

1 AN ACT

2 relating to the creation of the Texas Behavioral Health Executive  
3 Council and to the continuation and transfer of the regulation of  
4 psychologists, marriage and family therapists, professional  
5 counselors, and social workers to the Texas Behavioral Health  
6 Executive Council; providing civil and administrative penalties;  
7 authorizing a fee.

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

9 ARTICLE 1. CREATION OF THE TEXAS BEHAVIORAL HEALTH EXECUTIVE  
10 COUNCIL

11 SECTION 1.001. Subtitle I, Title 3, Occupations Code, is  
12 amended by adding Chapter 507 to read as follows:

13 CHAPTER 507. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 507.001. DEFINITIONS. In this chapter:

16 (1) "Executive council" means the Texas Behavioral  
17 Health Executive Council.

18 (2) "License" means a license, certification,  
19 registration, or other authorization that is issued by the  
20 executive council.

21 (3) "Marriage and family therapy board" means the  
22 Texas State Board of Examiners of Marriage and Family Therapists.

23 (4) "Professional counseling board" means the Texas  
24 State Board of Examiners of Professional Counselors.

1           (5) "Psychology board" means the Texas State Board of  
2 Examiners of Psychologists.

3           (6) "Social work board" means the Texas State Board of  
4 Social Worker Examiners.

5           Sec. 507.002. APPLICATION OF SUNSET ACT. The Texas  
6 Behavioral Health Executive Council is subject to Chapter 325,  
7 Government Code (Texas Sunset Act). Unless continued in existence  
8 as provided by that chapter, the executive council is abolished and  
9 this chapter and Chapters 501, 502, 503, and 505 expire September 1,  
10 2029.

11           SUBCHAPTER B. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

12           Sec. 507.051. EXECUTIVE COUNCIL MEMBERSHIP. (a) The Texas  
13 Behavioral Health Executive Council consists of nine members as  
14 follows:

15           (1) one marriage and family therapist member and one  
16 public member of the marriage and family therapy board, each  
17 appointed by that board;

18           (2) one licensed professional counselor member and one  
19 public member of the professional counseling board, each appointed  
20 by that board;

21           (3) one psychologist member and one public member of  
22 the psychology board, each appointed by that board;

23           (4) one social worker member and one public member of  
24 the social work board, each appointed by that board; and

25           (5) one public member appointed by the governor.

26           (b) Appointments to the executive council shall be made  
27 without regard to the race, color, disability, sex, age, religion,

1 or national origin of the appointee.

2 Sec. 507.052. ELIGIBILITY OF PUBLIC MEMBER APPOINTED BY  
3 GOVERNOR. A person is not eligible for appointment by the governor  
4 as a public member of the executive council if the person or the  
5 person's spouse:

6 (1) is registered, certified, or licensed by an  
7 occupational regulatory agency in the field of health care;

8 (2) is employed by or participates in the management  
9 of a business entity or other organization regulated by or  
10 receiving money from the executive council, the marriage and family  
11 therapy board, the professional counseling board, the psychology  
12 board, or the social work board;

13 (3) owns or controls, directly or indirectly, more  
14 than a 10 percent interest in a business entity or other  
15 organization regulated by or receiving money from the executive  
16 council, the marriage and family therapy board, the professional  
17 counseling board, the psychology board, or the social work board;  
18 or

19 (4) uses or receives a substantial amount of tangible  
20 goods, services, or money from the executive council, the marriage  
21 and family therapy board, the professional counseling board, the  
22 psychology board, or the social work board, other than compensation  
23 or reimbursement authorized by law for executive council, marriage  
24 and family therapy board, professional counseling board,  
25 psychology board, or social work board membership, attendance, or  
26 expenses.

27 Sec. 507.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)

1 In this section, "Texas trade association" means a cooperative and  
2 voluntarily joined statewide association of business or  
3 professional competitors in this state designed to assist its  
4 members and its industry or profession in dealing with mutual  
5 business or professional problems and in promoting their common  
6 interest.

7 (b) A person may not be a member of the executive council and  
8 may not be an executive council employee employed in a "bona fide  
9 executive, administrative, or professional capacity," as that  
10 phrase is used for purposes of establishing an exemption to the  
11 overtime provisions of the federal Fair Labor Standards Act of 1938  
12 (29 U.S.C. Section 201 et seq.) if:

13 (1) the person is an officer, employee, or paid  
14 consultant of a Texas trade association in the field of health care;  
15 or

16 (2) the person's spouse is an officer, manager, or paid  
17 consultant of a Texas trade association in the field of health care.

18 (c) A person may not be a member of the executive council or  
19 act as the general counsel to the executive council if the person is  
20 required to register as a lobbyist under Chapter 305, Government  
21 Code, because of the person's activities for compensation on behalf  
22 of a profession related to the operation of the executive council,  
23 the marriage and family therapy board, the professional counseling  
24 board, the psychology board, or the social work board.

25 Sec. 507.054. TERMS; VACANCY. (a) The member appointed by  
26 the governor serves a six-year term. The remaining members serve  
27 two-year terms with the terms of four of those members expiring

1 February 1 of each year.

2 (b) A member appointed to fill a vacancy holds office for  
3 the unexpired portion of the term.

4 Sec. 507.055. PRESIDING OFFICER. The member appointed by  
5 the governor is the presiding officer of the executive council.

6 Sec. 507.056. GROUNDS FOR REMOVAL. (a) It is a ground for  
7 removal from the executive council that a member:

8 (1) does not have at the time of taking office the  
9 qualifications required by Section 507.051;

10 (2) does not maintain during service on the executive  
11 council the qualifications required by Section 507.051;

12 (3) is ineligible for membership under Section 507.052  
13 or 507.053;

14 (4) cannot, because of illness or disability,  
15 discharge the member's duties for a substantial part of the member's  
16 term; or

17 (5) is absent from more than half of the regularly  
18 scheduled executive council meetings that the member is eligible to  
19 attend during a calendar year without an excuse approved by a  
20 majority vote of the executive council.

21 (b) The validity of an action of the executive council is  
22 not affected by the fact that it is taken when a ground for removal  
23 of an executive council member exists.

24 (c) If the executive director has knowledge that a potential  
25 ground for removal exists, the executive director shall notify the  
26 presiding officer of the executive council of the potential ground.  
27 The presiding officer shall then notify the appointing authority

1 and the attorney general that a potential ground for removal  
2 exists. If the potential ground for removal involves the presiding  
3 officer, the executive director shall notify the next highest  
4 ranking officer of the executive council, who shall then notify the  
5 appointing authority and the attorney general that a potential  
6 ground for removal exists.

7 Sec. 507.057. REIMBURSEMENT. A member of the executive  
8 council may receive reimbursement for travel expenses as provided  
9 by the General Appropriations Act.

10 Sec. 507.058. MEETINGS. (a) The executive council shall  
11 hold at least two regular meetings each year.

12 (b) The executive council may hold additional meetings on  
13 the request of the presiding officer or on the written request of  
14 three members of the executive council.

15 Sec. 507.059. TRAINING. (a) A person who is appointed to  
16 and qualifies for office as a member of the executive council may  
17 not vote, deliberate, or be counted as a member in attendance at a  
18 meeting of the executive council until the person completes a  
19 training program that complies with this section.

20 (b) The training program must provide the person with  
21 information regarding:

22 (1) the law governing executive council operations;

23 (2) the programs, functions, rules, and budget of the  
24 executive council;

25 (3) the scope of and limitations on the rulemaking  
26 authority of the executive council;

27 (4) the types of executive council rules,

1 interpretations, and enforcement actions that may implicate  
2 federal antitrust law by limiting competition or impacting prices  
3 charged by persons engaged in a profession or business the  
4 executive council regulates, including any rule, interpretation,  
5 or enforcement action that:

6 (A) regulates the scope of practice of persons in  
7 a profession or business the executive council regulates;

8 (B) restricts advertising by persons in a  
9 profession or business the executive council regulates;

10 (C) affects the price of goods or services  
11 provided by persons in a profession or business the executive  
12 council regulates; or

13 (D) restricts participation in a profession or  
14 business the executive council regulates;

15 (5) the results of the most recent formal audit of the  
16 executive council;

17 (6) the requirements of:

18 (A) laws relating to open meetings, public  
19 information, administrative procedure, and disclosure of conflicts  
20 of interest; and

21 (B) other laws applicable to members of the  
22 executive council in performing their duties; and

23 (7) any applicable ethics policies adopted by the  
24 executive council or the Texas Ethics Commission.

25 (c) A person appointed to the executive council is entitled  
26 to reimbursement, as provided by the General Appropriations Act,  
27 for the travel expenses incurred in attending the training program

1 regardless of whether the attendance at the program occurs before  
2 or after the person qualifies for office.

3 (d) The executive director of the executive council shall  
4 create a training manual that includes the information required by  
5 Subsection (b). The executive director shall distribute a copy of  
6 the training manual annually to each executive council member.  
7 Each member of the executive council shall sign and submit to the  
8 executive director a statement acknowledging that the member  
9 received and has reviewed the training manual.

10 SUBCHAPTER C. EXECUTIVE DIRECTOR AND OTHER PERSONNEL

11 Sec. 507.101. EXECUTIVE DIRECTOR; PERSONNEL. The executive  
12 council shall employ an executive director and other personnel as  
13 necessary to administer this chapter and carry out the functions of  
14 the executive council.

15 Sec. 507.102. DIVISION OF RESPONSIBILITIES. The executive  
16 council shall develop and implement policies that clearly separate  
17 the policymaking responsibilities of the executive council and the  
18 management responsibilities of the executive director and the staff  
19 of the executive council.

20 Sec. 507.103. CAREER LADDER PROGRAM; PERFORMANCE  
21 EVALUATIONS. (a) The executive director or the executive  
22 director's designee shall develop an intra-agency career ladder  
23 program. The program must require intra-agency posting of all  
24 nonentry level positions concurrently with any public posting.

25 (b) The executive director or the executive director's  
26 designee shall develop a system of annual performance evaluations  
27 based on measurable job tasks. All merit pay for executive council



1 employees must be based on the system established under this  
2 subsection.

