding Sections 503.210 and 503.211 to read as follows:

3-65 Sec. 503.210. USE OF TECHNOLOGY. The board shall implement
 3-66 a policy requiring the board to use appropriate technological
 3-67 solutions to improve the board's ability to perform its functions.
 3-68 The policy must ensure that the public is able to interact with the
 3-69 board on the Internet.

4-1 Sec. 503.211. NEGOTIATED RULEMAKING AND ALTERNATIVE
 4-2 DISPUTE RESOLUTION POLICY. (a) The board shall develop and
 4-3 implement a policy to encourage the use of:

4-4 (1) negotiated rulemaking procedures under Chapter
 4-5 2008, Government Code, for the adoption of board rules; and

4-6 (2) appropriate alternative dispute resolution
 4-7 procedures under Chapter 2009, Government Code, to assist in the
 4-8 resolution of internal and external disputes under the board's
 4-9 jurisdiction.

4-10 (b) The board's procedures relating to alternative dispute
 4-11 resolution must conform, to the extent possible, to any model
 4-12 guidelines issued by the State Office of Administrative Hearings
 4-13 for the use of alternative dispute resolution by state agencies.

4-14 (c) The board shall designate a trained person to:

4-15 (1) coordinate the implementation of the policy
 4-16 adopted under Subsection (a);

4-17 (2) serve as a resource for any training needed to
 4-18 implement the procedures for negotiated rulemaking or alternative
 4-19 dispute resolution; and

4-20 (3) collect data concerning the effectiveness of those
 4-21 procedures, as implemented by the board.

4-22 SECTION 13. Section 503.253, Occupations Code, is amended
 4-23 to read as follows:

4-24 Sec. 503.253. RECORDS OF COMPLAINTS. (a) The board shall
 4-25 maintain a system to promptly and efficiently act on complaints
 4-26 filed with the board. The board shall maintain:

4-27 (1) information about the parties to the complaint and
 4-28 the subject matter of the complaint;

4-29 (2) a summary of the results of the review or
 4-30 investigation of the complaint; and

4-31 (3) information about the disposition of the complaint
 4-32 [keep an information file about each complaint filed with the
 4-33 board. The information file must be kept current and contain a
 4-34 record for each complaint of:

4-35 (1) each person contacted in relation to the
 4-36 complaint;

4-37 (2) a summary of findings made at each step of the
 4-38 complaint process;

4-39 (3) an explanation of the legal basis and reason for
 4-40 dismissal of a complaint;

4-41 (4) the schedule established for the complaint under
 4-42 Section 503.255 and a notation of any change in the schedule; and

4-43 (5) other relevant information].

4-44 (b) The board shall make information available describing
 4-45 its procedures for complaint investigation and resolution.

4-46 (c) The board shall periodically notify the parties of the
 4-47 status of the complaint until final disposition of the
 4-48 complaint [If a written complaint is filed with the board that the
 4-49 board has authority to resolve, the board, at least quarterly and
 4-50 until final disposition of the complaint, shall notify the parties
 4-51 to the complaint of the status of the complaint unless the notice
 4-52 would jeopardize an undercover investigation].

4-53 SECTION 14. Subchapter F, Chapter 503, Occupations Code, is
 4-54 amended by adding Section 503.2555 to read as follows:

4-55 Sec. 503.2555. COMPLAINT COMMITTEE. The board shall
 4-56 appoint at least one public member to any board committee
 4-57 established to review a complaint filed with the board or review an
 4-58 enforcement action against a license holder related to a complaint
 4-59 filed with the board.

4-60 SECTION 15. Section 503.302(a), Occupations Code, is
 4-61 amended to read as follows:

4-62 (a) A person qualifies for a license under this chapter if
 4-63 the person:

4-64 (1) is at least 18 years old;

4-65 (2) has a master's or doctoral degree in counseling or
 4-66 a related field;

4-67 (3) has successfully completed a graduate degree at a
 4-68 regionally accredited institution of higher education and the
 4-69 number of [a planned graduate program of 48] graduate semester

5-1 hours required by board rule, which may not be less than 48 hours
 5-2 and must include ~~[including]~~ 300 clock hours of supervised
 5-3 practicum that:

5-4 (A) is primarily counseling in nature; and
 5-5 (B) meets the specific academic course content
 5-6 and training standards established by the board;

5-7 (4) has completed the number of supervised experience
 5-8 hours required by board rule, which may not be less than ~~[36 months~~
 5-9 ~~or]~~ 3,000 hours ~~[of supervised experience]~~ working in a counseling
 5-10 setting that meets the requirements established by the board after
 5-11 the completion of the graduate program described by Subdivision
 5-12 (3);

5-13 (5) except as provided by Subsection (b), passes the
 5-14 license examination and jurisprudence examination required by this
 5-15 chapter;

5-16 (6) submits an application as required by the board,
 5-17 accompanied by the required application fee; and

5-18 (7) meets any other requirement prescribed by the
 5-19 board.

