

SENATE AMENDMENTS

2nd Printing

By: Clardy

H.B. No. 3808

A BILL TO BE ENTITLED

AN ACT

relating to student loan repayment assistance for certain mental health professionals.

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

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

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

(1) a licensed physician who is:

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

(B) certified in psychiatry by:

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

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

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

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

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

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

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

5 SECTION 2. Section 61.607(b), Education Code, is amended to
6 read as follows:

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

9 (1) \$160,000, for assistance received by a licensed
10 physician;

11 (2) \$80,000, for assistance received by:

12 (A) a psychologist;

13 (B) a licensed clinical social worker, if the
14 social worker has received a doctoral degree related to social
15 work; ~~or~~

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

18 (D) a licensed marriage and family therapist, if
19 the marriage and family therapist has received a doctoral degree
20 related to marriage and family therapy;

21 (3) \$60,000, for assistance received by an advanced
22 practice registered nurse; and

23 (4) \$40,000, for assistance received by a licensed
24 clinical social worker, a licensed marriage and family therapist,
25 or a licensed professional counselor who is not described by
26 Subdivision (2).

27 SECTION 3. This Act takes effect immediately if it receives

H.B. No. 3808

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2017.

ADOPTED

VV
MAY 23 2017

FLOOR AMENDMENT NO. 1

Haley Law
Secretary of the Senate

BY: 

1 Amend H.B. No. 3808 (senate committee printing) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering SECTIONS of the bill accordingly:

4 SECTION ____ . Section 61.604, Education Code, is amended by
5 adding Subsections (d) and (e) to read as follows:

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

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

19 SECTION ____ . Section 61.608, Education Code, is amended by
20 adding Subsection (c) to read as follows:

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

FLOOR AMENDMENT NO. 2

ADOPTED

MAY 23 2017

Leta Spaw
Secretary of the Senate

BY: WATSON

1 Amend H.B. No. 3808 (senate committee printing) by adding
2 the following appropriately numbered SECTION:

3 SECTION __. Section 501.003, Occupations Code, is amended
4 to read as follows:

5 Sec. 501.003. DEFINITION: PRACTICE OF PSYCHOLOGY.

6 (a) In this chapter:

7 (1) "Practice of psychology" means:

8 (A) the observation, description, diagnosis,
9 evaluation, assessment, interpretation, or treatment of and
10 intervention in human behavior by applying education, training,
11 methods, and procedures for the purpose of:

12 (i) preventing, predicting, treating,
13 remediating, or eliminating:

14 (a) symptomatic, maladaptive, or
15 undesired behavior;

16 (b) emotional, interpersonal,
17 learning, substance use, neuropsychological, cognitive, or
18 behavioral disorders or disabilities, including those that
19 accompany medical problems; or

20 (c) mental illness;

21 (ii) evaluating, assessing, or
22 facilitating, by a license holder or a person who represents the
23 person to the public by a title or description of services that
24 includes the word "psychological," "psychologist," or
25 "psychology," the enhancement of individual, group, or
26 organizational effectiveness, including evaluating, assessing,
27 or facilitating:

28 (a) personal effectiveness;

29 (b) adaptive behavior;

1 (c) interpersonal relationships;
2 (d) academic, vocational, and life
3 adjustment;

4 (e) health; or
5 (f) individual, group, or
6 organizational performance;

7 (iii) providing psychological,
8 neuropsychological, and psychoeducational evaluation, therapy,
9 and remediation as well as counseling, psychoanalysis,
10 psychotherapy, hypnosis, and biofeedback; or

11 (iv) consulting with others, including
12 other mental health professionals, physicians, school personnel,
13 or organizations within the scope of the provider's competency
14 and training with respect to services provided for a specific
15 individual; or

16 (B) the supervision of an activity or service
17 described by Paragraph (A).

18 (2) "Psychological [~~section,~~ "psychological]
19 services" means acts or behaviors that are included within the
20 purview of the practice of psychology.

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

23 (1) when providing or offering to provide
24 psychological services to another in a professional
25 relationship, represents the person to the public by a title or
26 description of services that includes the word "psychological,"
27 "psychologist," or "psychology";

28 (2) provides or offers to provide psychological
29 services to individuals, groups, organizations, or the public in
30 a professional relationship;

31 (3) is a psychologist or psychological associate

1 employed as described by Section 501.004(a)(1) who offers or
2 provides psychological services, other than lecture services, to
3 the public for consideration separate from the salary that
4 person receives for performing the person's regular duties; or

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

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

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

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

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

31 ~~[-(2) addresses normal behavior and involves~~

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

6 ~~[(3) includes:~~

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

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

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

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

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

20 SECTION 2. This Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3808 by Clardy (Relating to student loan repayment assistance for certain mental health professionals.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code relating to student loan repayment assistance for certain mental health professionals. The bill would also amend the Occupations Code relating to the conduct that constitutes the practice of psychology. Based on information provided by the Higher Education Coordinating Board, institutions of higher education, and the Board of Examiners of Psychologists, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board

LBB Staff: UP, THo, DEH, ED

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable Kel Seliger, Chair, Senate Committee on Higher Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3808 by Clardy (Relating to student loan repayment assistance for certain mental health professionals.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code relating to student loan repayment assistance for certain mental health professionals. Based on information provided by the Higher Education Coordinating Board and institutions of higher education, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board

LBB Staff: UP, THo, DEH, ED

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 17, 2017

TO: Honorable J. M. Lozano, Chair, House Committee on Higher Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3808 by Clardy (Relating to student loan repayment assistance for certain mental health professionals.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code relating to student loan repayment assistance for certain mental health professionals. Based on information provided by the Higher Education Coordinating Board and institutions of higher education, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board

LBB Staff: UP, THo, DEH, ED