3 Sec. 507.104. EQUAL OPPORTUNITY POLICY; REPORT. (a) The  
4 executive director or the executive director's designee shall  
5 prepare and maintain a written policy statement to ensure  
6 implementation of an equal opportunity program under which all  
7 personnel transactions are made without regard to race, color,  
8 disability, sex, age, religion, or national origin. The policy  
9 statement must include:

10 (1) personnel policies, including policies relating  
11 to recruitment, evaluation, selection, appointment, training, and  
12 promotion of personnel, that are in compliance with the  
13 requirements of Chapter 21, Labor Code;

14 (2) a comprehensive analysis of the executive council  
15 workforce that meets federal and state guidelines;

16 (3) procedures by which a determination can be made of  
17 significant underuse in the executive council workforce of all  
18 persons for whom federal or state guidelines encourage a more  
19 equitable balance; and

20 (4) reasonable methods to appropriately address those  
21 areas of significant underuse.

22 (b) A policy statement prepared under Subsection (a) must:

23 (1) cover an annual period;

24 (2) be updated annually;

25 (3) be reviewed by the Texas Workforce Commission for  
26 compliance with Subsection (a)(1); and

27 (4) be filed with the governor.

1       (c) The governor shall deliver a biennial report to the  
2 legislature based on information received under Subsection (b).  
3 The report may be made separately or as part of other biennial  
4 reports made to the legislature.

5                   SUBCHAPTER D. POWERS AND DUTIES

6       Sec. 507.151. GENERAL POWERS AND DUTIES. (a) The executive  
7 council shall administer and enforce this chapter and Chapters 501,  
8 502, 503, and 505.

9       (b) In carrying out its duties under this section, the  
10 executive council may request input or assistance from the board  
11 for the applicable profession.

12       Sec. 507.152. GENERAL RULEMAKING AUTHORITY. The executive  
13 council shall adopt rules as necessary to perform its duties and  
14 implement this chapter.

15       Sec. 507.153. LIMITATION REGARDING CERTAIN RULES. (a)  
16 Unless the rule has been proposed by the applicable board for the  
17 profession, the executive council may not adopt under this chapter  
18 or Chapter 501, 502, 503, or 505:

19                   (1) a rule regarding:

20                           (A) the qualifications necessary to obtain a  
21 license, including limiting an applicant's eligibility for a  
22 license based on the applicant's criminal history;

23                           (B) the scope of practice of and standards of  
24 care and ethical practice for the profession; or

25                           (C) continuing education requirements for  
26 license holders; or

27                   (2) a schedule of sanctions for violations of the laws

1 and rules applicable to the profession.

2 (b) For each rule proposed under Subsection (a), the  
3 executive council shall either adopt the rule as proposed or return  
4 the rule to the applicable board for revision. On the return of a  
5 rule under this subsection, the executive council shall include an  
6 explanation of the executive council's reasons for not adopting the  
7 rule as proposed.

8 (c) The executive council retains authority for final  
9 adoption of all rules and is responsible for ensuring compliance  
10 with all laws regarding the rulemaking process.

11 (d) The executive council shall adopt rules prescribing the  
12 procedure by which rules described by Subsection (a) may be  
13 proposed to the executive council.

14 Sec. 507.154. FEES. The executive council shall set fees in  
15 amounts reasonable and necessary to cover the costs of  
16 administering this chapter and Chapters 501, 502, 503, and 505,  
17 including fees for:

- 18 (1) licenses issued by the executive council;  
19 (2) license renewals and late renewals;  
20 (3) examinations; and  
21 (4) any other program or activity administered by the  
22 executive council for which a fee is authorized.

23 Sec. 507.155. RULES RESTRICTING ADVERTISING OR COMPETITIVE  
24 BIDDING. (a) The executive council may not adopt rules restricting  
25 advertising or competitive bidding by a person regulated by the  
26 executive council except to prohibit false, misleading, or  
27 deceptive practices.

1        (b) The executive council may not include in rules to  
2 prohibit false, misleading, or deceptive practices by a person  
3 regulated by the executive council a rule that:

4            (1) restricts the person's use of any advertising  
5 medium;

6            (2) restricts the person's personal appearance or use  
7 of the person's voice in an advertisement;

8            (3) relates to the size or duration of an  
9 advertisement by the person; or

10           (4) restricts the use of a trade name in advertising by  
11 the person.

12        Sec. 507.156. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION.  
13 The executive council shall adopt rules and guidelines as necessary  
14 to comply with Chapter 53.

15        Sec. 507.157. CONTINUING EDUCATION. The executive council  
16 shall recognize, prepare, or administer continuing education  
17 programs for license holders. A license holder must participate in  
18 the programs to the extent required by the executive council to keep  
19 the person's license.

20        Sec. 507.158. USE OF TECHNOLOGY. The executive council  
21 shall implement a policy requiring the executive council to use  
22 appropriate technological solutions to improve the executive  
23 council's ability to perform its functions. The policy must ensure  
24 that the public is able to interact with the executive council on  
25 the Internet.

26        Sec. 507.159. NEGOTIATED RULEMAKING AND ALTERNATIVE  
27 DISPUTE RESOLUTION POLICY. (a) The executive council shall

1 develop a policy to encourage the use of:

2 (1) negotiated rulemaking procedures under Chapter  
3 2008, Government Code, for the adoption of executive council rules;  
4 and

5 (2) appropriate alternative dispute resolution  
6 procedures under Chapter 2009, Government Code, to assist in the  
7 resolution of internal and external disputes under the executive  
8 council's jurisdiction.

9 (b) The executive council's procedures relating to  
10 alternative dispute resolution must conform, to the extent  
11 possible, to any model guidelines issued by the State Office of  
12 Administrative Hearings for the use of alternative dispute  
13 resolution by state agencies.

14 (c) The executive council shall:

15 (1) coordinate the implementation of the policy  
16 adopted under Subsection (a);

17 (2) provide training as needed to implement the  
18 procedures for negotiated rulemaking and alternative dispute  
19 resolution; and

20 (3) collect data concerning the effectiveness of those  
21 procedures.

22 Sec. 507.160. ANNUAL REGISTRY. (a) The executive council  
23 shall annually prepare a registry of all license holders.

24 (b) The executive council shall make the registry available  
25 to the public, license holders, and other state agencies.

26 (c) The executive council may not include the home address  
27 of a license holder in a registry the executive council publishes on

1 the executive council's Internet website unless the person requests  
2 that the person's home address appear in the registry on the  
3 website. A request under this subsection must be made in the manner  
4 prescribed by the executive council.

5 (d) The home address of a license holder that is included in  
6 a registry the executive council prepares under this section is  
7 public information and is not excepted from required disclosure  
8 under Chapter 552, Government Code.

9 SUBCHAPTER E. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

10 Sec. 507.201. PUBLIC INTEREST INFORMATION. (a) The  
11 executive council shall prepare information of public interest  
12 describing the functions of the executive council and the  
13 procedures by which complaints are filed with and resolved by the  
14 executive council.

15 (b) The executive council shall make the information  
16 available to the public and appropriate state agencies.

17 Sec. 507.202. COMPLAINTS. (a) The executive council by  
18 rule shall establish methods by which consumers and service  
19 recipients are notified of the name, mailing address, and telephone  
20 number of the executive council for the purpose of directing  
21 complaints to the executive council. The executive council may  
22 provide for that notice:

23 (1) on each registration form, application, or written  
24 contract for services of a person regulated by the executive  
25 council;

26 (2) on a sign prominently displayed in the place of  
27 business of a person regulated by the executive council; or

1           (3) in a bill for services provided by a person  
2 regulated by the executive council.

3           (b) The executive council shall list with its regular  
4 telephone number any toll-free telephone number established under  
5 other state law that may be called to present a complaint about a  
6 person regulated by the executive council.

7           Sec. 507.203. INFORMATION ABOUT COMPLAINT ACTIONS. (a)  
8 The executive council shall maintain a system to promptly and  
9 efficiently act on complaints filed with the executive council.  
10 The executive council shall maintain information about parties to  
11 the complaint, the subject matter of the complaint, a summary of the  
12 results of the review or investigation of the complaint, and its  
13 disposition.

14           (b) The executive council shall make information available  
15 describing its procedures for complaint investigation and  
16 resolution.

17           (c) The executive council shall periodically notify the  
18 parties to a complaint of the status of the complaint until final  
19 disposition of the complaint.

20           Sec. 507.204. GENERAL RULES REGARDING COMPLAINT  
21 INVESTIGATION. (a) The executive council shall adopt rules  
22 concerning the investigation of a complaint filed with the  
23 executive council. The rules adopted under this section must:

24           (1) distinguish between categories of complaints;  
25           (2) ensure that a complaint is not dismissed without  
26 appropriate consideration;

27           (3) require that the executive council be advised of a

1 complaint that is dismissed and that a letter be sent to the person  
2 who filed the complaint explaining the action taken on the  
3 complaint;

4 (4) ensure that the person who files a complaint has an  
5 opportunity to explain the allegations made in the complaint; and

6 (5) prescribe guidelines concerning the categories of  
7 complaints that require the use of a private investigator and  
8 prescribe the procedures for the executive council to obtain the  
9 services of a private investigator.

10 (b) The executive council shall:

11 (1) dispose of a complaint in a timely manner; and

12 (2) establish a schedule for conducting each phase of  
13 the disposition of a complaint that is under the control of the  
14 executive council not later than the 30th day after the date the  
15 executive council receives the complaint.

16 (c) The executive council shall notify the parties to a  
17 complaint of the projected time requirements for pursuing the  
18 complaint.

19 (d) The executive council shall notify the parties to a  
20 complaint of any change in the schedule not later than the seventh  
21 day after the date the change is made.

22 (e) The executive director shall notify the executive  
23 council of a complaint that is unresolved after the time prescribed  
24 by the executive council for resolving the complaint so that the  
25 executive council may take necessary action on the complaint.

26 (f) The executive council shall assign priorities and  
27 investigate complaints based on:



1           (1) the severity of the conduct alleged in the  
2 complaint; and

3           (2) the degree of harm to public health and safety.

4           Sec. 507.205. CONFIDENTIALITY OF COMPLAINT INFORMATION.

5 (a) Except as provided by Subsection (b), a complaint and  
6 investigation and all information and materials compiled by the  
7 executive council in connection with the complaint and  
8 investigation are not subject to:

9           (1) disclosure under Chapter 552, Government Code; or

10           (2) disclosure, discovery, subpoena, or other means of  
11 legal compulsion for release of information to any person.

12           (b) A complaint or investigation subject to Subsection (a)  
13 and all information and materials compiled by the executive council  
14 in connection with the complaint may be disclosed to:

15           (1) the executive council and executive council  
16 employees or agents involved in license holder discipline;

17           (2) a party to a disciplinary action against the  
18 license holder or that party's designated representative;

19           (3) the board for the applicable profession;

20           (4) a law enforcement agency;

21           (5) a governmental agency, if:

22           (A) the disclosure is required or permitted by  
23 law; and

24           (B) the agency obtaining the disclosure protects  
25 the identity of any patient whose records are examined; or

26           (6) a person engaged in bona fide research, if all  
27 information identifying a specific individual has been deleted.

