

By: Naishtat

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.

(b) The department may collect a fee of not more than \$50 each month from a participant in an approved peer assistance program. Fees collected under this subsection shall be remitted to the comptroller for deposit to the credit of the chemical dependency counselor account. The chemical dependency counselor

1 account is an account in the general revenue fund.

2 (c) Subject to the General Appropriations Act, the
3 department may use the fees and surcharges collected under this
4 section and deposited in the chemical dependency counselor account
5 only to fund approved peer assistance programs and to pay the
6 administrative costs incurred by the department that are related to
7 the programs.

8 SECTION 3. Section 504.152, Occupations Code, is amended to
9 read as follows:

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

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

13 (2) hold an associate degree or a more advanced
14 degree;

15 (3) have completed:

16 (A) 135 hours, or nine semester hours, specific
17 to substance abuse disorders and treatment and an additional 135
18 hours, or nine semester hours, specific or related to chemical
19 dependency counseling;

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

22 (C) 300 hours of approved supervised field work
23 practicum;

24 (4) provide two letters of reference from chemical
25 dependency counselors;

26 (5) pass a written examination approved by the
27 department;

1 (6) submit a case presentation to the test
2 administrator;

3 (7) [~~pass an oral examination approved by the~~
4 ~~department,~~

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

7 (8) [~~(9)~~] successfully complete the chemical
8 dependency counselor examination under Section 504.156;

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

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

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

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

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

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

27 (2) convicted or placed on community supervision in

1 any jurisdiction for an offense equal to or greater than a Class A
2 misdemeanor specified by executive commissioner rule; or

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

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

11 SECTION 5. (a) The Department of State Health Services
12 shall adopt rules to implement the changes in law made by this Act
13 not later than December 1, 2011.

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

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