

1-1 By: Truitt, Solomons, Hamric H.B. No. 1413
1-2 (Senate Sponsor - Whitmire)
1-3 (In the Senate - Received from the House May 10, 2005;
1-4 May 12, 2005, read first time and referred to Committee on
1-5 Government Organization; May 20, 2005, reported favorably by the
1-6 following vote: Yeas 6, Nays 0; May 20, 2005, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the continuation and functions of the Texas State Board
1-10 of Examiners of Marriage and Family Therapists.

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

1-12 SECTION 1. Sections 502.002(2) and (3), Occupations Code,
1-13 are amended to read as follows:

1-14 (2) "Commissioner" means the commissioner of state
1-15 health services [~~public health~~].

1-16 (3) "Department" means the [~~Texas~~] Department of State
1-17 Health Services.

1-18 SECTION 2. Section 502.003, Occupations Code, is amended to
1-19 read as follows:

1-20 Sec. 502.003. APPLICATION OF SUNSET ACT. The Texas State
1-21 Board of Examiners of Marriage and Family Therapists is subject to
1-22 Chapter 325, Government Code (Texas Sunset Act). Unless continued
1-23 in existence as provided by that chapter, the board is abolished and
1-24 this chapter expires September 1, 2017 [~~2005~~].

1-25 SECTION 3. Section 502.004, Occupations Code, is amended to
1-26 read as follows:

1-27 Sec. 502.004. APPLICATION OF CHAPTER. This chapter does
1-28 not apply to:

1-29 (1) the activities of a person employed to perform
1-30 marriage and family therapy by a federal, state, county, or
1-31 municipal agency or a public or private educational institution, if
1-32 the activities are within the scope of the person's employment;

1-33 (2) the activities of a student, intern, or trainee in
1-34 marriage and family therapy in a recognized course of study in
1-35 marriage and family therapy at an accredited institution of higher
1-36 education or other training institution, if:

1-37 (A) the activities constitute a part of the
1-38 course of study; and

1-39 (B) the person is called a "marriage and family
1-40 therapist intern" or similar title;

1-41 (3) [~~services provided by a person who is not a~~
1-42 ~~resident of this state if:~~

1-43 [~~(A) the services are performed for 30 days or~~
1-44 ~~less during a calendar year; and~~

1-45 [~~(B) the person is authorized to provide the~~
1-46 ~~services under the law of the state or country of the person's~~
1-47 ~~residence;~~

1-48 [~~(4)~~] the activities and services of a person licensed
1-49 to practice another profession, including a physician, attorney,
1-50 registered nurse, occupational therapist, psychologist, social
1-51 worker, or licensed professional counselor; or

1-52 (4) [~~(5)~~] the activities and services of a recognized
1-53 religious practitioner, including a pastoral counselor or
1-54 Christian Science practitioner recognized by the Church of Christ
1-55 Scientist as registered and published in the Christian Science
1-56 Journal, if the practitioner practices marriage and family therapy
1-57 in a manner consistent with the laws of this state.

1-58 SECTION 4. Section 502.052(c), Occupations Code, is amended
1-59 to read as follows:

1-60 (c) A person is not eligible for appointment as a public
1-61 member of the board under Section 502.051(a)(2) if:

1-62 (1) the person [~~or the person's spouse:~~

1-63 [~~(1)~~] is registered, certified, or licensed by an
1-64 occupational regulatory agency in the field of health care;

2-1 (2) the person's spouse is registered, certified, or
 2-2 licensed by an occupational regulatory agency in the field of
 2-3 mental health; or

2-4 (3) the person or the person's spouse:
 2-5 (A) is employed by or participates in the
 2-6 management of a business entity or other organization regulated by
 2-7 the board or receiving funds from the board;

2-8 (B) ~~[(3)]~~ owns or controls, directly or
 2-9 indirectly, more than a 10 percent interest in a business entity or
 2-10 other organization regulated by or receiving funds from the board;
 2-11 or

2-12 (C) ~~[(4)]~~ uses or receives a substantial amount
 2-13 of tangible goods, services, or funds from the board, other than
 2-14 compensation or reimbursement authorized by law for board
 2-15 membership, attendance, or expenses.

2-16 SECTION 5. Section 502.053, Occupations Code, is amended to
 2-17 read as follows:

2-18 Sec. 502.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS.