1        (c) Unless good cause for delay is shown to the presiding  
2 officer at the hearing, the executive council shall provide the  
3 license holder with access to all information that the executive  
4 council intends to offer into evidence at the hearing not later than  
5 the 30th day after the date the executive council receives a written  
6 request from a license holder who is entitled to a hearing under  
7 this chapter or from the license holder's attorney of record.

8        (d) The executive council shall protect the identity of any  
9 patient whose records are examined in connection with a  
10 disciplinary investigation or proceeding against a license holder,  
11 except a patient who:

12                (1) initiates the disciplinary action; or

13                (2) has submitted a written consent to release the  
14 records.

15        Sec. 507.206. SUBPOENAS. (a) In the investigation of a  
16 complaint filed with the executive council, the executive director  
17 or presiding officer of the executive council may issue a subpoena  
18 to compel the attendance of a relevant witness or the production,  
19 for inspection or copying, of relevant evidence that is in this  
20 state.

21        (b) A subpoena may be served personally or by certified  
22 mail.

23        (c) If a person fails to comply with a subpoena, the  
24 executive council, acting through the attorney general, may file  
25 suit to enforce the subpoena in a district court in Travis County or  
26 in the county in which a hearing conducted by the executive council  
27 may be held.

1        (d) On finding that good cause exists for issuing the  
2 subpoena, the court shall order the person to comply with the  
3 subpoena. The court may punish a person who fails to obey the court  
4 order.

5        (e) The executive council shall pay a reasonable fee for  
6 photocopies subpoenaed under this section in an amount not to  
7 exceed the amount the executive council may charge for copies of its  
8 records.

9        (f) The reimbursement of the expenses of a witness whose  
10 attendance is compelled under this section is governed by Section  
11 2001.103, Government Code.

12        (g) Information and materials subpoenaed or compiled by the  
13 executive council in connection with the investigation of a  
14 complaint may be disclosed only as provided by Section 507.205.

15        Sec. 507.207. PUBLIC PARTICIPATION. The executive council  
16 shall develop and implement policies that provide the public with a  
17 reasonable opportunity to appear before the executive council and  
18 to speak on any issue under the jurisdiction of the executive  
19 council.

20                    SUBCHAPTER F. GENERAL LICENSING PROVISIONS

21        Sec. 507.251. CRIMINAL HISTORY RECORD INFORMATION FOR  
22 LICENSE ISSUANCE. (a) The executive council shall require that an  
23 applicant for a license submit a complete and legible set of  
24 fingerprints, on a form prescribed by the executive council, to the  
25 executive council or to the Department of Public Safety for the  
26 purpose of obtaining criminal history record information from the  
27 Department of Public Safety and the Federal Bureau of

1 Investigation.

2 (b) The executive council may not issue a license to a  
3 person who does not comply with the requirement of Subsection (a).

4 (c) The executive council shall conduct a criminal history  
5 record information check of each applicant for a license using  
6 information:

7 (1) provided by the individual under this section; and

8 (2) made available to the executive council by the  
9 Department of Public Safety, the Federal Bureau of Investigation,  
10 and any other criminal justice agency under Chapter 411, Government  
11 Code.

12 (d) The executive council may:

13 (1) enter into an agreement with the Department of  
14 Public Safety to administer a criminal history record information  
15 check required under this section; and

16 (2) authorize the Department of Public Safety to  
17 collect from each applicant the costs incurred by the Department of  
18 Public Safety in conducting the criminal history record information  
19 check.

20 Sec. 507.252. EXAMINATION RESULTS. (a) The executive  
21 council shall notify each examinee of the results of an examination  
22 not later than the 30th day after the date the examination is  
23 administered. If an examination is graded or reviewed by a national  
24 testing service, the executive council shall notify each examinee  
25 of the results of the examination not later than the 14th day after  
26 the date the executive council receives the results from the  
27 testing service.

1        (b) If the notice of examination results graded or reviewed  
2 by a national testing service will be delayed for longer than 90  
3 days after the examination date, the executive council shall notify  
4 each examinee of the reason for the delay before the 90th day.

5        (c) If requested in writing by a person who fails an  
6 examination, the executive council shall provide to the person an  
7 analysis of the person's performance on the examination.

8        Sec. 507.253. REEXAMINATION. The executive council by rule  
9 shall establish:

10        (1) a limit on the number of times an applicant for a  
11 license who fails an examination may retake the examination; and

12        (2) the requirements for retaking an examination.

13        Sec. 507.254. FORM OF LICENSE. A license issued by the  
14 executive council must include the name of the board applicable to  
15 the license holder.

16        Sec. 507.255. LICENSE RENEWAL. (a) A person who is  
17 otherwise eligible to renew a license may renew an unexpired  
18 license by paying the required renewal fee to the executive council  
19 before the expiration date of the license.

20        (b) If the person's license has been expired for 90 days or  
21 less, the person may renew the license by paying to the executive  
22 council a fee in an amount equal to one and one-half times the  
23 required renewal fee.

24        (c) If the person's license has been expired for more than  
25 90 days but less than one year, the person may renew the license by  
26 paying to the executive council a fee in an amount equal to two  
27 times the required renewal fee.

1       (d) If the person's license has been expired for one year or  
2 more, the person may not renew the license. The person may obtain a  
3 new license by submitting to reexamination and complying with the  
4 requirements and procedures for obtaining an original license.

5       Sec. 507.256. RENEWAL OF EXPIRED LICENSE OF OUT-OF-STATE  
6 PRACTITIONER. (a) The executive council may renew without  
7 reexamination an expired license of a person who was licensed in  
8 this state, moved to another state, and is currently licensed and  
9 has been in practice in the other state for the two years preceding  
10 the date the person applies for renewal.

11       (b) The person must pay to the executive council a fee in an  
12 amount equal to two times the required renewal fee for the license.

13       Sec. 507.257. CRIMINAL HISTORY RECORD INFORMATION  
14 REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a  
15 license issued under this chapter shall submit a complete and  
16 legible set of fingerprints for purposes of performing a criminal  
17 history record information check of the applicant as provided by  
18 Section 507.251.

19       (b) The executive council may administratively suspend or  
20 refuse to renew the license of a person who does not comply with the  
21 requirement of Subsection (a).

22       (c) A license holder is not required to submit fingerprints  
23 under this section for the renewal of a license if the license  
24 holder has previously submitted fingerprints under:

25               (1) Section 507.251 for the initial issuance of the  
26 license; or

27               (2) this section as part of a prior license renewal.

1       Sec. 507.258. SEARCH OF NATIONAL PRACTITIONER DATABASE.

2       The executive council shall establish a process to search at least  
3       one national practitioner database to determine whether another  
4       state has taken any disciplinary or other legal action against an  
5       applicant or license holder before issuing an initial or renewal  
6       license.

7       Sec. 507.259. ASSISTANCE IN LICENSING DETERMINATIONS. The

8       executive council shall adopt rules establishing the manner in  
9       which the executive council will solicit input from and request the  
10       assistance of the applicable board for a profession regulated by  
11       the executive council when the executive council is considering an  
12       application for the issuance or renewal of a license that involves  
13       an issue related to standards of care or an applicant's  
14       professional qualifications.

15               SUBCHAPTER G. DISCIPLINARY ACTIONS AND PROCEDURES

16       Sec. 507.301. DISCIPLINARY ACTIONS. (a) The executive

17       council may deny, revoke, suspend, or refuse to renew a license or  
18       may reprimand a license holder if the applicant or license holder  
19       violates:

20               (1) this chapter;

21               (2) a law of this state regulating the license holder's  
22       profession;

23               (3) an executive council rule; or

24               (4) a statute or rule of another state as determined  
25       through a search conducted as provided by Section 507.258 if the  
26       violation would constitute a violation described by Subdivision  
27       (1), (2), or (3) had it occurred in this state.

1       (b) The executive council may place on probation a person  
2 whose license is suspended. If a license suspension is probated,  
3 the executive council may require the person to:

4           (1) report regularly to the executive council on  
5 matters that are the basis of the probation;

6           (2) limit the person's practice to the areas  
7 prescribed by the executive council; or

8           (3) continue or review continuing professional  
9 education until the person attains a degree of skill satisfactory  
10 to the executive council in those areas that are the basis for the  
11 probation.

12       Sec. 507.302. TEMPORARY SUSPENSION. (a) The executive  
13 council or a three-member committee of executive council members  
14 designated by the executive council shall temporarily suspend the  
15 license of a license holder if the executive council or committee  
16 determines from the evidence or information presented to it that  
17 continued practice by the license holder would constitute a  
18 continuing and imminent threat to the public welfare.

19       (b) A license may be suspended under this section without  
20 notice or hearing on the complaint if:

21           (1) action is taken to initiate proceedings for a  
22 hearing before the State Office of Administrative Hearings  
23 simultaneously with the temporary suspension; and

24           (2) a hearing is held as soon as practicable under this  
25 chapter and Chapter 2001, Government Code.

26       (c) The State Office of Administrative Hearings shall hold a  
27 preliminary hearing not later than the 14th day after the date of



1 the temporary suspension to determine if there is probable cause to  
2 believe that a continuing and imminent threat to the public welfare  
3 still exists. A final hearing on the matter shall be held not later  
4 than the 61st day after the date of the temporary suspension.

5 Sec. 507.303. HEARING; ADMINISTRATIVE PROCEDURE. (a) A  
6 license holder is entitled to a hearing before the State Office of  
7 Administrative Hearings before a sanction is imposed under this  
8 subchapter.

9 (b) A proceeding under this subchapter is governed by  
10 Chapter 2001, Government Code.

11 Sec. 507.304. SCHEDULE OF SANCTIONS. (a) The executive  
12 council by rule shall adopt a broad schedule of sanctions.

13 (b) The State Office of Administrative Hearings shall use  
14 the schedule for any sanction imposed under this subchapter as the  
15 result of a hearing conducted by that office.

16 Sec. 507.305. INFORMAL PROCEEDINGS. (a) The executive  
17 council by rule shall adopt procedures governing:

18 (1) informal disposition of a contested case under  
19 Section 2001.056, Government Code; and

20 (2) an informal proceeding held in compliance with  
21 Section 2001.054, Government Code.

