

1-1 By: Van de Putte S.B. No. 1349
1-2 (In the Senate - Filed March 9, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Education; April 6, 2011,
1-4 reported favorably by the following vote: Yeas 8, Nays 0;
1-5 April 6, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a requirement that a person hold a license issued by the
1-9 appropriate state agency to be employed as a marriage and family
1-10 therapist by a school district.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (b), Section 21.003, Education Code,
1-13 is amended to read as follows:

1-14 (b) Except as otherwise provided by this subsection, a [A]
1-15 person may not be employed by a school district as an audiologist,
1-16 occupational therapist, physical therapist, physician, nurse,
1-17 school psychologist, associate school psychologist, marriage and
1-18 family therapist, social worker, or speech language pathologist
1-19 unless the person is licensed by the state agency that licenses that
1-20 profession and[.---A person] may perform specific services within
1-21 those professions for a school district only if the person holds the
1-22 appropriate credential from the appropriate state agency. As long
1-23 as a person employed by a district before September 1, 2011, to
1-24 perform marriage and family therapy services is employed by the
1-25 same district, the person is not required to hold a license as a
1-26 marriage and family therapist to perform marriage and family
1-27 therapy services with that district.

1-28 SECTION 2. Section 502.004, Occupations Code, is amended to
1-29 read as follows:

1-30 Sec. 502.004. APPLICATION OF CHAPTER. This chapter does
1-31 not apply to:

1-32 (1) the activities, within the scope of a person's
1-33 employment, of a person employed to perform marriage and family
1-34 therapy by a federal, state, county, or municipal agency or, except
1-35 as provided by Section 21.003(b), Education Code, by a public or
1-36 private educational institution[, if the activities are within the
1-37 scope of the person's employment];

1-38 (2) the activities of a student, intern, or trainee in
1-39 marriage and family therapy in a recognized course of study in
1-40 marriage and family therapy at an accredited institution of higher
1-41 education or other training institution, if:

1-42 (A) the activities constitute a part of the
1-43 course of study; and

1-44 (B) the person is called a "marriage and family
1-45 therapist intern" or similar title;

1-46 (3) the activities and services of a person licensed
1-47 to practice another profession, including a physician, attorney,
1-48 registered nurse, occupational therapist, psychologist, social
1-49 worker, or licensed professional counselor; or

1-50 (4) the activities and services of a recognized
1-51 religious practitioner, including a pastoral counselor or
1-52 Christian Science practitioner recognized by the Church of Christ
1-53 Scientist as registered and published in the Christian Science
1-54 Journal, if the practitioner practices marriage and family therapy
1-55 in a manner consistent with the laws of this state.

1-56 SECTION 3. As soon as practicable after the effective date
1-57 of this Act, the State Board for Educator Certification shall
1-58 propose rules for the administration of Subsection (b), Section
1-59 21.003, Education Code, as amended by this Act.

1-60 SECTION 4. This Act takes effect immediately if it receives
1-61 a vote of two-thirds of all the members elected to each house, as
1-62 provided by Section 39, Article III, Texas Constitution. If this
1-63 Act does not receive the vote necessary for immediate effect, this
1-64 Act takes effect September 1, 2011.

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