

By: Naishtat, Perry

H.B. No. 3145

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of chemical dependency counselors.

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

SECTION 1. Section 467.004(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Section 467.0041(b) of this code and Section 504.058, Occupations Code, a licensing or disciplinary authority may add a surcharge of not more than \$10 to its license or license renewal fee to fund an approved peer assistance program. The authority must adopt the surcharge in accordance with the procedure that the authority uses to initiate and adopt an increase in its license or license renewal fee.

SECTION 2. Section 504.002(b), Occupations Code, is amended to read as follows:

(b) This chapter does not apply to an activity or service of a person who:

(1) is employed as a counselor by a federal institution and is providing chemical dependency counseling within the scope of the person's employment;

(2) except as provided by Section 504.1515, is a student, intern, or trainee pursuing a supervised course of study in counseling at a regionally accredited institution of higher education or training institution, if the person:

(A) is designated as a "counselor intern"; and

1 (B) is engaging in the activity or providing the
2 service as part of the course of study;

3 (3) is not a resident of this state, if the person:

4 (A) engages in the activity or provides the
5 service in this state for not more than 30 days during any year; and

6 (B) is authorized to engage in the activity or
7 provide the service under the law of the state of the person's
8 residence;

9 (4) is a licensed physician, psychologist,
10 professional counselor, or social worker;

11 (5) is a religious leader of a congregation providing
12 pastoral chemical dependency counseling within the scope of the
13 person's duties;

14 (6) is working for or providing counseling with a
15 program exempt under Subchapter C, Chapter 464, Health and Safety
16 Code; ~~or~~

17 (7) is a school counselor certified by the State Board
18 for Educator Certification; or

19 (8) provides chemical dependency counseling through a
20 program or in a facility that receives funding from the Texas
21 Department of Criminal Justice and who is credentialed as:

22 (A) a certified criminal justice addictions
23 professional by the International Certification and Reciprocity
24 Consortium; or

25 (B) having certified criminal justice
26 professional applicant status issued by the Texas Certification
27 Board of Addiction Professionals.

1 SECTION 3. Subchapter B, Chapter 504, Occupations Code, is
2 amended by adding Section 504.058 to read as follows:

3 Sec. 504.058. FUNDING FOR CHEMICAL DEPENDENCY COUNSELOR
4 PROGRAMS. (a) The executive commissioner shall add a surcharge of
5 not more than \$10 to the license or license renewal fee for a
6 license under this chapter to fund approved peer assistance
7 programs for chemical dependency counselors. Money collected from
8 the surcharge shall be remitted to the comptroller for deposit to
9 the credit of the chemical dependency counselor account. The
10 chemical dependency counselor account is an account in the general
11 revenue fund.

12 (b) Subject to the General Appropriations Act, the
13 department may use the money from the surcharge collected under
14 this section and deposited in the chemical dependency counselor
15 account only to fund approved peer assistance programs and to pay
16 the administrative costs incurred by the department that are
17 related to the programs.

18 SECTION 4. Section 504.152, Occupations Code, is amended to
19 read as follows:

20 Sec. 504.152. ELIGIBILITY REQUIREMENTS. (a) To be
21 eligible for a license under this chapter, a person must:

22 (1) be at least 18 years of age;

23 (2) hold an associate degree or a more advanced
24 degree;

25 (3) have completed:

26 (A) 135 hours, or nine semester hours, specific
27 to substance abuse disorders and treatment and an additional 135

1 hours, or nine semester hours, specific or related to chemical
2 dependency counseling;

3 (B) 4,000 hours of approved supervised
4 experience working with chemically dependent persons; and

5 (C) 300 hours of approved supervised field work
6 practicum;

7 (4) provide two letters of reference from chemical
8 dependency counselors;

9 (5) pass a written examination approved by the
10 department;

11 (6) submit a case presentation to the test
12 administrator;

13 (7) ~~[pass an oral examination approved by the~~
14 ~~department]~~;

15 ~~(8)~~ be determined by the department to be worthy of
16 the public trust and confidence;

17 (8) ~~(9)~~ successfully complete the chemical
18 dependency counselor examination under Section 504.156;

19 (9) ~~(10)~~ sign a written agreement to comply with the
20 standards of ethics approved by the department; and

21 (10) ~~(11)~~ provide to the department written
22 assurance that the applicant has access to a peer assistance
23 program.

24 (b) The department may waive the requirement under
25 Subsection (a)(10) ~~(a)(11)~~ if the department determines that a
26 peer assistance program is not reasonably available to the license
27 holder.

1 SECTION 5. Sections 504.1525(a) and (b), Occupations Code,
2 are amended to read as follows:

3 (a) Except as provided by Subsection (b), the department may
4 not issue a license, registration, or certification under this
5 chapter to an applicant who has been:

6 (1) convicted or placed on community supervision
7 during the three [~~five~~] years preceding the date of application in
8 any jurisdiction for an offense equal to a Class B misdemeanor
9 specified by executive commissioner rule;

10 (2) convicted or placed on community supervision in
11 any jurisdiction for an offense equal to or greater than a Class A
12 misdemeanor specified by executive commissioner rule; or

13 (3) found to be incapacitated by a court on the basis
14 of a mental defect or disease.

15 (b) The department may issue a license, registration, or
16 certification to a person convicted or placed on community
17 supervision in any jurisdiction for a drug or alcohol offense
18 described by Subsection (a)(1) or (2) if the department determines
19 that the applicant has successfully completed participation in an
20 approved peer assistance program.

21 SECTION 6. (a) The executive commissioner of the Health and
22 Human Services Commission shall adopt rules to implement the
23 changes in law made by this Act not later than December 1, 2011.

24 (b) Section 504.058, Occupations Code, as added by this Act,
25 and Sections 504.152 and 504.1525, Occupations Code, as amended by
26 this Act, apply only to an application for an original or renewal
27 license, registration, or certification submitted to the

1 Department of State Health Services on or after December 1, 2011. An
2 application submitted before December 1, 2011, is governed by the
3 law in effect on the date the application was submitted, and the
4 former law is continued in effect for that purpose.

5 SECTION 7. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2011.