22 (b) Rules adopted under this section must:

23 (1) provide the complainant and the license holder  
24 with an opportunity to be heard; and

25 (2) require the presence of a member of the executive  
26 council's legal staff or an attorney employed by the attorney  
27 general to advise the executive council or the executive council's

1 employees.

2 Sec. 507.306. ASSISTANCE IN DISCIPLINARY PROCEEDINGS. (a)  
3 The executive council shall adopt rules establishing the manner in  
4 which the executive council will solicit input from and request the  
5 assistance of the applicable board for a profession regulated by  
6 the executive council, regarding a disciplinary proceeding before  
7 the executive council involving an issue or complaint related to  
8 standards of care or ethical practice.

9 (b) Rules adopted under this section must include a process  
10 for referring a complaint to the applicable board if the complaint  
11 alleges:

12 (1) a substantive violation of a standard of care or  
13 ethical guideline for the profession; or

14 (2) an act of a license holder that violates the  
15 profession's scope of practice.

16 (c) On receiving a recommended disposition of a complaint  
17 from the applicable board, the executive council shall adopt the  
18 recommended disposition unless the executive council determines  
19 that:

20 (1) the recommended disposition would:

21 (A) have an anti-competitive effect;

22 (B) result in an administrative inconsistency;

23 or

24 (C) raise concerns relating to good governance  
25 practices; or

26 (2) any recommended disciplinary penalty would  
27 deviate substantially from the schedule of sanctions for the

1 applicable profession.

2 SUBCHAPTER H. ADMINISTRATIVE PENALTY

3 Sec. 507.351. IMPOSITION OF ADMINISTRATIVE PENALTY. The  
4 executive council may impose an administrative penalty on a person  
5 licensed or regulated by the executive council if the person  
6 violates this chapter, a law regulating the applicable profession,  
7 or an executive council rule.

8 Sec. 507.352. AMOUNT OF PENALTY. (a) The amount of an  
9 administrative penalty may not exceed \$5,000 for each violation.  
10 Each day a violation continues or occurs is a separate violation for  
11 purposes of imposing a penalty.

12 (b) The amount of the penalty must be based on:

13 (1) the seriousness of the violation, including:

14 (A) the nature, circumstances, extent, and  
15 gravity of any prohibited act; and

16 (B) the hazard or potential hazard created to the  
17 health, safety, or economic welfare of the public;

18 (2) the economic harm to property or the environment  
19 caused by the violation;

20 (3) the history of previous violations;

21 (4) the amount necessary to deter a future violation;

22 (5) efforts made to correct the violation; and

23 (6) any other matter that justice may require.

24 Sec. 507.353. NOTICE OF VIOLATION AND PENALTY. If the  
25 executive council determines that a violation occurred, the  
26 executive council shall give written notice of the violation to the  
27 person alleged to have committed the violation. The notice may be

1 given by certified mail. The notice must:

2 (1) include a brief summary of the alleged violation;

3 (2) state the amount of the administrative penalty  
4 recommended by the executive council; and

5 (3) inform the person of the person's right to a  
6 hearing on the occurrence of the violation, the amount of the  
7 penalty, or both.

8 Sec. 507.354. PENALTY TO BE PAID OR HEARING REQUESTED. (a)  
9 Not later than the 20th day after the date the person receives the  
10 notice under Section 507.353, the person may in writing:

11 (1) accept the executive council's determination and  
12 recommended administrative penalty; or

13 (2) request a hearing on the occurrence of the  
14 violation, the amount of the penalty, or both.

15 (b) If the person accepts the executive council's  
16 determination and recommended penalty, the executive council shall  
17 issue an order and impose the recommended penalty.

18 Sec. 507.355. HEARING. (a) If the person requests a  
19 hearing or fails to respond in a timely manner to the notice under  
20 Section 507.353, the executive council shall set a hearing and give  
21 written notice of the hearing to the person.

22 (b) An administrative law judge of the State Office of  
23 Administrative Hearings shall hold the hearing.

24 (c) The administrative law judge shall make findings of fact  
25 and conclusions of law and promptly issue to the executive council a  
26 proposal for a decision as to the occurrence of the violation and  
27 the amount of any proposed administrative penalty.

1       Sec. 507.356. DECISION BY EXECUTIVE COUNCIL. (a) Based on  
2 the findings of fact, conclusions of law, and proposal for a  
3 decision, the executive council by order may determine that:

4           (1) a violation occurred and impose an administrative  
5 penalty; or

6           (2) a violation did not occur.

7       (b) The executive council shall give notice of the order to  
8 the person. The notice must include a statement of the right of the  
9 person to judicial review of the order.

10       Sec. 507.357. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

11 (a) Not later than the 30th day after the date the executive  
12 council's order becomes final, the person shall:

13           (1) pay the administrative penalty; or

14           (2) file a petition for judicial review contesting the  
15 occurrence of the violation, the amount of the penalty, or both.

16       (b) Within the 30-day period prescribed by Subsection (a), a  
17 person who files a petition for judicial review may:

18           (1) stay enforcement of the penalty by:

19                   (A) paying the penalty to the court for placement  
20 in an escrow account; or

21                   (B) giving to the court a supersedeas bond  
22 approved by the court that is:

23                           (i) for the amount of the penalty; and

24                           (ii) effective until judicial review of the  
25 executive council's order is final; or

26           (2) request the court to stay enforcement of the  
27 penalty by:

1           (A) filing with the court a sworn affidavit of  
2 the person stating that the person is financially unable to pay the  
3 penalty and is financially unable to give the supersedeas bond; and

4           (B) giving a copy of the affidavit to the  
5 executive council by certified mail.

6           (c) If the executive council receives a copy of an affidavit  
7 under Subsection (b)(2), the executive council may file with the  
8 court a contest to the affidavit not later than the fifth day after  
9 the date the copy is received.

10          (d) The court shall hold a hearing on the facts alleged in  
11 the affidavit as soon as practicable and shall stay the enforcement  
12 of the penalty on finding that the alleged facts are true. The  
13 person who files the affidavit has the burden of proving that the  
14 person is financially unable to pay the penalty or to give a  
15 supersedeas bond.

16          Sec. 507.358. COLLECTION OF PENALTY. If the person does not  
17 pay the administrative penalty and enforcement of the penalty is  
18 not stayed, the executive council may refer the matter to the  
19 attorney general for collection of the penalty.

20          Sec. 507.359. DETERMINATION BY COURT. (a) If the court  
21 sustains the determination that a violation has occurred, the court  
22 may uphold or reduce the amount of the administrative penalty and  
23 order the person to pay the full or reduced amount of the penalty.

24          (b) If the court does not sustain the determination that a  
25 violation occurred, the court shall order that a penalty is not  
26 owed.

27          Sec. 507.360. REMITTANCE OF PENALTY AND INTEREST. (a) If,

1 after judicial review, the administrative penalty is reduced or not  
2 imposed by the court, the court shall, after the judgment becomes  
3 final:

4 (1) order that the appropriate amount, plus accrued  
5 interest, be remitted to the person if the person paid the penalty;  
6 or

7 (2) order the release of the bond:

8 (A) if the person gave a supersedeas bond and the  
9 penalty is not imposed; or

10 (B) after the person pays the penalty if the  
11 person gave a supersedeas bond and the penalty is reduced.

12 (b) The interest paid under Subsection (a)(1) is the rate  
13 charged on loans to depository institutions by the New York Federal  
14 Reserve Bank. The interest shall be paid for the period beginning  
15 on the date the penalty is paid and ending on the date the penalty is  
16 remitted.

17 Sec. 507.361. ADMINISTRATIVE PROCEDURE. A proceeding under  
18 this subchapter is subject to Chapter 2001, Government Code.

19 SUBCHAPTER I. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

20 Sec. 507.401. INJUNCTION. (a) In addition to any other  
21 action authorized by law, the executive council may institute an  
22 action to enjoin a violation of this chapter, a law regulating the  
23 applicable profession, or an executive council rule.

24 (b) An action filed under this section must be filed in  
25 Travis County, the county of the defendant's residence, or the  
26 county in which any part of the violation occurred.

27 (c) The attorney general or the appropriate county or

1 district attorney shall represent the executive council in an  
2 action under this section.

3 Sec. 507.402. CIVIL PENALTY. (a) A person who violates  
4 this chapter, a law regulating the applicable profession, or an  
5 executive council rule is liable to the state for a civil penalty  
6 not to exceed \$1,000 for each day of violation.

7 (b) At the request of the executive council, the attorney  
8 general shall bring an action to recover a civil penalty authorized  
9 under this section.

10 Sec. 507.403. CEASE AND DESIST ORDER. (a) If it appears to  
11 the executive council that an unlicensed person is violating this  
12 chapter, a law regulating the applicable profession, or an  
13 executive council rule, the executive council, after notice and  
14 opportunity for a hearing, may issue a cease and desist order  
15 prohibiting the person from engaging in the activity.

16 (b) A violation of an order under this section constitutes  
17 grounds for imposing an administrative penalty under Subchapter H.

18 Sec. 507.404. MONITORING OF LICENSE HOLDER. The executive  
19 council by rule shall develop a system to monitor a license holder's  
20 compliance with applicable laws and executive council rules. Rules  
21 adopted under this section must include procedures to:

22 (1) monitor for compliance a license holder who is  
23 ordered by the executive council to perform certain acts; and

24 (2) identify and monitor each license holder who  
25 represents a risk to the public.



1 ARTICLE 2. TRANSFER OF LICENSING PROGRAMS TO TEXAS BEHAVIORAL

2 HEALTH EXECUTIVE COUNCIL

3 SECTION 2.001. Section 501.002, Occupations Code, is  
4 amended by adding Subdivision (1-a) to read as follows:

5 (1-a) "Executive council" means the Texas Behavioral  
6 Health Executive Council.

7 SECTION 2.002. The heading to Section 501.053, Occupations  
8 Code, is amended to read as follows:

9 Sec. 501.053. MEMBERSHIP [~~AND EMPLOYEE~~] RESTRICTIONS.

10 SECTION 2.003. Sections 501.053(b) and (c), Occupations  
11 Code, are amended to read as follows:

12 (b) A person may not be a member of the board [~~and may not be~~  
13 ~~a board employee employed in a "bona fide executive,~~  
14 ~~administrative, or professional capacity," as that phrase is used~~  
15 ~~for purposes of establishing an exemption to the overtime~~  
16 ~~provisions of the federal Fair Labor Standards Act of 1938 (29~~  
17 ~~U.S.C. Section 201 et seq.)]~~ if:

18 (1) the person is an officer, employee, or paid  
19 consultant of a Texas trade association in the field of health  
20 services; or

21 (2) the person's spouse is an officer, manager, or paid  
22 consultant of a Texas trade association in the field of mental  
23 health.