2-19 (a) In this section, "Texas trade association" means a
 2-20 ~~[nonprofit,]~~ cooperative~~[,]~~ and voluntarily joined statewide
 2-21 association of business or professional competitors in this state
 2-22 designed to assist its members and its industry or profession in
 2-23 dealing with mutual business or professional problems and in
 2-24 promoting their common interest.

2-25 (b) ~~A person [An officer, employee, or paid consultant of a~~
 2-26 ~~Texas trade association in the field of health care]~~ may not be a
 2-27 member of the board and may not be a department ~~[an]~~ employee
 2-28 employed in a "bona fide executive, administrative, or professional
 2-29 capacity," as that phrase is used for purposes of establishing an
 2-30 exemption to the overtime provisions of the federal Fair Labor
 2-31 Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

2-32 (1) the person is an officer, employee, or paid
 2-33 consultant of a Texas trade association in the field of health
 2-34 services; or

2-35 (2) the person's spouse is an officer, manager, or paid
 2-36 consultant of a Texas trade association in the field of mental
 2-37 health ~~[of the board who is exempt from the state's position~~
 2-38 ~~classification plan or is compensated at or above the amount~~
 2-39 ~~prescribed by the General Appropriations Act for step 1, salary~~
 2-40 ~~group A17, of the position classification salary schedule].~~

2-41 (c) ~~[A person who is the spouse of an officer, manager, or~~
 2-42 ~~paid consultant of a Texas trade association in the field of health~~
 2-43 ~~care may not be a member of the board and may not be an employee of~~
 2-44 ~~the board who is exempt from the state's position classification~~
 2-45 ~~plan or is compensated at or above the amount prescribed by the~~
 2-46 ~~General Appropriations Act for step 1, salary group A17, of the~~
 2-47 ~~position classification salary schedule.~~

2-48 ~~[(d)]~~ A person may not be ~~[serve as]~~ a member of the board or
 2-49 act as general counsel to the board or the department if the person
 2-50 is required to register as a lobbyist under Chapter 305, Government
 2-51 Code, because of the person's activities for compensation on behalf
 2-52 of a profession related to the operation of the board.

2-53 SECTION 6. Sections 502.056(a) and (c), Occupations Code,
 2-54 are amended to read as follows:

2-55 (a) It is a ground for removal from the board that a member:

2-56 (1) does not have at the time of taking office
 2-57 [appointment] the qualifications required by Section 502.052 ~~[for~~
 2-58 ~~appointment to the board];~~

2-59 (2) does not maintain during service on the board the
 2-60 qualifications required by Section 502.052 ~~[for appointment to the~~
 2-61 ~~board];~~

2-62 (3) is ineligible for membership under ~~[violates a~~
 2-63 ~~prohibition established by]~~ Section 502.052(c) or ~~[(7)]~~ 502.053~~[, or~~
 2-64 ~~502.159];~~

2-65 (4) cannot, because of illness or disability,
 2-66 discharge the member's duties for a substantial part of the member's
 2-67 term; ~~[or]~~

2-68 (5) is absent from more than half of the regularly
 2-69 scheduled board meetings that the member is eligible to attend

3-1 during a calendar year without an excuse approved [~~unless the~~
3-2 ~~absence is excused~~] by a majority vote of the board; or
3-3 (6) violates a prohibition established by Section
3-4 502.159.

3-5 (c) If the executive director has knowledge that a potential
3-6 ground for removal exists, the executive director shall notify the
3-7 presiding officer of the board of the potential ground. The
3-8 presiding officer shall then notify the governor and the attorney
3-9 general that a potential ground for removal exists. If the
3-10 potential ground for removal involves the presiding officer, the
3-11 executive director shall notify the next highest ranking officer of
3-12 the board, who shall then notify the governor and attorney general
3-13 that a potential ground for removal exists.

3-14 SECTION 7. Section 502.057(b), Occupations Code, is amended
3-15 to read as follows:

3-16 (b) A board member is entitled to[+
3-17 [~~(1) the per diem set by the General Appropriations~~
3-18 ~~Act for each day that the member performs duties as a board member,~~
3-19 ~~and~~
3-20 [~~(2)~~] reimbursement for expenses as provided by the
3-21 General Appropriations Act.

