

BILL ANALYSIS

C.S.H.B. 3145
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Peer assistance programs provide assistance to certain licensed professionals whose ability to perform a professional service is impaired by abuse of or dependency on drugs or alcohol. While a licensing or disciplinary authority is currently authorized to add a surcharge of not more than \$10 to its license or license renewal fee to fund an approved peer assistance program, interested parties feel that a surcharge should be required to be added to the issuance or renewal of a chemical dependency counselor license to ensure compliance with a requirement that all chemical dependency licensees and counselor interns have access to a peer assistance program.

In addition, these interested parties assert that recent changes to the written exam eliminate the need for an applicant for a chemical dependency counselor license to pass an oral examination and that the requirement for a person convicted or placed on community supervision for certain crimes to wait five years before applying to be a licensed chemical dependency counselor should be adjusted.

C.S.H.B. 3145 seeks to address various issues relating to the regulation of chemical dependency counselors by requiring a surcharge of not more than \$10 on the license or license renewal fee for a chemical dependency license, removing the requirement for an oral examination, and reducing the number of years an individual with a certain criminal history must wait before being eligible for such a license.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5 of this bill.

ANALYSIS

C.S.H.B. 3145 amends the Occupations Code to require the executive commissioner of the Health and Human Services Commission to add a surcharge of not more than \$10 to the license or license renewal fee for a chemical dependency counselor license to fund approved peer assistance programs for chemical dependency counselors. The bill requires money collected from the surcharge to be remitted to the comptroller of public accounts for deposit to the credit of the chemical dependency counselor account and establishes that the chemical dependency counselor account is an account in the general revenue fund. The bill authorizes the Department of State Health Services (DSHS), subject to the General Appropriations Act, to use the money collected from the surcharge and deposited in the chemical dependency counselor account only to fund approved peer assistance programs and pay the administrative costs incurred by DSHS that are related to the programs.

C.S.H.B. 3145 removes the requirement to pass an oral examination approved by DSHS from the list of eligibility requirements for a chemical dependency counselor license. The bill prohibits DSHS from issuing a chemical dependency counselor license, registration, or certification to an applicant who has been convicted or placed on community supervision during the three years,

rather than five years, preceding the date of application for an offense equal to a Class B misdemeanor.

C.S.H.B. 3145 authorizes DSHS to issue a chemical dependency counselor registration or certification, in addition to a chemical dependency counselor license, to a person convicted or placed on community supervision for certain drug or alcohol offenses if DSHS determines that the applicant has successfully completed participation in an approved peer assistance program.

C.S.H.B. 3145 requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement the bill's provisions not later than December 1, 2011. The bill makes its provisions applicable only to an application for an original or renewal chemical dependency counselor license, registration, or certification submitted to DSHS on or after December 1, 2011.

C.S.H.B. 3145 amends the Health and Safety Code to make a conforming change.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3145 omits a provision included in the original authorizing the Department of State Health Services (DSHS) to collect from a participant in an approved peer assistance program a fee of not more than \$50 each month that is required to be remitted to the comptroller of public accounts for deposit to the credit of the chemical dependency counselor account. The substitute differs from the original by requiring money collected from the surcharge on the license or license renewal fee for a chemical dependency counselor license to be remitted to the comptroller for deposit to the credit of the chemical dependency counselor account, whereas the original contains no such requirement relating to the surcharge.

C.S.H.B. 3145 differs from the original by requiring the executive commissioner of the Health and Human Services Commission to adopt rules to implement the bill's provisions, whereas the original requires DSHS to adopt such rules. The substitute differs from the original in conforming and nonsubstantive ways.