24 (c) A person may not be a member of the board [~~or act as the~~  
25 ~~general counsel to the board]~~ if the person is required to register  
26 as a lobbyist under Chapter 305, Government Code, because of the  
27 person's activities for compensation on behalf of a profession

1 related to the operation of the board.

2 SECTION 2.004. Section 501.055(c), Occupations Code, is  
3 amended to read as follows:

4 (c) If the executive director of the executive council has  
5 knowledge that a potential ground for removal exists, the executive  
6 director shall notify the presiding officer of the board of the  
7 potential ground. The presiding officer shall then notify the  
8 governor and the attorney general that a potential ground for  
9 removal exists. If the potential ground for removal involves the  
10 presiding officer, the executive director shall notify the next  
11 highest ranking officer of the board, who shall then notify the  
12 governor and the attorney general that a potential ground for  
13 removal exists.

14 SECTION 2.005. Section 501.059, Occupations Code, is  
15 amended by amending Subsection (b) and adding Subsection (d) to  
16 read as follows:

17 (b) The training program must provide the person with  
18 information regarding:

19 (1) the law governing board operations;

20 (2) [this chapter and] the programs, functions, rules,  
21 and budget of the board;

22 (3) the scope of and limitations on the rulemaking  
23 authority of the board;

24 (4) the types of board rules, interpretations, and  
25 enforcement actions that may implicate federal antitrust law by  
26 limiting competition or impacting prices charged by persons engaged  
27 in a profession or business the board regulates, including any

1 rule, interpretation, or enforcement action that:

2 (A) regulates the scope of practice of persons in  
3 a profession or business the board regulates;

4 (B) restricts advertising by persons in a  
5 profession or business the board regulates;

6 (C) affects the price of goods or services  
7 provided by persons in a profession or business the board  
8 regulates; or

9 (D) restricts participation in a profession or  
10 business the board regulates;

11 (5) [~~(2)~~] the results of the most recent formal audit  
12 of the board;

13 (6) [~~(3)~~] the requirements of:

14 (A) laws relating to open meetings, public  
15 information, administrative procedure, and disclosure of conflicts  
16 of interest; and

17 (B) other laws applicable to members of the board  
18 in performing their duties; and

19 (7) [~~(4)~~] any applicable ethics policies adopted by  
20 the board or the Texas Ethics Commission.

21 (d) The executive director of the executive council shall  
22 create a training manual that includes the information required by  
23 Subsection (b). The executive director shall distribute a copy of  
24 the training manual annually to each board member. Each member of  
25 the board shall sign and submit to the executive director a  
26 statement acknowledging that the member received and has reviewed  
27 the training manual.

1 SECTION 2.006. The heading to Subchapter D, Chapter 501,  
2 Occupations Code, is amended to read as follows:

3 SUBCHAPTER D. [~~BOARD~~] POWERS AND DUTIES

4 SECTION 2.007. The heading to Section 501.151, Occupations  
5 Code, is amended to read as follows:

6 Sec. 501.151. GENERAL POWERS AND DUTIES OF EXECUTIVE  
7 COUNCIL.

8 SECTION 2.008. Sections 501.151(c) and (d), Occupations  
9 Code, are amended to read as follows:

10 (c) The executive council [~~board~~] shall adopt and publish a  
11 code of ethics under this chapter.

12 (d) The executive council [~~board~~] may certify the specialty  
13 of health service providers under this chapter.

14 SECTION 2.009. Subchapter D, Chapter 501, Occupations Code,  
15 is amended by adding Section 501.1515 to read as follows:

16 Sec. 501.1515. BOARD DUTIES. The board shall propose to the  
17 executive council:

18 (1) rules regarding:

19 (A) the qualifications necessary to obtain a  
20 license, including rules limiting an applicant's eligibility for a  
21 license based on the applicant's criminal history;

22 (B) the scope of practice of and standards of  
23 care and ethical practice for psychology; and

24 (C) continuing education requirements for  
25 license holders; and

26 (2) a schedule of sanctions for violations of this  
27 chapter or rules adopted under this chapter.

1 SECTION 2.010. Section 501.155, Occupations Code, is  
2 amended to read as follows:

3 Sec. 501.155. VOLUNTARY GUIDELINES. (a) The executive  
4 council [~~board~~] may cooperate with an agency that is not subject to  
5 this chapter to formulate voluntary guidelines to be observed in  
6 the training, activities, and supervision of persons who perform  
7 psychological services.

8 (b) Except as provided by Subsection (a), the executive  
9 council [~~board~~] may not adopt a rule that relates to the  
10 administration of an agency that is not subject to this chapter.

11 SECTION 2.011. Section 501.158, Occupations Code, is  
12 amended to read as follows:

13 Sec. 501.158. COMPETENCY REQUIREMENTS. (a) This section  
14 applies to a person who is:

15 (1) applying to take the [~~provisional~~] license  
16 examination;

17 (2) applying for a license or license renewal;

18 (3) currently licensed under this chapter [~~by the~~  
19 ~~board~~]; or

20 (4) otherwise providing psychological services under  
21 a license approved by the executive council under this chapter  
22 [~~board~~].

23 (b) On a determination by the executive council [~~board~~]  
24 based on the executive council's [~~board's~~] reasonable belief that a  
25 person is not physically and mentally competent to provide  
26 psychological services with reasonable skill and safety to patients  
27 or has a physical or mental disease or condition that would impair

1 the person's competency to provide psychological services, the  
2 executive council [~~board~~] may request the person to submit to:

3 (1) a physical examination by a physician approved by  
4 the executive council [~~board~~]; or

5 (2) a mental examination by a physician or  
6 psychologist approved by the executive council [~~board~~].

7 (c) The executive council [~~board~~] shall issue an order  
8 requiring a [~~an applicant or~~] person [~~seeking renewal of a~~  
9 ~~provisional license~~] who refuses to submit to an examination under  
10 this section to show cause for the person's refusal at a hearing on  
11 the order scheduled for not later than the 30th day after the date  
12 notice is served on the person. The executive council [~~board~~] shall  
13 provide notice under this section by personal service or by  
14 registered mail, return receipt requested.

15 (d) At the hearing, the person may appear in person and by  
16 counsel and present evidence to justify the person's refusal to  
17 submit to examination. After the hearing, the executive council  
18 [~~board~~] shall issue an order requiring the person to submit to  
19 examination under this section or withdrawing the request for the  
20 examination.

21 (e) Unless the request is withdrawn, the executive council  
22 may take disciplinary action against a person who refuses to submit  
23 to the physical or mental examination [~~may not take the provisional~~  
24 ~~license examination or renew the person's license, as appropriate~~].

25 (f) An appeal from the executive council's [~~board's~~] order  
26 under this section is governed by Chapter 2001, Government Code.

27 SECTION 2.012. Section 501.252(a), Occupations Code, is

1 amended to read as follows:

2 (a) To be licensed under this chapter, a person must apply  
3 to the executive council [~~board~~] for a license. The executive  
4 council [~~board~~] shall issue a license to an applicant who:

5 (1) is qualified for the license under Section  
6 501.2525 [~~complies with this section~~]; and

7 (2) pays the fee set by the executive council [~~board~~].

8 SECTION 2.013. Section 501.255, Occupations Code, is  
9 redesignated as Section 501.2525, Occupations Code, and amended to  
10 read as follows:

11 Sec. 501.2525 [~~501.255~~]. [~~PROVISIONAL~~] LICENSE  
12 [~~EXAMINATION~~] QUALIFICATIONS. (a) An applicant is qualified [~~may~~  
13 ~~take an examination~~] for a [~~provisional~~] license under this chapter  
14 if the applicant:

15 (1) has received:

16 (A) a doctoral degree in psychology from a  
17 regionally accredited educational institution conferred on or  
18 after January 1, 1979; or

19 (B) a doctoral degree in psychology, or the  
20 substantial equivalent of a doctoral degree in psychology in both  
21 subject matter and extent of training, from a regionally accredited  
22 educational institution conferred before January 1, 1979;

23 (2) except as provided by Subsection (c) and Section  
24 501.253, has:

25 (A) at least two years of supervised experience  
26 in the field of psychological services, one year of which may be as  
27 part of the doctoral program and at least one year of which began

1 after the date the person's doctoral degree was conferred by an  
2 institution of higher education; and

3 (B) passed any examination required by Section  
4 501.256;

5 (3) has attained the age of majority;

6 [~~(3) has good moral character;~~]

7 (4) is physically and mentally competent to provide  
8 psychological services with reasonable skill and safety, as  
9 determined by the executive council [~~board~~];

10 (5) is not afflicted with a mental or physical disease  
11 or condition that would impair the applicant's competency to  
12 provide psychological services;

13 (6) has not been convicted of a crime involving moral  
14 turpitude or a felony;

15 (7) does not use drugs or alcohol to an extent that  
16 affects the applicant's professional competency;

17 (8) has not engaged in fraud or deceit in making the  
18 application; and

19 (9) except as provided by Section 501.263, has not:

20 (A) aided or abetted the practice of psychology  
21 by a person not licensed under this chapter in representing that the  
22 person is licensed under this chapter;

23 (B) represented that the applicant is licensed  
24 under this chapter to practice psychology when the applicant is not  
25 licensed; or

26 (C) practiced psychology in this state without a  
27 license under this chapter or without being exempt under this



1 chapter.

2 (b) In determining under Subsection (a)(1)(B) whether a  
3 degree is substantially equivalent to a doctoral degree in  
4 psychology, the executive council [~~board~~] shall consider whether,  
5 at the time the degree was conferred, the doctoral program met the  
6 prevailing standards for training in the area of psychology,  
7 including standards for training in clinical, school, and  
8 industrial counseling.

9 (c) Subsection (a)(2)(A) does not apply to an applicant who:

10 (1) is licensed in good standing in another state to  
11 independently practice psychology; and

12 (2) has independently practiced psychology in that  
13 state for at least five years.

14 (d) For purposes of Subsection (a)(2)(A), experience is  
15 supervised only if the experience is supervised by a psychologist  
16 in the manner provided by the executive council's supervision  
17 guidelines. To determine the acceptability of an applicant's  
18 experience, the executive council may require documentary evidence  
19 of the quality, scope, and nature of the applicant's experience.  
20 The executive council may count toward the supervised experience an  
21 applicant is required to obtain after the applicant's degree is  
22 conferred any hours of supervised experience the applicant  
23 completed as part of a degree program accredited by the American  
24 Psychological Association, the Canadian Psychological Association,  
25 or a substantially equivalent degree program.

