

By: Van de Putte

S.B. No. 1349

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a requirement that a person hold a license issued by the
3 appropriate state agency to be employed as a marriage and family
4 therapist by a school district.

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

6 SECTION 1. Subsection (b), Section 21.003, Education Code,
7 is amended to read as follows:

8 (b) Except as otherwise provided by this subsection, a [A]
9 person may not be employed by a school district as an audiologist,
10 occupational therapist, physical therapist, physician, nurse,
11 school psychologist, associate school psychologist, marriage and
12 family therapist, social worker, or speech language pathologist
13 unless the person is licensed by the state agency that licenses that
14 profession and ~~[. — A person]~~ may perform specific services within
15 those professions for a school district only if the person holds the
16 appropriate credential from the appropriate state agency. As long
17 as a person employed by a district before September 1, 2011, to
18 perform marriage and family therapy, as defined by Section 502.002,
19 Occupations Code, is employed by the same district, the person is
20 not required to hold a license as a marriage and family therapist to
21 perform marriage and family therapy with that district.

22 SECTION 2. Section 502.004, Occupations Code, is amended to
23 read as follows:

24 Sec. 502.004. APPLICATION OF CHAPTER. This chapter does

1 not apply to:

2 (1) the activities, within the scope of a person's
3 employment, of a person employed to perform marriage and family
4 therapy by a federal, state, county, or municipal agency or, except
5 as provided by Section 21.003(b), Education Code, by a public or
6 private educational institution[~~, if the activities are within the~~
7 ~~scope of the person's employment~~];

8 (2) the activities of a student, intern, or trainee in
9 marriage and family therapy in a recognized course of study in
10 marriage and family therapy at an accredited institution of higher
11 education or other training institution, if:

12 (A) the activities constitute a part of the
13 course of study; and

14 (B) the person is called a "marriage and family
15 therapist intern" or similar title;

16 (3) the activities and services of a person licensed
17 to practice another profession, including a physician, attorney,
18 registered nurse, occupational therapist, psychologist, social
19 worker, or licensed professional counselor; or

20 (4) the activities and services of a recognized
21 religious practitioner, including a pastoral counselor or
22 Christian Science practitioner recognized by the Church of Christ
23 Scientist as registered and published in the Christian Science
24 Journal, if the practitioner practices marriage and family therapy
25 in a manner consistent with the laws of this state.

26 SECTION 3. As soon as practicable after the effective date
27 of this Act, the State Board for Educator Certification shall

1 propose rules for the administration of Subsection (b), Section
2 21.003, Education Code, as amended by this Act.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2011.