

## **BILL ANALYSIS**

Senate Research Center  
81R21468 PMO-D

C.S.S.B. 1291  
By: Van de Putte  
State Affairs  
4/8/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There are currently five primary categories of licensed mental health providers in Texas—licensed psychologists, licensed clinical social workers, licensed professional counselors, licensed chemical dependency counselors, and licensed marriage and family therapists. These mental health professionals play an important and cost-effective role in the delivery of critical care services, treating clients in a variety of settings, working directly through private insurance, the public health, behavioral health, human services, criminal justice, and educational systems.

Currently, Chapter 1451 (Access to Certain Practitioners and Facilities), Insurance Code, relating to access to certain practitioners and facilities, provides that an insured may directly select the mental health services of a licensed psychologist, a licensed social worker, or a licensed chemical dependency counselor as may be medically necessary and specified within the terms and conditions set forth in the health insurance policy. However, Chapter 1451 also authorizes a health plan to limit an insured's direct access to the services of two of the five types of primary licensed mental health professionals: the marriage and family therapist and the professional counselor, which may require a recommendation from a physician.

C.S.S.B. 1291 deletes provisions in the Insurance Code authorizing a health insurance policy to require that services of a marriage counselor and family therapist be recommended by a physician.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1451.114, Insurance Code, to delete existing Subsection (b) authorizing the health insurance policy to require that services of a licensed professional counselor be recommended by a physician. Makes a nonsubstantive change.

SECTION 2. Amends Section 1451.116, Insurance Code, to delete existing Subsection (b) authorizing the health insurance policy to require that services of a marriage and family therapist be recommended by a physician. Makes a nonsubstantive change.

SECTION 3. Makes application of this Act prospective to January 1, 2010.

SECTION 4. Effective date: September 1, 2009.