26 SECTION 2.014. Section [501.253](#), Occupations Code, is  
27 amended to read as follows:

1           Sec. 501.253. PROVISIONAL STATUS FOR CERTAIN APPLICANTS

2 [~~LICENSE~~]. (a) The executive council may [~~board shall~~] issue a  
3 [~~provisional~~] license with a provisional status to an applicant who  
4 has not satisfied the experience or examination requirements of  
5 Section 501.2525(a)(2) but is otherwise qualified for the license  
6 under Section 501.2525 [+

7                   [~~(1) passed the examinations prescribed by the board,~~

8                   [~~(2) satisfied the preliminary requirements of~~  
9 ~~Sections 501.254 and 501.255; and~~

10                   [~~(3) paid the fee for a provisional license~~].

11           (b) A [~~provisional~~] license holder described by Subsection  
12 (a) is entitled to practice psychology under the supervision of a  
13 psychologist to meet the requirements for issuance of a license  
14 under Section 501.2525, except that if the [~~501.252. A~~  
15 ~~provisional~~] license holder [~~who~~] is licensed in another state to  
16 independently practice psychology and is in good standing in that  
17 state, the license holder [~~and who seeks a license in this state~~] is  
18 entitled to practice psychology without the supervision of a  
19 psychologist [~~during the time that the board is processing the~~  
20 ~~person's application for a license~~].

21           (c) The executive council [~~board~~] shall adopt rules that  
22 apply to a [~~provisional~~] license holder described by Subsection (a)  
23 [~~holders~~] identifying:

24                   (1) the activities that the license holder [~~holders~~]  
25 may engage in; and

26                   (2) services that may be provided by the license  
27 holder [~~holders~~].

1 (d) The executive council [~~board~~] may refuse to renew a [~~the~~  
2 ~~provisional~~] license issued under Subsection (a) if the license  
3 holder [~~of a person who~~] does not meet the requirements prescribed  
4 by Section 501.2525(a)(2) [~~501.255~~].

5 (e) The executive council [~~board~~] may not restrict the  
6 issuance of a license [~~or provisional license~~] to an applicant who  
7 is licensed in another state to independently practice psychology  
8 and is in good standing in that state based on the number of years  
9 the applicant has been licensed in good standing in that state.

10 [~~(f) If an applicant who is licensed in another state to~~  
11 ~~independently practice psychology and is in good standing in that~~  
12 ~~state presents credentials from a national accreditation~~  
13 ~~organization to the board and the board determines that the~~  
14 ~~requirements for obtaining those credentials from that~~  
15 ~~organization are sufficient to protect the public, the board may~~  
16 ~~issue a provisional license to the applicant. An applicant who~~  
17 ~~obtains a provisional license under this subsection must have~~  
18 ~~passed the examination described by Section 501.256(b)(2).~~]

19 SECTION 2.015. Section 501.256, Occupations Code, is  
20 amended by amending Subsections (a), (b), (c), and (d) and adding  
21 Subsection (b-1) to read as follows:

22 (a) The executive council [~~board~~] shall administer to  
23 qualified applicants at least annually any [~~the oral and~~] written  
24 examination required by executive council [~~board~~] rules. An [~~The~~  
25 ~~board shall have the written portion of the~~] examination must be [~~7~~  
26 ~~if any,~~] validated by an independent testing professional.

27 (b) The board shall determine the subject and scope of each

1 examination [~~the examinations and establish appropriate fees for~~  
2 ~~examinations administered~~]. The examination must test the  
3 applicant's knowledge of:

- 4 (1) the discipline and profession of psychology; and  
5 (2) the laws and rules governing the profession of  
6 psychology in this state.

7 (b-1) The executive council shall establish appropriate  
8 fees for examinations administered under this chapter.

9 (c) The executive council [~~board~~] may waive the discipline  
10 and professional segment of the examination requirement for an  
11 applicant who:

12 (1) is a specialist of the American Board of  
13 Professional Psychology; or

14 (2) in the executive council's [~~board's~~] judgment, has  
15 demonstrated competence in the areas covered by the examination.

16 (d) The contents of the examination described by Subsection  
17 (b)(2) are the jurisprudence examination. The executive council  
18 [~~board~~] shall administer and each applicant must pass the  
19 jurisprudence examination before the executive council [~~board~~] may  
20 issue a [~~provisional~~] license.

21 SECTION 2.016. Section 501.259, Occupations Code, is  
22 amended to read as follows:

23 Sec. 501.259. LICENSING OF PSYCHOLOGICAL ASSOCIATE. (a)  
24 The executive council [~~board~~] shall set standards for the issuance  
25 of licenses to psychological personnel who hold a master's degree  
26 from an accredited university or college in a program that is  
27 primarily psychological in nature.

1           (b) The executive council [~~board~~] shall designate a person  
2 who holds a license authorized by this section by a title that  
3 includes the adjective "psychological" followed by a noun such as  
4 "associate," "assistant," "examiner," or "technician."

5           SECTION 2.017. Sections 501.260(a) and (b), Occupations  
6 Code, are amended to read as follows:

7           (a) The executive council [~~board~~] by rule shall issue a  
8 license to a licensed specialist in school psychology. A license  
9 issued under this section constitutes the appropriate credential  
10 for a person who provides psychological services as required by  
11 Section 21.003(b), Education Code.

12           (b) The executive council [~~board~~] shall set the standards to  
13 qualify for a license under this section. The standards must  
14 include:

15                   (1) satisfaction of minimum recognized graduate  
16 degree requirements;

17                   (2) completion of graduate course work at a regionally  
18 accredited institution of higher education in:

19                           (A) psychological foundations;

20                           (B) educational foundations;

21                           (C) interventions;

22                           (D) assessments; and

23                           (E) professional issues and ethics;

24                   (3) completion of at least 1,200 hours of supervised  
25 experience;

26                   (4) receipt of a passing score on a nationally  
27 recognized qualifying examination determined to be appropriate by

1 the executive council [~~board~~] and on any other examination required  
2 by the executive council [~~board~~]; and

3 (5) satisfaction of the requirements under Sections  
4 501.2525(a)(3)-(9) [~~, other than the degree requirements, for an~~  
5 ~~applicant to take an examination for a provisional license~~].

6 SECTION 2.018. Section 501.262, Occupations Code, is  
7 amended to read as follows:

8 Sec. 501.262. RECIPROCAL LICENSE. The executive council  
9 [~~board~~] may enter into and implement agreements with other  
10 jurisdictions for the issuance of a license by reciprocity if the  
11 other jurisdiction's requirements for licensing, certification, or  
12 registration are substantially equal to the requirements of this  
13 chapter.

14 SECTION 2.019. Sections 501.263(a), (b), (c), and (e),  
15 Occupations Code, are amended to read as follows:

16 (a) The executive council [~~board~~] may issue a temporary  
17 license to an applicant seeking to practice in this state for a  
18 limited time and limited purpose if the applicant:

19 (1) pays the required application fee;

20 (2) submits an application to the executive council  
21 [~~board~~] in the form prescribed by the executive council [~~board~~];

22 (3) is licensed, certified, or registered as a  
23 psychologist or psychological associate by another state having  
24 requirements substantially equal to those prescribed by this  
25 chapter;

26 (4) is in good standing with the regulatory agency of  
27 the jurisdiction in which the person is licensed, certified, or

1 registered;

2 (5) is supervised by a person licensed [~~by the board~~]  
3 under this chapter with whom the temporary license holder may  
4 consult during the time the person holds a temporary license; and

5 (6) has passed an examination recognized by the  
6 executive council [~~board~~] as equivalent to the examination required  
7 [~~by the board~~] for a permanent license under this chapter.

8 (b) A temporary license is valid only for the period  
9 specified by the executive council [~~board~~] and for the limited  
10 purpose approved by the executive council [~~board~~].

11 (c) The executive council [~~board~~] may adopt rules to issue a  
12 temporary license to a person who holds a license or the equivalent  
13 from another country.

14 (e) A person holding a temporary license issued under this  
15 chapter shall display a sign indicating that the license is  
16 temporary. The sign must be approved by the executive council  
17 [~~board~~] and displayed in every room in which the person provides  
18 psychological services.

19 SECTION 2.020. Section 501.264(a), Occupations Code, is  
20 amended to read as follows:

21 (a) A psychologist may place the psychologist's license on  
22 inactive status by applying to the executive council [~~board~~] and  
23 paying a fee established by the executive council [~~board~~].

24 SECTION 2.021. Section 501.301, Occupations Code, is  
25 amended to read as follows:

26 Sec. 501.301. LICENSE EXPIRATION AND RENEWAL. (a) The  
27 executive council shall adopt rules providing for the expiration

1 and renewal of a [A] license issued under this chapter. The rules  
2 must require a license be renewed annually or biennially [expires  
3 on December 31 of the year following the date the license is issued  
4 or renewed. A license of a psychological associate expires on May  
5 31 of the year following the date the license is issued or renewed].

6 (b) The executive council [board] by rule may adopt a system  
7 under which licenses expire on various dates during the year. For a  
8 year in which the expiration date is changed, the executive council  
9 [board] shall prorate the licensing fee so that each license holder  
10 pays only the portion of the fee that is allocable to the number of  
11 months during which the license is valid. On renewal of the license  
12 on the new expiration date, the entire licensing fee is payable.

13 SECTION 2.022. Sections [501.351\(a\)](#) and (c), Occupations  
14 Code, are amended to read as follows:

15 (a) A psychologist licensed under this chapter may delegate  
16 to a [~~provisionally licensed~~] psychologist who holds a license  
17 described by Section [501.253](#), a newly licensed psychologist who is  
18 not eligible for managed care panels, a person who holds a temporary  
19 license issued under Section [501.263](#), or a person enrolled in a  
20 formal internship as provided by executive council [board] rules [~~7~~  
21 ~~and a person who satisfies Section [501.255\(a\)](#) and is in the process~~  
22 ~~of acquiring the supervised experience required by Section~~  
23 ~~[501.252\(b\)\(2\)](#)]~~ any psychological test or service that a reasonable  
24 and prudent psychologist could delegate within the scope of sound  
25 psychological judgment if the psychologist determines that:

26 (1) the test or service can be properly and safely  
27 performed by the person;



1 (2) the person does not represent to the public that  
2 the person is authorized to practice psychology; and

3 (3) the test or service will be performed in the  
4 customary manner and in compliance with any other law.

