

1-1 By: England (Senate Sponsor - Shapiro) H.B. No. 2034
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on Health
1-4 and Human Services; May 19, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6,
1-6 Nays 0; May 19, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2034 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of sex offender treatment providers.

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

1-12 SECTION 1. Section 110.001, Occupations Code, is amended by
1-13 amending Subdivisions (6) and (7) and by adding Subdivision (8) to
1-14 read as follows:

1-15 (6) "Sex offender" means a person who:

1-16 (A) is convicted of committing or adjudicated to
1-17 have committed a sex crime under state or federal law;

1-18 (B) is awarded deferred adjudication for a sex
1-19 crime under state or federal law; or

1-20 (C) is convicted of, adjudicated to have
1-21 committed, or awarded deferred adjudication for an offense that is
1-22 based on sexually motivated conduct ~~[admits to having violated~~
1-23 ~~state or federal law with regard to sexual conduct; or~~

1-24 ~~[(D) experiences or evidences a paraphiliac~~
1-25 ~~disorder as defined by the Revised Diagnostic and Statistical~~
1-26 ~~Manual, including any subsequent revision of that manual].~~

1-27 (7) "Sex offender treatment provider" means a person,
1-28 licensed by the council and recognized based on training and
1-29 experience to provide assessment and treatment to adult sex
1-30 offenders or juveniles with sexual behavioral problems who have
1-31 been convicted, adjudicated, awarded deferred adjudication, or
1-32 referred by a state agency or a court, and licensed in this state
1-33 [or certified] to practice as [in this state, including] a
1-34 physician, psychiatrist, psychologist, psychological associate,
1-35 provisionally licensed psychologist, licensed professional
1-36 counselor, licensed professional counselor intern, licensed
1-37 marriage and family therapist, licensed marriage and family
1-38 associate, licensed clinical social worker, licensed master [or]
1-39 social worker under a clinical supervision plan approved by the
1-40 Texas State Board of Social Worker Examiners, or advanced practice
1-41 nurse recognized as a psychiatric clinical nurse specialist or
1-42 psychiatric mental health nurse practitioner, who provides mental
1-43 health or medical services for rehabilitation of sex offenders.

1-44 (8) "Sexually motivated conduct" has the meaning
1-45 assigned by Section 841.002, Health and Safety Code.

1-46 SECTION 2. Subchapter A, Chapter 110, Occupations Code, is
1-47 amended by adding Section 110.002 to read as follows:

1-48 Sec. 110.002. ADJUNCT THERAPY. This chapter does not apply
1-49 to a person licensed to practice in this state who provides adjunct
1-50 therapy.

1-51 SECTION 3. Section 110.158, Occupations Code, is amended to
1-52 read as follows:

1-53 Sec. 110.158. RULEMAKING. (a) The council may adopt
1-54 rules consistent with this chapter. In adopting rules, the council
1-55 shall:

1-56 (1) consider the rules and procedures of the board and
1-57 the department; and

1-58 (2) adopt procedural rules consistent with similar
1-59 existing rules and procedures of the board or the department.

1-60 (b) A sex offender treatment provider licensed under this
1-61 chapter is subject to the rules of the council governing
1-62 confidentiality and the release and exchange of information rather
1-63 than the applicable rules of the licensing entity by which the

2-1 provider is licensed or otherwise regulated. This subsection does
2-2 not apply to the prescribing of a drug, remedy, or clinical supply
2-3 by a physician licensed under Subtitle B.

2-4 SECTION 4. Section 110.301, Occupations Code, is amended by
2-5 amending Subsection (a) and adding Subsection (c) to read as
2-6 follows:

2-7 (a) A person may not provide sex offender treatment [~~a~~
2-8 ~~rehabilitation service~~] or act as a sex offender treatment provider
2-9 unless the person is licensed under this chapter.

2-10 (c) This section does not apply to a physician whose
2-11 treatment of a sex offender is limited to prescribing medication to
2-12 the sex offender.

2-13 SECTION 5. Section 110.001(5), Occupations Code, is
2-14 repealed.

2-15 SECTION 6. This Act takes effect September 1, 2007.

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