

AN ACT

1
2 relating to student loan repayment assistance for certain mental
3 health professionals and to the conduct that constitutes the
4 practice of psychology.

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

6 SECTION 1. Section 61.601, Education Code, is amended to
7 read as follows:

8 Sec. 61.601. DEFINITION. In this subchapter, "mental
9 health professional" means:

10 (1) a licensed physician who is:

11 (A) a graduate of an accredited psychiatric
12 residency training program; or

13 (B) certified in psychiatry by:

14 (i) the American Board of Psychiatry and
15 Neurology; or

16 (ii) the American Osteopathic Board of
17 Neurology and Psychiatry;

18 (2) a psychologist, as defined by Section 501.002,
19 Occupations Code;

20 (3) a licensed professional counselor, as defined by
21 Section 503.002, Occupations Code;

22 (4) an advanced practice registered nurse, as defined
23 by Section 301.152, Occupations Code, who holds a nationally
24 recognized board certification in psychiatric or mental health

1 nursing; ~~and~~

2 (5) a licensed clinical social worker, as defined by
3 Section 505.002, Occupations Code; and

4 (6) a licensed marriage and family therapist, as
5 defined by Section 502.002, Occupations Code.

6 SECTION 2. Section 61.604, Education Code, is amended by
7 adding Subsections (d) and (e) to read as follows:

8 (d) The board may award a grant under this subchapter to a
9 mental health professional described by Section 61.601(6) only in
10 accordance with Subsection (e).

11 (e) If in a state fiscal year there are funds available for
12 purposes of the program after funding grants to all eligible mental
13 health professionals described by Subsections 61.601(1)-(5), the
14 board may allocate any unused funds to award repayment assistance
15 grants to mental health professionals in any of the professions
16 listed in Section 61.601 except that priority must be given to
17 awarding grants to mental health professionals described by
18 Subsections 61.601(1)-(5). The limitations prescribed by
19 Subsections (b) and (c) do not apply to grants awarded under this
20 subsection.

21 SECTION 3. Section 61.607(b), Education Code, is amended to
22 read as follows:

23 (b) The total amount of repayment assistance received by a
24 mental health professional under this subchapter may not exceed:

25 (1) \$160,000, for assistance received by a licensed
26 physician;

27 (2) \$80,000, for assistance received by:

1 (A) a psychologist;

2 (B) a licensed clinical social worker, if the
3 social worker has received a doctoral degree related to social
4 work; [~~or~~]

5 (C) a licensed professional counselor, if the
6 counselor has received a doctoral degree related to counseling; or

7 (D) a licensed marriage and family therapist, if
8 the marriage and family therapist has received a doctoral degree
9 related to marriage and family therapy;

10 (3) \$60,000, for assistance received by an advanced
11 practice registered nurse; and

12 (4) \$40,000, for assistance received by a licensed
13 clinical social worker, a licensed marriage and family therapist,
14 or a licensed professional counselor who is not described by
15 Subdivision (2).

16 SECTION 4. Section 61.608, Education Code, is amended by
17 adding Subsection (c) to read as follows:

18 (c) The board shall adopt rules establishing a process for
19 allocating any unused funds under the program in a state fiscal year
20 in accordance with Section 61.604(e).

21 SECTION 5. Section 501.003, Occupations Code, is amended to
22 read as follows:

23 Sec. 501.003. DEFINITION: PRACTICE OF PSYCHOLOGY. (a) In
24 this chapter:

25 (1) "Practice of psychology" means:

26 (A) the observation, description, diagnosis,
27 evaluation, assessment, interpretation, or treatment of and

1 intervention in human behavior by applying education, training,
2 methods, and procedures for the purpose of:

3 (i) preventing, predicting, treating,
4 remediating, or eliminating:

5 (a) symptomatic, maladaptive, or
6 undesired behavior;

7 (b) emotional, interpersonal,
8 learning, substance use, neuropsychological, cognitive, or
9 behavioral disorders or disabilities, including those that
10 accompany medical problems; or

11 (c) mental illness;

12 (ii) evaluating, assessing, or
13 facilitating, by a license holder or a person who represents the
14 person to the public by a title or description of services that
15 includes the word "psychological," "psychologist," or
16 "psychology," the enhancement of individual, group, or
17 organizational effectiveness, including evaluating, assessing, or
18 facilitating:

19 (a) personal effectiveness;

20 (b) adaptive behavior;

21 (c) interpersonal relationships;

22 (d) academic, vocational, and life
23 adjustment;

24 (e) health; or

25 (f) individual, group, or
26 organizational performance;

27 (iii) providing psychological,

1 neuropsychological, and psychoeducational evaluation, therapy, and
2 remediation as well as counseling, psychoanalysis, psychotherapy,
3 hypnosis, and biofeedback; or

4 (iv) consulting with others, including
5 other mental health professionals, physicians, school personnel,
6 or organizations within the scope of the provider's competency and
7 training with respect to services provided for a specific
8 individual; or

9 (B) the supervision of an activity or service
10 described by Paragraph (A).

11 (2) "Psychological [section, — "psychological]
12 services" means acts or behaviors that are included within the
13 purview of the practice of psychology.

14 (b) A person is engaged in the practice of psychology
15 [~~within the meaning of this chapter~~] if the person:

16 (1) when providing or offering to provide
17 psychological services to another in a professional relationship,
18 represents the person to the public by a title or description of
19 services that includes the word "psychological," "psychologist,"
20 or "psychology";

21 (2) provides or offers to provide psychological
22 services to individuals, groups, organizations, or the public in a
23 professional relationship;

24 (3) is a psychologist or psychological associate
25 employed as described by Section 501.004(a)(1) who offers or
26 provides psychological services, other than lecture services, to
27 the public for consideration separate from the salary that person

1 receives for performing the person's regular duties; or

2 (4) is employed as a psychologist or psychological
3 associate by an organization that sells psychological services,
4 other than lecture services, to the public for consideration.

5 (c) A person is not engaged in the [The] practice of
6 psychology based solely on the person offering, regardless of
7 whether the person is solicited, advice, counsel, or guidance
8 addressing or affecting the mental, emotional, or behavioral health
9 of another, if the person does not represent that the person is
10 licensed under this chapter or engaged in the delivery of
11 psychological services and does not represent that the advice,
12 counsel, or guidance is psychological in nature, and:

13 (1) the advice, counsel, or guidance is not offered in
14 the context of a professional relationship;

15 (2) if the person is offering the advice, counsel, or
16 guidance in connection with the person's occupation, the primary
17 focus of the occupation is not the delivery of mental, emotional, or
18 behavioral health care services; or

19 (3) the advice, counsel, or guidance is offered
20 through an organized or structured program or peer support service
21 that is designed to support or assist a person with a
22 self-identified goal of changing or improving certain aspects of
23 the person's mental, emotional, or behavioral health [~~includes~~
24 ~~providing or offering to provide services to an individual or~~
25 ~~group, including providing computerized procedures, that include~~
26 ~~the application of established principles, methods, and procedures~~
27 ~~of describing, explaining, and ameliorating behavior,~~

1 ~~[(2) addresses normal behavior and involves~~
2 ~~evaluating, preventing, and remediating psychological, emotional,~~
3 ~~mental, interpersonal, learning, and behavioral disorders of~~
4 ~~individuals or groups, as well as the psychological disorders that~~
5 ~~accompany medical problems, organizational structures, stress, and~~
6 ~~health;~~

7 ~~[(3) includes:~~

8 ~~[(A) using projective techniques,~~
9 ~~neuropsychological testing, counseling, career counseling,~~
10 ~~psychotherapy, hypnosis for health care purposes, hypnotherapy,~~
11 ~~and biofeedback; and~~

12 ~~[(B) evaluating and treating mental or emotional~~
13 ~~disorders and disabilities by psychological techniques and~~
14 ~~procedures; and~~

15 ~~[(4) is based on:~~

16 ~~[(A) a systematic body of knowledge and~~
17 ~~principles acquired in an organized program of graduate study; and~~

18 ~~[(B) the standards of ethics established by the~~
19 ~~profession].~~

20 SECTION 6. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3808 was passed by the House on May 4, 2017, by the following vote: Yeas 136, Nays 7, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3808 on May 25, 2017, by the following vote: Yeas 120, Nays 21, 3 present, not voting, and that the House adopted H.C.R. No. 155 authorizing certain corrections in H.B. No. 3808 on May 29, 2017, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3808 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 20, Nays 11, and that the Senate adopted H.C.R. No. 155 authorizing certain corrections in H.B. No. 3808 on May 29, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor