

House Bill 3808
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
<p>SECTION 1. Section 61.601, Education Code, is amended to read as follows:</p> <p>Sec. 61.601. DEFINITION. In this subchapter, "mental health professional" means:</p> <p>(1) a licensed physician who is:</p> <p>(A) a graduate of an accredited psychiatric residency training program; or</p> <p>(B) certified in psychiatry by:</p> <p>(i) the American Board of Psychiatry and Neurology; or</p> <p>(ii) the American Osteopathic Board of Neurology and Psychiatry;</p> <p>(2) a psychologist, as defined by Section 501.002, Occupations Code;</p> <p>(3) a licensed professional counselor, as defined by Section 503.002, Occupations Code;</p> <p>(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</p> <p>(5) a licensed clinical social worker, as defined by Section 505.002, Occupations Code; <u>and</u></p> <p><u>(6) a licensed marriage and family therapist, as defined by Section 502.002, Occupations Code.</u></p> <p>No equivalent provision.</p>	<p>SECTION 1. Same as House version.</p> <p>SECTION __. Section 61.604, Education Code, is amended by adding Subsections (d) and (e) to read as follows:</p> <p><u>(d)The board may award a grant under this subchapter to a mental health professional described by Section 61.601(6) only in accordance with Subsection (e).</u></p> <p><u>(e) If in a state fiscal year there are funds available for purposes of the program after funding grants to all eligible mental health professionals described by Subsections</u></p>	

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61.601(1)-(5), the board may allocate any unused funds to award repayment assistance grants to mental health professionals in any of the professions listed in Section 61.601 except that priority must be given to awarding grants to mental health professionals described by Subsections 61.601(1)-(5). The limitations prescribed by Subsections (b) and (c) do not apply to grants awarded under this subsection. [FA1]

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

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

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

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

(A) a psychologist;

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

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

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

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

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

SECTION 2. Same as House version.

No equivalent provision.

SECTION __. Section 61.608, Education Code, is amended

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

No equivalent provision.

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by adding Subsection (c) to read as follows:

(c) The board shall adopt rules establishing a process for allocating any unused funds under the program in a state fiscal year in accordance with Section 61.604(e). [FA1]

SECTION 3. Same as House version.

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

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

(1) "Practice of psychology" means:

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

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

(a) symptomatic, maladaptive, or undesired behavior;

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

(c) mental illness;

(ii) evaluating, assessing, or facilitating, by a license holder or a person who represents the person to the public by a title or description of services that includes the word "psychological," "psychologist," or "psychology," the

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enhancement of individual, group, or organizational effectiveness, including evaluating, assessing, or facilitating:

(a) personal effectiveness;

(b) adaptive behavior;

(c) interpersonal relationships;

(d) academic, vocational, and life adjustment;

(e) health; or

(f) individual, group, or organizational performance;

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

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

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

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

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

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

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

(3) is a psychologist or psychological associate employed as

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

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

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

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

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

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

[(2) addresses normal behavior and involves evaluating,

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~~preventing, and remediating psychological, emotional, mental, interpersonal, learning, and behavioral disorders of individuals or groups, as well as the psychological disorders that accompany medical problems, organizational structures, stress, and health;~~
~~[(3) includes:~~
~~[(A) using projective techniques, neuropsychological testing, counseling, career counseling, psychotherapy, hypnosis for health care purposes, hypnotherapy, and biofeedback; and~~
~~[(B) evaluating and treating mental or emotional disorders and disabilities by psychological techniques and procedures;~~
~~and~~
~~[(4) is based on:~~
~~[(A) a systematic body of knowledge and principles acquired in an organized program of graduate study; and~~
~~[(B) the standards of ethics established by the profession].~~
[FA2]

SECTION __. This Act takes effect September 1, 2017.
[FA2]

No equivalent provision. *(But see SECTION 3 above.)*