3-22 SECTION 8. Section 502.059, Occupations Code, is amended to
3-23 read as follows:

3-24 Sec. 502.059. TRAINING REQUIREMENTS. (a) A person who is
3-25 appointed to and qualifies for office as a member of the board may
3-26 not vote, deliberate, or be counted as a member in attendance at a
3-27 meeting of the board until the person completes a training program
3-28 that complies with this section [~~Before a board member may assume~~
3-29 ~~the member's duties, the member must complete at least one course of~~
3-30 ~~the training program established by the board under this section].~~

3-31 (b) The training program must provide the person with
3-32 information [~~to a participant~~] regarding:

- 3-33 (1) this chapter;
- 3-34 (2) the programs operated by the board;
- 3-35 (3) the role and functions of the board;
- 3-36 (4) the rules of the board, with an emphasis on the
3-37 rules that relate to disciplinary and investigatory authority;
- 3-38 (5) the current budget for the board;
- 3-39 (6) the results of the most recent formal audit of the
3-40 board;

3-41 (7) the requirements of laws relating to open
3-42 meetings, public information, administrative procedure, and
3-43 conflict of interest [~~the requirements of Chapters 551, 552, 2001,~~
3-44 ~~and 2002, Government Code,~~

3-45 [~~(8) the requirements of the conflict of interest laws~~
3-46 ~~and other laws relating to public officials]; and~~

3-47 (8) [~~(9)~~] any applicable ethics policies adopted by
3-48 the board or the Texas Ethics Commission.

3-49 (c) A person appointed to the board is entitled to
3-50 reimbursement, as provided by the General Appropriations Act, for
3-51 the travel expenses incurred in attending the training program
3-52 regardless of whether the attendance at the program occurs before
3-53 or after the person qualifies for office [~~In developing the~~
3-54 ~~training program, the board shall consult with the governor's~~
3-55 ~~office, the attorney general's office, and the Texas Ethics~~
3-56 ~~Commission.~~

3-57 [~~(d) If another state agency or entity is given the~~
3-58 ~~authority to establish the training requirements for board members,~~
3-59 ~~the board shall allow that training instead of developing its own~~
3-60 ~~program, and each member shall comply with the training~~
3-61 ~~requirements established by any other state agency that is given~~
3-62 ~~authority to establish training requirements for the board].~~

3-63 SECTION 9. Section 502.104, Occupations Code, is amended to
3-64 read as follows:

3-65 Sec. 502.104. DIVISION OF RESPONSIBILITIES. The board
3-66 shall develop and implement policies that clearly separate [~~define~~]
3-67 the policy-making [~~respective~~] responsibilities of the board and
3-68 the management responsibilities of the executive director and the
3-69 staff of the department [~~board~~].

4-1 SECTION 10. Subchapter D, Chapter 502, Occupations Code, is
 4-2 amended by adding Sections 502.1565, 502.161, 502.162, and 502.163
 4-3 to read as follows:

4-4 Sec. 502.1565. RULES ON CONSEQUENCES OF CRIMINAL
 4-5 CONVICTION. (a) The board shall adopt rules necessary to comply
 4-6 with Chapter 53.

4-7 (b) In its rules under this section, the board shall list
 4-8 the specific offenses for which a conviction would constitute
 4-9 grounds for the board to take action under Section 53.021.

4-10 Sec. 502.161. BOARD COMMITTEES. (a) The board may appoint
 4-11 committees to assist the board with its functions under this
 4-12 chapter.

4-13 (b) Only a member of the board may serve as a member of a
 4-14 board committee.

4-15 Sec. 502.162. USE OF TECHNOLOGY. The board shall implement
 4-16 a policy requiring the board to use appropriate technological
 4-17 solutions to improve the board's ability to perform its functions.
 4-18 The policy must ensure that the public is able to interact with the
 4-19 board on the Internet.

4-20 Sec. 502.163. NEGOTIATED RULEMAKING AND ALTERNATIVE
 4-21 DISPUTE RESOLUTION POLICY. (a) The board shall develop and
 4-22 implement a policy to encourage the use of:

4-23 (1) negotiated rulemaking procedures under Chapter
 4-24 2008, Government Code, for the adoption of board rules; and

4-25 (2) appropriate alternative dispute resolution
 4-26 procedures under Chapter 2009, Government Code, to assist in the
 4-27 resolution of internal and external disputes under the board's
 4-28 jurisdiction.