5-20 SECTION 16. Section 503.305(b), Occupations Code, is
 5-21 amended to read as follows:

5-22 (b) The ~~[As determined by the]~~ board shall contract with a
 5-23 nationally recognized testing organization to develop and
 5-24 administer a written professional counselor licensing examination
 5-25 to applicants who apply for a license under this chapter ~~[for each~~
 5-26 ~~applicant, the license examination may be:~~

5-27 ~~[(1) a field examination using questionnaires~~
 5-28 ~~answered by the applicant's instructors, employers, supervisors,~~
 5-29 ~~references, and others who are competent, in the board's judgment,~~
 5-30 ~~to evaluate the applicant's professional competence; or~~

5-31 ~~[(2) another type of examination as prescribed by the~~
 5-32 ~~board].~~

5-33 SECTION 17. Subchapter G, Chapter 503, Occupations Code, is
 5-34 amended by adding Section 503.3055 to read as follows:

5-35 Sec. 503.3055. JURISPRUDENCE EXAMINATION. (a) The board
 5-36 shall develop and administer at least twice each calendar year a
 5-37 jurisprudence examination to determine an applicant's knowledge of
 5-38 this chapter, board rules, and any other applicable laws of this
 5-39 state affecting the applicant's professional counseling practice.

5-40 (b) The board shall adopt rules to implement this section,
 5-41 including rules related to the development and administration of
 5-42 the examination, examination fees, guidelines for reexamination,
 5-43 grading the examination, and providing notice of examination
 5-44 results.

5-45 SECTION 18. Section 503.306, Occupations Code, is amended
 5-46 by adding Subsection (d) to read as follows:

5-47 (d) Notwithstanding the other provisions of this section,
 5-48 the board may notify an applicant of the applicant's examination
 5-49 results in the manner provided in a contract between the board and a
 5-50 testing organization selected by the board under Section 503.305.

5-51 SECTION 19. Section 503.310(b), Occupations Code, is
 5-52 amended to read as follows:

5-53 (b) An applicant for a provisional license must:
 5-54 (1) be licensed in good standing as a counselor or art
 5-55 therapist in another state, territory, or jurisdiction that has
 5-56 licensing requirements substantially equivalent to the
 5-57 requirements of this chapter;

5-58 (2) have passed the required license ~~[a national or~~
 5-59 ~~other] examination~~ ~~[recognized by the board relating to counseling~~
 5-60 ~~or art therapy]; and~~

5-61 (3) be sponsored by a person licensed under this
 5-62 chapter with whom the applicant may practice under a provisional
 5-63 license.

5-64 SECTION 20. Section 503.351, Occupations Code, is amended
 5-65 to read as follows:

5-66 Sec. 503.351. [ANNUAL] RENEWAL; ELIGIBILITY. A person
 5-67 licensed under this chapter may renew the license biennially
 5-68 ~~[annually]~~ if the person:

5-69 (1) is not in violation of this chapter when the person

6-1 applies for renewal; and

6-2 (2) fulfills the continuing education requirements
6-3 established by the board.

6-4 SECTION 21. Sections 503.354(c) and (d), Occupations Code,
6-5 are amended to read as follows:

6-6 (c) A person whose license has been expired for 90 days or
6-7 less may renew the license by paying to the board [~~the required~~
6-8 ~~renewal fee and~~] a fee that is equal to 1-1/4 times [~~half of~~] the
6-9 amount of the renewal [~~license examination~~] fee.

6-10 (d) If a person's license has been expired for more than 90
6-11 days but less than one year [~~because the person did not pay the~~
6-12 ~~renewal fee or did not meet continuing education requirements~~], the
6-13 person may renew the license by[+]

6-14 [~~(1)~~] paying to the board [~~all unpaid renewal fees~~
6-15 ~~and~~] a fee that is equal to 1-1/2 times the amount of the renewal
6-16 [~~license examination~~] fee[+, and

6-17 [~~(2)~~] ~~providing the board with proof that the person~~
6-18 ~~has completed the required continuing education~~].

6-19 SECTION 22. Subchapter I, Chapter 503, Occupations Code, is
6-20 amended by adding Section 503.407 to read as follows:

6-21 Sec. 503.407. REFUND. (a) Subject to Subsection (b), the
6-22 board may order a license holder to pay a refund to a consumer as
6-23 provided in an agreement resulting from an informal settlement
6-24 conference instead of or in addition to imposing an administrative
6-25 penalty under this chapter.

6-26 (b) The amount of a refund ordered as provided in an
6-27 agreement resulting from an informal settlement conference may not
6-28 exceed the amount the consumer paid to the license holder for a
6-29 service regulated by this chapter. The board may not require
6-30 payment of other damages or estimate harm in a refund order.

6-31 SECTION 23. Subchapter J, Chapter 503, Occupations Code, is
6-32 amended by adding Section 503.454 to read as follows:

6-33 Sec. 503.454. CEASE AND DESIST ORDER. (a) If it appears to
6-34 the board that a person who is not licensed under this chapter is
6-35 violating this chapter, a rule adopted under this chapter, or
6-36 another state statute or rule relating to the practice of
6-37 professional counseling, the board after notice and opportunity for
6-38 a hearing may issue a cease and desist order prohibiting the person
6-39 from engaging in the activity.

