

BILL ANALYSIS

C.S.H.B. 1998
By: Coleman
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Occupational therapists assist individuals in adjusting behaviors that interfere with effective emotional, social, and intellectual functioning and improve the daily lives of their clients through person-centered, client-driven activities. Interested parties assert that occupational therapists are largely excluded from providing services in community settings because they are not recognized as non-physician mental health professionals. Considering the fact that a large percentage of children with severe emotional disturbance and adults with serious and persistent mental illness receive community mental health services and that the majority of Texas counties have recently been designated by the federal government as whole or partial mental health professional shortage areas, the parties contend that recognizing occupational therapists as mental health professionals would help address the mental health workforce shortage and improve access to occupational services across the state. C.S.H.B. 1998 seeks to allow occupational therapists to serve a broader range of individuals who would benefit from their care.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1998 amends the Health and Safety Code to include a person who is a licensed occupational therapist licensed to practice in Texas among the individuals considered to be non-physician mental health professionals for purposes of the Texas Mental Health Code and to clarify that this inclusion does not authorize an occupational therapist to perform diagnosis or psychological services typically performed by a licensed psychologist.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1998 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 571.003(15), Health and Safety Code, is amended to read as follows:

(15) "Non-physician mental health professional" means:

- (A) a psychologist licensed to practice in this state and designated as a health-service provider;
- (B) a registered nurse with a master's or doctoral degree in psychiatric nursing;
- (C) a licensed clinical social worker;
- (D) a licensed professional counselor licensed to practice in this state; ~~or~~
- (E) a licensed marriage and family therapist licensed to practice in this state; or
- (F) a licensed occupational therapist licensed to practice in this state.

SECTION 2. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 571.003(15), Health and Safety Code, is amended to read as follows:

(15) "Non-physician mental health professional" means:

(A) a person who is:

- (i) a psychologist licensed to practice in this state and designated as a health-service provider;
- (ii) [~~(B)~~] a registered nurse with a master's or doctoral degree in psychiatric nursing;
- (iii) [~~(C)~~] a licensed clinical social worker;
- (iv) [~~(D)~~] a licensed professional counselor licensed to practice in this state; or
- (v) [~~(E)~~] a licensed marriage and family therapist licensed to practice in this state; or
- (B) a person who is a licensed occupational therapist licensed to practice in this state, except that this subdivision does not authorize an occupational therapist to perform a service described by Section 454.006(c), Occupations Code.

SECTION 2. Same as introduced version.