4-29 (b) The board's procedures relating to alternative dispute
 4-30 resolution must conform, to the extent possible, to any model
 4-31 guidelines issued by the State Office of Administrative Hearings
 4-32 for the use of alternative dispute resolution by state agencies.

4-33 (c) The board shall designate a trained person to:

4-34 (1) coordinate the implementation of the policy
 4-35 adopted under Subsection (a);

4-36 (2) serve as a resource for any training needed to
 4-37 implement the procedures for negotiated rulemaking or alternative
 4-38 dispute resolution; and

4-39 (3) collect data concerning the effectiveness of those
 4-40 procedures, as implemented by the board.

4-41 SECTION 11. Section 502.204, Occupations Code, is amended
 4-42 by adding Subsections (f)-(h) to read as follows:

4-43 (f) The board shall maintain a system to promptly and
 4-44 efficiently act on complaints filed with the board. The board shall
 4-45 maintain information about parties to the complaint, the subject
 4-46 matter of the complaint, a summary of the results of the review or
 4-47 investigation of the complaint, and its disposition.

4-48 (g) The board shall make information available describing
 4-49 its procedures for complaint investigation and resolution.

4-50 (h) The board shall periodically notify the complaint
 4-51 parties of the status of the complaint until final disposition.

4-52 SECTION 12. Subchapter E, Chapter 502, Occupations Code, is
 4-53 amended by adding Section 502.2041 to read as follows:

4-54 Sec. 502.2041. COMPLAINT COMMITTEE. The board shall
 4-55 appoint at least one public member to any board committee
 4-56 established to review a complaint filed with the board or review an
 4-57 enforcement action against a license holder related to a complaint
 4-58 filed with the board.

4-59 SECTION 13. Section 502.252(b), Occupations Code, is
 4-60 amended to read as follows:

4-61 (b) To qualify for a license as a licensed marriage and
 4-62 family therapist associate, a person must:

4-63 (1) be at least 18 years of age;

4-64 (2) have completed a graduate internship in marriage
 4-65 and family therapy, or an equivalent internship, as approved by the
 4-66 board;

4-67 (3) pass the license [an] examination and
 4-68 jurisprudence examination determined by the board;

4-69 (4) hold a master's or doctoral degree in marriage and

5-1 family therapy or in a related mental health field with coursework
 5-2 and training determined by the board to be substantially equivalent
 5-3 to a graduate degree in marriage and family therapy from a
 5-4 regionally accredited institution of higher education or an
 5-5 institution of higher education approved by the board;

5-6 (5) be of good moral character;
 5-7 (6) have not been convicted of a felony or a crime
 5-8 involving moral turpitude;

5-9 (7) not use drugs or alcohol to an extent that affects
 5-10 the applicant's professional competency;

5-11 (8) not have had a license or certification revoked by
 5-12 a licensing agency or by a certifying professional organization;
 5-13 and

5-14 (9) not have engaged in fraud or deceit in applying for
 5-15 a license under this chapter.

5-16 SECTION 14. The heading to Section 502.254, Occupations
 5-17 Code, is amended to read as follows:

5-18 Sec. 502.254. LICENSE EXAMINATION.

5-19 SECTION 15. Section 502.254(c), Occupations Code, is
 5-20 amended to read as follows:

5-21 (c) The examination consists of [~~+~~
 5-22 [~~(1)~~] a written examination [~~+~~
 5-23 [~~(2)~~] ~~an oral examination,~~
 5-24 [~~(3)~~] ~~a field examination that~~
 5-25 [~~(A)~~] ~~uses questionnaires answered by persons who~~
 5-26 ~~are competent in the judgment of the board to assess the applicant's~~
 5-27 ~~professional ability, including the applicant's instructors,~~
 5-28 ~~employers, or supervisors; and~~
 5-29 [~~(B)~~] ~~may include written case studies and taped~~
 5-30 ~~interviews; or~~
 5-31 [~~(4)~~] ~~any combination of those examinations~~].

