

By: Naishtat

H.B. No. 3999

A BILL TO BE ENTITLED

AN ACT

relating to the exemption of certain persons from licensure as a professional counselor or social worker.

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

SECTION 1. Section 503.056, Occupations Code, is amended to read as follows:

Sec. 503.056. COUNSELING FOR NONPROFIT ORGANIZATION OR CHARITY. This chapter does not apply to an activity, service, title, or description of a person who ~~[is employed as a professional by or who]~~ volunteers ~~[in the practice of counseling]~~ for a public or private nonprofit organization or charity that provides counseling services if the person:

(1) is accountable to a licensed mental health professional employed by the ~~[person's sponsoring]~~ organization or charity; and

(2) does not use the title or hold the person out to be a licensed counselor.

SECTION 2. Section 505.003(a), Occupations Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) an activity conducted or a service performed by a person who is licensed, certified, or registered in a profession other than social work, including a physician, attorney, registered nurse, licensed vocational nurse, psychologist, occupational

1 therapist, licensed marriage and family therapist, licensed
2 chemical dependency counselor, or licensed professional counselor,
3 if:

4 (A) the activity or service is conducted or
5 performed within the scope of the person's license, certificate, or
6 registration;

7 (B) the person does not use a title listed in
8 Section 505.351; and

9 (C) the person does not:

10 (i) represent the service as social work;

11 (ii) represent that the person is a social
12 worker; or

13 (iii) use a title that implies that the
14 person is licensed in social work;

15 (2) ~~[a service performed by a person as a volunteer or~~
16 ~~staff member if the person does not:~~

17 ~~[(A) represent the service as social work,~~

18 ~~[(B) represent the person as a social worker; or~~

19 ~~[(C) use a title that implies that the person is~~
20 ~~licensed in social work,~~

21 ~~[(3)]~~ an activity conducted by a social work student,
22 intern, or trainee in connection with an institution of higher
23 education accredited by the Council on Social Work Education; or

24 (3) ~~[(4)]~~ an activity conducted or a service performed
25 by a pastoral care counselor who is acting within the person's
26 ministerial capabilities and who does not use a title that implies
27 that the counselor is licensed in social work, including:

1 (A) a Christian Science practitioner who is
2 recognized by the Church of Christ Scientist as registered and
3 published in the Christian Science Journal; and

4 (B) any other recognized religious practitioner.

5 SECTION 3. Sections [503.051](#) and [505.003\(b\)](#), Occupations
6 Code, are repealed.

7 SECTION 4. This Act takes effect September 1, 2015.