6-40 (b) A violation of an order under this section constitutes
6-41 grounds for imposing an administrative penalty under this chapter.

6-42 SECTION 24. Section 503.502, Occupations Code, is amended
6-43 by adding Subsection (c) to read as follows:

6-44 (c) The board by rule shall adopt an administrative penalty
6-45 schedule based on the criteria listed in Subsection (b) for
6-46 violations of this chapter or board rules to ensure that the amounts
6-47 of penalties imposed are appropriate to the violation. The board
6-48 shall provide the administrative penalty schedule to the public on
6-49 request.

6-50 SECTION 25. The following sections are repealed:

6-51 (1) Section 503.053, Occupations Code;
6-52 (2) Section 503.110(d), Occupations Code;
6-53 (3) Sections 503.302(b) and (c), Occupations Code;
6-54 (4) Section 503.303(c), Occupations Code;
6-55 (5) Sections 503.305(c), (d), and (e), Occupations
6-56 Code; and

6-57 (6) Section 503.309, Occupations Code.

6-58 SECTION 26. (a) Not later than January 1, 2006, the Texas
6-59 State Board of Examiners of Professional Counselors shall:

6-60 (1) adopt the policies required by Sections 503.210
6-61 and 503.211, Occupations Code, as added by this Act; and

6-62 (2) adopt the rules required by Chapter 503,
6-63 Occupations Code, as amended by this Act.

6-64 (b) Not later than March 1, 2006, the Texas State Board of
6-65 Examiners of Professional Counselors shall:

6-66 (1) develop the jurisprudence examination required by
6-67 Section 503.3055, Occupations Code, as added by this Act; and

6-68 (2) contract with a nationally recognized testing
6-69 organization for the administration of the license examination as

7-1 required by Section 503.305(b), Occupations Code, as amended by
7-2 this Act.

7-3 SECTION 27. (a) The changes in law made by Sections 503.104,
7-4 503.107, and 503.110, Occupations Code, as amended by this Act,
7-5 regarding the prohibitions on or qualifications of members of the
7-6 Texas State Board of Examiners of Professional Counselors do not
7-7 affect the entitlement of a member serving on the board immediately
7-8 before September 1, 2005, to continue to serve and function as a
7-9 member of the board for the remainder of the member's term. The
7-10 changes in law made by those sections apply only to a member
7-11 appointed on or after September 1, 2005.

7-12 (b) The changes in law made by this Act related to the filing
7-13 or investigation of a complaint under Chapter 503, Occupations
7-14 Code, as amended by this Act, apply only to a complaint filed with
7-15 the Texas State Board of Examiners of Professional Counselors on or
7-16 after the effective date of this Act. A complaint filed before the
7-17 effective date of this Act is governed by the law as it existed
7-18 immediately before that date, and the former law is continued in
7-19 effect for that purpose.

7-20 (c) The changes in law made by this Act governing the
7-21 eligibility of a person for a license under Chapter 503,
7-22 Occupations Code, apply only to an application for a license filed
7-23 with the Texas State Board of Examiners of Professional Counselors
7-24 under Chapter 503, Occupations Code, as amended by this Act, on or
7-25 after the effective date of this Act. A license application filed
7-26 before the effective date of this Act is governed by the law in
7-27 effect at the time the application was filed, and the former law is
7-28 continued in effect for that purpose.

7-29 (d) The change in law made by this Act with respect to
7-30 conduct that is grounds for imposition of a disciplinary sanction,
7-31 including a refund, temporary license suspension, or cease and
7-32 desist order, applies only to conduct that occurs on or after the
7-33 effective date of this Act. Conduct that occurs before the
7-34 effective date of this Act is governed by the law in effect on the
7-35 date the conduct occurred, and the former law is continued in effect
7-36 for that purpose.

7-37 (e) The change in law made by Section 503.302(a),
7-38 Occupations Code, as amended by this Act, and Section 503.3055,
7-39 Occupations Code, as added by this Act, regarding the jurisprudence
7-40 examination, applies only to an application for a license filed
7-41 with the Texas State Board of Examiners of Professional Counselors
7-42 under Chapter 503, Occupations Code, as amended by this Act, on or
7-43 after the effective date of this Act.

7-44 SECTION 28. Notwithstanding Section 503.354, Occupations
7-45 Code, as amended by this Act, the fees for an applicant renewing an
7-46 expired license under Chapter 503, Occupations Code, before
7-47 September 1, 2007, are governed by the law in effect immediately
7-48 before the effective date of this Act, and the former law is
7-49 continued in effect for that purpose. An applicant who renews an
7-50 expired license under Chapter 503, Occupations Code, on or after
7-51 September 1, 2007, is subject to the fees provided by Section
7-52 503.354, Occupations Code, as amended by this Act.

7-53 SECTION 29. This Act takes effect September 1, 2005.

7-54 * * * * *