5 (c) The executive council [~~board~~] may determine whether:

6 (1) a psychological test or service may be properly  
7 and safely delegated under this section; and

8 (2) a delegated act constitutes the practice of  
9 psychology under this chapter.

10 SECTION 2.023. Section 501.401, Occupations Code, is  
11 amended to read as follows:

12 Sec. 501.401. GROUNDS FOR DISCIPLINARY ACTION. The  
13 executive council [~~board~~] shall take disciplinary action under  
14 Subchapter G, Chapter 507, against [~~revoke or suspend a holder's~~  
15 ~~license, place on probation a person whose license has been~~  
16 ~~suspended, or reprimand~~] a license holder who:

17 (1) violates this chapter or a rule adopted under this  
18 chapter [~~by the board~~];

19 (2) is convicted of a felony or of any offense that  
20 would be a felony under the laws of this state, or of a violation of  
21 a law involving moral turpitude;

22 (3) uses drugs or alcohol to an extent that affects the  
23 person's professional competency;

24 (4) engages in fraud or deceit in connection with  
25 services provided as a psychologist;

26 (5) except as provided by Section 501.263:

27 (A) aids or abets the practice of psychology by a

1 person not licensed under this chapter in representing that the  
2 person is licensed under this chapter;

3 (B) represents that the person is licensed under  
4 this chapter to practice psychology when the person is not  
5 licensed; or

6 (C) practices psychology in this state without a  
7 license under this chapter or without being qualified for an  
8 exemption under Section 501.004; or

9 (6) commits an act for which liability exists under  
10 Chapter 81, Civil Practice and Remedies Code.

11 SECTION 2.024. Section 501.407, Occupations Code, is  
12 amended to read as follows:

13 Sec. 501.407. REMEDIAL CONTINUING EDUCATION. The executive  
14 council [~~board~~] may require a license holder who violates this  
15 chapter to participate in a continuing education program. The  
16 executive council [~~board~~] shall specify the continuing education  
17 program that the person may attend and the number of hours that the  
18 person must complete to fulfill the requirements of this section.

19 SECTION 2.025. Section 501.408, Occupations Code, is  
20 amended to read as follows:

21 Sec. 501.408. CORRECTIVE ADVERTISING. The executive  
22 council [~~board~~] may order corrective advertising if a psychologist,  
23 individually or under an assumed name, engages in false,  
24 misleading, or deceptive advertising.

25 SECTION 2.026. Subchapter I, Chapter 501, Occupations Code,  
26 is amended by adding Section 501.411 to read as follows:

27 Sec. 501.411. REMEDIAL PLAN. (a) The executive council may

1 issue and establish the terms of a remedial plan to resolve the  
2 investigation of a complaint filed under this chapter.

3 (b) The executive council by rule shall establish the types  
4 of complaints or violations that may be resolved with a remedial  
5 plan. The rules must provide that a remedial plan may not be  
6 imposed to resolve a complaint:

7 (1) involving conduct that poses a significant risk of  
8 harm to a patient; or

9 (2) in which the appropriate resolution may involve  
10 revoking, suspending, limiting, or restricting a person's license.

11 (c) A remedial plan may not contain a provision that:

12 (1) revokes, suspends, limits, or restricts a person's  
13 license; or

14 (2) assesses an administrative penalty against a  
15 person.

16 (d) The executive council may not issue a remedial plan to  
17 resolve a complaint against a license holder if the license holder  
18 has previously entered into a remedial plan with the executive  
19 council for the resolution of a different complaint filed under  
20 this chapter.

21 (e) The executive council may assess a fee against a license  
22 holder participating in a remedial plan in an amount necessary to  
23 recover the costs of administering the plan.

24 SECTION 2.027. Section 501.505, Occupations Code, is  
25 amended to read as follows:

26 Sec. 501.505. OPTION TO ORDER REFUND. (a) Under an  
27 agreement resulting from an informal settlement conference, the

1 executive council [~~board~~] may order a license holder to refund to  
2 the person who paid for the psychological services at issue an  
3 amount not to exceed the amount the person paid to the license  
4 holder for a service regulated by this chapter instead of or in  
5 addition to imposing an administrative penalty under Subchapter H,  
6 Chapter 507 [~~this chapter~~].

7 (b) The executive council [~~board~~] may not include an  
8 estimation of other damages or harm in a refund order.

9 SECTION 2.028. Chapter 501, Occupations Code, is amended by  
10 adding Subchapter L to read as follows:

11 SUBCHAPTER L. PSYCHOLOGY INTERJURISDICTIONAL COMPACT

12 Sec. 501.601. PSYCHOLOGY INTERJURISDICTIONAL COMPACT. The  
13 Psychology Interjurisdictional Compact is enacted and entered into  
14 as follows:

15 PSYCHOLOGY INTERJURISDICTIONAL COMPACT

16 ARTICLE I. PURPOSE

17 Whereas, states license psychologists, in order to protect the  
18 public through verification of education, training and experience  
19 and ensure accountability for professional practice; and

20 Whereas, this Compact is intended to regulate the day to day  
21 practice of telepsychology (i.e. the provision of psychological  
22 services using telecommunication technologies) by psychologists  
23 across state boundaries in the performance of their psychological  
24 practice as assigned by an appropriate authority; and

25 Whereas, this Compact is intended to regulate the temporary  
26 in-person, face-to-face practice of psychology by psychologists  
27 across state boundaries for 30 days within a calendar year in the

1 performance of their psychological practice as assigned by an  
2 appropriate authority;

3 Whereas, this Compact is intended to authorize State Psychology  
4 Regulatory Authorities to afford legal recognition, in a manner  
5 consistent with the terms of the Compact, to psychologists licensed  
6 in another state;

7 Whereas, this Compact recognizes that states have a vested interest  
8 in protecting the public's health and safety through their  
9 licensing and regulation of psychologists and that such state  
10 regulation will best protect public health and safety;

11 Whereas, this Compact does not apply when a psychologist is  
12 licensed in both the Home and Receiving States; and

13 Whereas, this Compact does not apply to permanent in-person,  
14 face-to-face practice, it does allow for authorization of temporary  
15 psychological practice.

16 Consistent with these principles, this Compact is designed to  
17 achieve the following purposes and objectives:

18 1. Increase public access to professional psychological  
19 services by allowing for telepsychological practice  
20 across state lines as well as temporary in-person,  
21 face-to-face services into a state which the psychologist  
22 is not licensed to practice psychology;

23 2. Enhance the states' ability to protect the public's health  
24 and safety, especially client/patient safety;

25 3. Encourage the cooperation of Compact States in the areas of  
26 psychology licensure and regulation;

27 4. Facilitate the exchange of information between Compact

1 States regarding psychologist licensure, adverse actions  
2 and disciplinary history;

3 5. Promote compliance with the laws governing psychological  
4 practice in each Compact State; and

5 6. Invest all Compact States with the authority to hold  
6 licensed psychologists accountable through the mutual  
7 recognition of Compact State licenses.

8 ARTICLE II. DEFINITIONS

9 A. "Adverse Action" means: Any action taken by a State Psychology  
10 Regulatory Authority which finds a violation of a statute or  
11 regulation that is identified by the State Psychology  
12 Regulatory Authority as discipline and is a matter of public  
13 record.

14 B. "Association of State and Provincial Psychology Boards  
15 (ASPPB)" means: the recognized membership organization  
16 composed of State and Provincial Psychology Regulatory  
17 Authorities responsible for the licensure and registration of  
18 psychologists throughout the United States and Canada.

19 C. "Authority to Practice Interjurisdictional Telepsychology"  
20 means: a licensed psychologist's authority to practice  
21 telepsychology, within the limits authorized under this  
22 Compact, in another Compact State.

23 D. "Bylaws" means: those Bylaws established by the Psychology  
24 Interjurisdictional Compact Commission pursuant to Section X  
25 for its governance, or for directing and controlling its  
26 actions and conduct.

27 E. "Client/Patient" means: the recipient of psychological

1 services, whether psychological services are delivered in the  
2 context of healthcare, corporate, supervision, and/or  
3 consulting services.

4 F. "Commissioner" means: the voting representative appointed by  
5 each State Psychology Regulatory Authority pursuant to Section  
6 X.

7 G. "Compact State" means: a state, the District of Columbia, or  
8 United States territory that has enacted this Compact  
9 legislation and which has not withdrawn pursuant to Article  
10 XIII, Section C or been terminated pursuant to Article XII,  
11 Section B.

12 H. "Coordinated Licensure Information System" also referred to as  
13 "Coordinated Database" means: an integrated process for  
14 collecting, storing, and sharing information on psychologists'  
15 licensure and enforcement activities related to psychology  
16 licensure laws, which is administered by the recognized  
17 membership organization composed of State and Provincial  
18 Psychology Regulatory Authorities.

19 I. "Confidentiality" means: the principle that data or  
20 information is not made available or disclosed to unauthorized  
21 persons and/or processes.

22 J. "Day" means: any part of a day in which psychological work is  
23 performed.

24 K. "Distant State" means: the Compact State where a psychologist  
25 is physically present (not through the use of  
26 telecommunications technologies), to provide temporary  
27 in-person, face-to-face psychological services.

- 1 L. "E.Passport" means: a certificate issued by the Association of  
2 State and Provincial Psychology Boards (ASPPB) that promotes  
3 the standardization in the criteria of interjurisdictional  
4 telepsychology practice and facilitates the process for  
5 licensed psychologists to provide telepsychological services  
6 across state lines.
- 7 M. "Executive Board" means: a group of directors elected or  
8 appointed to act on behalf of, and within the powers granted to  
9 them by, the Commission.
- 10 N. "Home State" means: a Compact State where a psychologist is  
11 licensed to practice psychology. If the psychologist is  
12 licensed in more than one Compact State and is practicing under  
13 the Authorization to Practice Interjurisdictional  
14 Telepsychology, the Home State is the Compact State where the  
15 psychologist is physically present when the telepsychological  
16 services are delivered. If the psychologist is licensed in more  
17 than one Compact State and is practicing under the Temporary  
18 Authorization to Practice, the Home State is any Compact State  
19 where the psychologist is licensed.
- 20 O. "Identity History Summary" means: a summary of information  
21 retained by the FBI, or other designee with similar authority,  
22 in connection with arrests and, in some instances, federal  
23 employment, naturalization, or military service.
- 24 P. "In-Person, Face-to-Face" means: interactions in which the  
25 psychologist and the client/patient are in the same physical  
26 space and which does not include interactions that may occur  
27 through the use of telecommunication technologies.



