

By: Naishtat

H.B. No. 3145

Substitute the following for H.B. No. 3145:

By: Gonzalez

C.S.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. Subchapter B, Chapter 504, Occupations Code, is amended by adding Section 504.058 to read as follows:

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

(b) Subject to the General Appropriations Act, the

1 department may use the money from the surcharge collected under
2 this section and deposited in the chemical dependency counselor
3 account only to fund approved peer assistance programs and to pay
4 the administrative costs incurred by the department that are
5 related to the programs.

6 SECTION 3. Section 504.152, Occupations Code, is amended to
7 read as follows:

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

- 10 (1) be at least 18 years of age;
- 11 (2) hold an associate degree or a more advanced
12 degree;
- 13 (3) have completed:
 - 14 (A) 135 hours, or nine semester hours, specific
15 to substance abuse disorders and treatment and an additional 135
16 hours, or nine semester hours, specific or related to chemical
17 dependency counseling;
 - 18 (B) 4,000 hours of approved supervised
19 experience working with chemically dependent persons; and
 - 20 (C) 300 hours of approved supervised field work
21 practicum;
- 22 (4) provide two letters of reference from chemical
23 dependency counselors;
- 24 (5) pass a written examination approved by the
25 department;
- 26 (6) submit a case presentation to the test
27 administrator;

1 (7) [~~pass an oral examination approved by the~~
2 ~~department,~~

3 [~~(8)~~] be determined by the department to be worthy of
4 the public trust and confidence;

5 (8) [~~(9)~~] successfully complete the chemical
6 dependency counselor examination under Section 504.156;

7 (9) [~~(10)~~] sign a written agreement to comply with the
8 standards of ethics approved by the department; and

9 (10) [~~(11)~~] provide to the department written
10 assurance that the applicant has access to a peer assistance
11 program.

12 (b) The department may waive the requirement under
13 Subsection (a)(10) [~~(a)(11)~~] if the department determines that a
14 peer assistance program is not reasonably available to the license
15 holder.

16 SECTION 4. Sections 504.1525(a) and (b), Occupations Code,
17 are amended to read as follows:

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

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

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

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

3 (b) The department may issue a license, registration, or
4 certification to a person convicted or placed on community
5 supervision in any jurisdiction for a drug or alcohol offense
6 described by Subsection (a)(1) or (2) if the department determines
7 that the applicant has successfully completed participation in an
8 approved peer assistance program.

9 SECTION 5. (a) The executive commissioner of the Health and
10 Human Services Commission shall adopt rules to implement the
11 changes in law made by this Act not later than December 1, 2011.

12 (b) Section 504.058, Occupations Code, as added by this Act,
13 and Sections 504.152 and 504.1525, Occupations Code, as amended by
14 this Act, apply only to an application for an original or renewal
15 license, registration, or certification submitted to the
16 Department of State Health Services on or after December 1, 2011. An
17 application submitted before December 1, 2011, is governed by the
18 law in effect on the date the application was submitted, and the
19 former law is continued in effect for that purpose.

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