5-32 SECTION 16. Subchapter F, Chapter 502, Occupations Code, is
 5-33 amended by adding Section 502.2541 to read as follows:

5-34 Sec. 502.2541. JURISPRUDENCE EXAMINATION. (a) The board
 5-35 shall develop and administer at least twice each calendar year a
 5-36 jurisprudence examination to determine an applicant's knowledge of
 5-37 this chapter, board rules, and any other applicable laws of this
 5-38 state affecting the applicant's practice of marriage and family
 5-39 therapy.

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 17. Sections 502.301(a) and (d), Occupations Code,
 5-46 are amended to read as follows:

5-47 (a) A license issued under this chapter is subject to
 5-48 biennial [~~annual~~] renewal. The board shall adopt a system under
 5-49 which licenses expire on various dates during the year.

5-50 (d) A person whose license has been expired for 90 days or
 5-51 less may renew the license by paying to the board [~~the required~~
 5-52 ~~renewal fee and~~] a fee that is equal to 1-1/4 times [~~half of~~] the
 5-53 amount of the renewal [~~examination~~] fee. If a person's license has
 5-54 been expired for more than 90 days but less than one year, the
 5-55 person may renew the license by paying to the board [~~all unpaid~~
 5-56 ~~renewal fees and~~] a fee that is equal to 1-1/2 times the amount of
 5-57 the renewal [~~examination~~] fee for the license.

5-58 SECTION 18. Section 502.302(b), Occupations Code, is
 5-59 amended to read as follows:

5-60 (b) The person must pay to the board a fee that is equal to
 5-61 the amount of the renewal [~~examination~~] fee.

5-62 SECTION 19. Section 502.351, Occupations Code, is amended
 5-63 to read as follows:

5-64 Sec. 502.351. GROUNDS FOR DISCIPLINARY ACTIONS. The board
 5-65 shall reprimand a license holder, place on probation a person whose
 5-66 license has been suspended, refuse to renew a person's license, or
 5-67 suspend or revoke a holder's license if the person:

5-68 (1) is convicted of a misdemeanor involving moral
 5-69 turpitude or a felony;

- 6-1 (2) obtains or attempts to obtain a license by fraud or
 6-2 deception;
 6-3 (3) uses drugs or alcohol to an extent that affects the
 6-4 license holder's professional competence;
 6-5 (4) performs professional duties in a grossly
 6-6 negligent manner;
 6-7 (5) is adjudicated as mentally incompetent by a court;
 6-8 (6) practices in a manner that is detrimental to the
 6-9 public health or welfare;
 6-10 (7) advertises in a manner that tends to deceive or
 6-11 defraud the public;
 6-12 (8) has a license or certification revoked by a
 6-13 licensing agency or a certifying professional organization;
 6-14 (9) violates this chapter or a rule or code of ethics
 6-15 adopted under this chapter; or
 6-16 (10) commits an act for which liability exists under
 6-17 Chapter 81, Civil Practice and Remedies Code.

6-18 SECTION 20. Subchapter H, Chapter 502, Occupations Code, is
 6-19 amended by adding Sections 502.357 and 502.358 to read as follows:

6-20 Sec. 502.357. GROUNDS FOR REFUSING RENEWAL. The board may
 6-21 refuse to renew the license of a person who fails to pay an
 6-22 administrative penalty imposed under Subchapter I unless
 6-23 enforcement of the penalty is stayed or a court has ordered that the
 6-24 administrative penalty is not owed.

6-25 Sec. 502.358. REFUND. (a) Subject to Subsection (b), the
 6-26 board may order a license holder to pay a refund to a consumer as
 6-27 provided in an agreement resulting from an informal settlement
 6-28 conference instead of or in addition to imposing an administrative
 6-29 penalty under this chapter.

6-30 (b) The amount of a refund ordered as provided in an
 6-31 agreement resulting from an informal settlement conference may not
 6-32 exceed the amount the consumer paid to the license holder for a
 6-33 service regulated by this chapter. The board may not require
 6-34 payment of other damages or estimate harm in a refund order.

6-35 SECTION 21. Section 502.402(a), Occupations Code, is
 6-36 amended to read as follows:

6-37 (a) The amount of an administrative penalty may not exceed
 6-38 \$5,000 [~~\$1,000~~] for each violation. Each day a violation continues
 6-39 or occurs is a separate violation for purposes of imposing a
 6-40 penalty.

