

By: Madden

H.B. No. 2288

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to license requirements for certain government employees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 501.004, Occupations Code, is amended by  
5 amending Subsection (a) and adding Subsection (a-1) to read as  
6 follows:

7 (a) Except as provided by Subsection (a-1), this ~~[This]~~  
8 chapter does not apply to:

9 (1) the activity or service of a person, or the use of  
10 an official title by the person, who is employed as a psychologist  
11 or psychological associate by a governmental agency or regionally  
12 accredited institution of higher education if the person performs  
13 duties the person is employed by the agency or institution to  
14 perform within the confines of the agency or institution;

15 (2) the activity or service of a student, intern, or  
16 resident in psychology if:

17 (A) the person is pursuing a course of study to  
18 prepare for the profession of psychology under qualified  
19 supervision in a recognized training institution or facility;

20 (B) the activity or service is part of the  
21 person's supervised course of study; and

22 (C) the person is designated as a "psychological  
23 intern," as a "psychological trainee," or by another title that  
24 clearly indicates the person's training status;

1           (3) the activity or service of a licensed  
2 professional, other than a person licensed under this chapter, if:

3                   (A) the activity or service is permitted under  
4 the person's license; and

5                   (B) the person does not represent that the person  
6 is a psychologist or describe the service provided by using the term  
7 "psychological";

8           (4) the activity or service of a recognized member of  
9 the clergy who is acting within the person's ministerial  
10 capabilities if the person does not:

11                   (A) represent that the person is a psychologist;  
12 or

13                   (B) describe the service provided by using the  
14 term "psychological"; or

15           (5) the voluntary activity or service of a person  
16 employed by or working on behalf of a charitable nonprofit  
17 organization if the person does not:

18                   (A) represent that the person is a psychologist;  
19 or

20                   (B) describe the service provided by using the  
21 term "psychological."

22           (a-1) This chapter applies to a person who is employed as a  
23 psychologist or psychological associate by a governmental agency if  
24 the person serves one or more persons in the criminal or juvenile  
25 justice system.

26           SECTION 2. Section 503.051, Occupations Code, is amended to  
27 read as follows:

1           Sec. 503.051. COUNSELING FOR GOVERNMENT OR EDUCATIONAL  
2 INSTITUTION.       (a) Except as provided by Subsection (b), this  
3 ~~[This]~~ chapter does not apply to an activity, service, or use of an  
4 official title by a person employed as a counselor by a federal,  
5 state, county, or municipal agency or public or private educational  
6 institution if the person is performing counseling or  
7 counseling-related activities within the scope of the person's  
8 employment.

9           (b) This chapter applies to a person who is employed as a  
10 counselor by a governmental agency if the counseling-related  
11 activities within the scope of the person's employment include  
12 providing services to one or more persons in the criminal or  
13 juvenile justice system.

14           SECTION 3. Section 505.003, Occupations Code, is amended to  
15 read as follows:

16           Sec. 505.003. APPLICATIONS AND EXEMPTIONS. (a) Except as  
17 provided by Subsection (c), this ~~[This]~~ chapter does not apply to:

18           (1) an activity conducted or a service performed by a  
19 person who is licensed, certified, or registered in a profession  
20 other than social work, including a physician, attorney, registered  
21 nurse, licensed vocational nurse, psychologist, occupational  
22 therapist, licensed marriage and family therapist, licensed  
23 chemical dependency counselor, or licensed professional counselor,  
24 if:

25           (A) the activity or service is conducted or  
26 performed within the scope of the person's license, certificate, or  
27 registration;

1 (B) the person does not use a title listed in  
2 Section 505.351; and

3 (C) the person does not:

4 (i) represent the service as social work;

5 (ii) represent that the person is a social  
6 worker; or

7 (iii) use a title that implies that the  
8 person is licensed in social work;

9 (2) a service performed by a person as a volunteer or  
10 staff member if the person does not:

11 (A) represent the service as social work;

12 (B) represent the person as a social worker; or

13 (C) use a title that implies that the person is  
14 licensed in social work;

15 (3) an activity conducted by a social work student,  
16 intern, or trainee in connection with an institution of higher  
17 education accredited by the Council on Social Work Education; or

18 (4) an activity conducted or a service performed by a  
19 pastoral care counselor who is acting within the person's  
20 ministerial capabilities and who does not use a title that implies  
21 that the counselor is licensed in social work, including:

22 (A) a Christian Science practitioner who is  
23 recognized by the Church of Christ Scientist as registered and  
24 published in the Christian Science Journal; and

25 (B) any other recognized religious practitioner.

26 (b) Except as provided by Subsection (c), this ~~[This]~~  
27 chapter does not require a public agency or private employer,

1 including a nonprofit corporation, to employ a person licensed  
2 under this chapter.

3 (c) This chapter:

4 (1) applies to a service performed by a person as a  
5 volunteer or staff member if the person performs the service for one  
6 or more persons in the criminal or juvenile justice system; and

7 (2) requires a public agency to employ a person  
8 licensed under this chapter if the agency provides services for  
9 which a license is required under this section to one or more  
10 persons in the criminal or juvenile justice system.

11 SECTION 4. This Act takes effect September 1, 2009.