6-41 SECTION 22. Subchapter J, Chapter 502, Occupations Code, is
 6-42 amended by adding Section 502.455 to read as follows:

6-43 Sec. 502.455. CEASE AND DESIST ORDER. (a) If it appears to
 6-44 the board that a person who is not licensed under this chapter is
 6-45 violating this chapter, a rule adopted under this chapter, or
 6-46 another state statute or rule relating to the practice of marriage
 6-47 and family therapy, the board after notice and opportunity for a
 6-48 hearing may issue a cease and desist order prohibiting the person
 6-49 from engaging in the activity.

6-50 (b) A violation of an order under this section constitutes
 6-51 grounds for imposing an administrative penalty under this chapter.

6-52 SECTION 23. (a) Not later than January 1, 2006, the Texas
 6-53 State Board of Examiners of Marriage and Family Therapists shall:

6-54 (1) adopt the policies required by Sections 502.162
 6-55 and 502.163, Occupations Code, as added by this Act; and

6-56 (2) adopt the rules required by Chapter 502,
 6-57 Occupations Code, as amended by this Act.

6-58 (b) Not later than March 1, 2006, the Texas State Board of
 6-59 Examiners of Marriage and Family Therapists shall develop the
 6-60 jurisprudence examination required by Section 502.2541,
 6-61 Occupations Code, as added by this Act.

6-62 SECTION 24. (a) The changes in law made by Sections
 6-63 502.052, 502.053, 502.056, and 502.059, Occupations Code, as
 6-64 amended by this Act, regarding the prohibitions on or
 6-65 qualifications of members of the Texas State Board of Examiners of
 6-66 Marriage and Family Therapists do not affect the entitlement of a
 6-67 member serving on the board immediately before September 1, 2005,
 6-68 to continue to serve and function as a member of the board for the
 6-69 remainder of the member's term. The changes in law made by those

7-1 sections apply only to a member appointed on or after September 1,
7-2 2005.

7-3 (b) The changes in law made by this Act governing the
7-4 eligibility of a person for a license under Chapter 502,
7-5 Occupations Code, apply only to an application for a license filed
7-6 with the Texas State Board of Examiners of Marriage and Family
7-7 Therapists under Chapter 502, Occupations Code, as amended by this
7-8 Act, on or after the effective date of this Act. A license
7-9 application filed before the effective date of this Act is governed
7-10 by the law in effect at the time the application was filed, and the
7-11 former law is continued in effect for that purpose.

7-12 (c) The change in law made by this Act with respect to
7-13 conduct that is grounds for imposition of a disciplinary sanction,
7-14 including a refund, refusal to renew a license, or cease and desist
7-15 order, applies only to conduct that occurs on or after the effective
7-16 date of this Act. Conduct that occurs before the effective date of
7-17 this Act is governed by the law in effect on the date the conduct
7-18 occurred, and the former law is continued in effect for that
7-19 purpose.

7-20 (d) The changes in law made by Section 502.252(b),
7-21 Occupations Code, as amended by this Act, and Section 502.2541,
7-22 Occupations Code, as added by this Act, regarding the jurisprudence
7-23 examination, apply only to an application for a license filed with
7-24 the Texas State Board of Examiners of Marriage and Family
7-25 Therapists under Chapter 502, Occupations Code, as amended by this
7-26 Act, on or after September 1, 2006.

7-27 (e) Section 502.204, Occupations Code, as amended by this
7-28 Act, applies only to a complaint filed with the Texas State Board of
7-29 Examiners of Marriage and Family Therapists on or after the
7-30 effective date of this Act. A complaint filed before the effective
7-31 date of this Act is governed by the law in effect on the date the
7-32 complaint was filed, and the former law is continued in effect for
7-33 that purpose.

7-34 SECTION 25. Notwithstanding Section 502.301(d),
7-35 Occupations Code, as amended by this Act, the fees for an applicant
7-36 renewing an expired license under Chapter 502, Occupations Code,
7-37 before September 1, 2007, are governed by the law in effect
7-38 immediately before the effective date of this Act, and the former
7-39 law is continued in effect for that purpose. An applicant who
7-40 renews an expired license under Chapter 502, Occupations Code, on
7-41 or after September 1, 2007, is subject to the fees provided by
7-42 Sections 502.301(d) or 502.302(b), Occupations Code, as amended by
7-43 this Act.

7-44 SECTION 26. This Act takes effect September 1, 2005.

7-45

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