- 1 Q. "Interjurisdictional Practice Certificate (IPC)" means: a  
2 certificate issued by the Association of State and Provincial  
3 Psychology Boards (ASPPB) that grants temporary authority to  
4 practice based on notification to the State Psychology  
5 Regulatory Authority of intention to practice temporarily, and  
6 verification of one's qualifications for such practice.
- 7 R. "License" means: authorization by a State Psychology  
8 Regulatory Authority to engage in the independent practice of  
9 psychology, which would be unlawful without the authorization.
- 10 S. "Non-Compact State" means: any State which is not at the time a  
11 Compact State.
- 12 T. "Psychologist" means: an individual licensed for the  
13 independent practice of psychology.
- 14 U. "Psychology Interjurisdictional Compact Commission" also  
15 referred to as "Commission" means: the national administration  
16 of which all Compact States are members.
- 17 V. "Receiving State" means: a Compact State where the  
18 client/patient is physically located when the  
19 telepsychological services are delivered.
- 20 W. "Rule" means: a written statement by the Psychology  
21 Interjurisdictional Compact Commission promulgated pursuant  
22 to Section XI of the Compact that is of general applicability,  
23 implements, interprets, or prescribes a policy or provision of  
24 the Compact, or an organizational, procedural, or practice  
25 requirement of the Commission and has the force and effect of  
26 statutory law in a Compact State, and includes the amendment,  
27 repeal or suspension of an existing rule.

- 1 X. "Significant Investigatory Information" means:  
2 1. investigative information that a State Psychology  
3 Regulatory Authority, after a preliminary inquiry that  
4 includes notification and an opportunity to respond if  
5 required by state law, has reason to believe, if proven  
6 true, would indicate more than a violation of state  
7 statute or ethics code that would be considered more  
8 substantial than minor infraction; or  
9 2. investigative information that indicates that the  
10 psychologist represents an immediate threat to public  
11 health and safety regardless of whether the psychologist  
12 has been notified and/or had an opportunity to respond.
- 13 Y. "State" means: a state, commonwealth, territory, or possession  
14 of the United States, the District of Columbia.
- 15 Z. "State Psychology Regulatory Authority" means: the Board,  
16 office or other agency with the legislative mandate to license  
17 and regulate the practice of psychology.
- 18 AA. "Telepsychology" means: the provision of psychological  
19 services using telecommunication technologies.
- 20 BB. "Temporary Authorization to Practice" means: a licensed  
21 psychologist's authority to conduct temporary in-person,  
22 face-to-face practice, within the limits authorized under this  
23 Compact, in another Compact State.
- 24 CC. "Temporary In-Person, Face-to-Face Practice" means: where a  
25 psychologist is physically present (not through the use of  
26 telecommunications technologies), in the Distant State to  
27 provide for the practice of psychology for 30 days within a

1 calendar year and based on notification to the Distant State.

2 ARTICLE III. HOME STATE LICENSURE

3 A. The Home State shall be a Compact State where a psychologist is  
4 licensed to practice psychology.

5 B. A psychologist may hold one or more Compact State licenses at a  
6 time. If the psychologist is licensed in more than one Compact  
7 State, the Home State is the Compact State where the  
8 psychologist is physically present when the services are  
9 delivered as authorized by the Authority to Practice  
10 Interjurisdictional Telepsychology under the terms of this  
11 Compact.

12 C. Any Compact State may require a psychologist not previously  
13 licensed in a Compact State to obtain and retain a license to be  
14 authorized to practice in the Compact State under  
15 circumstances not authorized by the Authority to Practice  
16 Interjurisdictional Telepsychology under the terms of this  
17 Compact.

18 D. Any Compact State may require a psychologist to obtain and  
19 retain a license to be authorized to practice in a Compact  
20 State under circumstances not authorized by Temporary  
21 Authorization to Practice under the terms of this Compact.

22 E. A Home State's license authorizes a psychologist to practice in  
23 a Receiving State under the Authority to Practice  
24 Interjurisdictional Telepsychology only if the Compact State:

25 1. Currently requires the psychologist to hold an active

26 E.Passport;

27 2. Has a mechanism in place for receiving and investigating

1       complaints about licensed individuals;

2       3. Notifies the Commission, in compliance with the terms  
3       herein, of any adverse action or significant investigatory  
4       information regarding a licensed individual;

5       4. Requires an Identity History Summary of all applicants at  
6       initial licensure, including the use of the results of  
7       fingerprints or other biometric data checks compliant with  
8       the requirements of the Federal Bureau of Investigation  
9       FBI, or other designee with similar authority, no later  
10       than ten years after activation of the Compact; and

11       5. Complies with the Bylaws and Rules of the Commission.

12 F. A Home State's license grants Temporary Authorization to  
13 Practice to a psychologist in a Distant State only if the  
14 Compact State:

15       1. Currently requires the psychologist to hold an active IPC;

16       2. Has a mechanism in place for receiving and investigating  
17       complaints about licensed individuals;

18       3. Notifies the Commission, in compliance with the terms  
19       herein, of any adverse action or significant investigatory  
20       information regarding a licensed individual;

21       4. Requires an Identity History Summary of all applicants at  
22       initial licensure, including the use of the results of  
23       fingerprints or other biometric data checks compliant with  
24       the requirements of the Federal Bureau of Investigation  
25       FBI, or other designee with similar authority, no later  
26       than ten years after activation of the Compact; and

27       5. Complies with the Bylaws and Rules of the Commission.

1       ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

2   A. Compact States shall recognize the right of a psychologist,  
3       licensed in a Compact State in conformance with Article III, to  
4       practice telepsychology in other Compact States (Receiving  
5       States) in which the psychologist is not licensed, under the  
6       Authority to Practice Interjurisdictional Telepsychology as  
7       provided in the Compact.

8   B. To exercise the Authority to Practice Interjurisdictional  
9       Telepsychology under the terms and provisions of this Compact,  
10       a psychologist licensed to practice in a Compact State must:

11       1. Hold a graduate degree in psychology from an institute of  
12           higher education that was, at the time the degree was  
13           awarded:

14           a. Regionally accredited by an accrediting body  
15               recognized by the U.S. Department of Education to  
16               grant graduate degrees, OR authorized by Provincial  
17               Statute or Royal Charter to grant doctoral degrees; OR

18           b. A foreign college or university deemed to be  
19               equivalent to 1 (a) above by a foreign credential  
20               evaluation service that is a member of the National  
21               Association of Credential Evaluation Services (NACES)  
22               or by a recognized foreign credential evaluation  
23               service; AND

24       2. Hold a graduate degree in psychology that meets the  
25           following criteria:

26           a. The program, wherever it may be administratively  
27               housed, must be clearly identified and labeled as a

1 psychology program. Such a program must specify in  
2 pertinent institutional catalogues and brochures its  
3 intent to educate and train professional  
4 psychologists;

5 b. The psychology program must stand as a recognizable,  
6 coherent, organizational entity within the  
7 institution;

8 c. There must be a clear authority and primary  
9 responsibility for the core and specialty areas  
10 whether or not the program cuts across administrative  
11 lines;

12 d. The program must consist of an integrated, organized  
13 sequence of study;

14 e. There must be an identifiable psychology faculty  
15 sufficient in size and breadth to carry out its  
16 responsibilities;

17 f. The designated director of the program must be a  
18 psychologist and a member of the core faculty;

19 g. The program must have an identifiable body of students  
20 who are matriculated in that program for a degree;

21 h. The program must include supervised practicum,  
22 internship, or field training appropriate to the  
23 practice of psychology;

24 i. The curriculum shall encompass a minimum of three  
25 academic years of full-time graduate study for  
26 doctoral degree and a minimum of one academic year of  
27 full-time graduate study for master's degree;

1        j. The program includes an acceptable residency as  
2            defined by the Rules of the Commission.

3        3. Possess a current, full and unrestricted license to  
4            practice psychology in a Home State which is a Compact  
5            State;

6        4. Have no history of adverse action that violate the Rules of  
7            the Commission;

8        5. Have no criminal record history reported on an Identity  
9            History Summary that violates the Rules of the Commission;

10       6. Possess a current, active E.Passport;

11       7. Provide attestations in regard to areas of intended  
12            practice, conformity with standards of practice,  
13            competence in telepsychology technology; criminal  
14            background; and knowledge and adherence to legal  
15            requirements in the home and receiving states, and provide  
16            a release of information to allow for primary source  
17            verification in a manner specified by the Commission; and

18       8. Meet other criteria as defined by the Rules of the  
19            Commission.

20       C. The Home State maintains authority over the license of any  
21            psychologist practicing into a Receiving State under the  
22            Authority to Practice Interjurisdictional Telepsychology.

23       D. A psychologist practicing into a Receiving State under the  
24            Authority to Practice Interjurisdictional Telepsychology will  
25            be subject to the Receiving State's scope of practice. A  
26            Receiving State may, in accordance with that state's due  
27            process law, limit or revoke a psychologist's Authority to

1 Practice Interjurisdictional Telepsychology in the Receiving  
2 State and may take any other necessary actions under the  
3 Receiving State's applicable law to protect the health and  
4 safety of the Receiving State's citizens. If a Receiving State  
5 takes action, the state shall promptly notify the Home State  
6 and the Commission.

7 E. If a psychologist's license in any Home State, another Compact  
8 State, or any Authority to Practice Interjurisdictional  
9 Telepsychology in any Receiving State, is restricted,  
10 suspended or otherwise limited, the E.Passport shall be  
11 revoked and therefore the psychologist shall not be eligible to  
12 practice telepsychology in a Compact State under the Authority  
13 to Practice Interjurisdictional Telepsychology.

14 ARTICLE V. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

15 A. Compact States shall also recognize the right of a  
16 psychologist, licensed in a Compact State in conformance with  
17 Article III, to practice temporarily in other Compact States  
18 (Distant States) in which the psychologist is not licensed, as  
19 provided in the Compact.

20 B. To exercise the Temporary Authorization to Practice under the  
21 terms and provisions of this Compact, a psychologist licensed  
22 to practice in a Compact State must:

23 1. Hold a graduate degree in psychology from an institute of  
24 higher education that was, at the time the degree was  
25 awarded:

26 a. Regionally accredited by an accrediting body  
27 recognized by the U.S. Department of Education to



1 grant graduate degrees, OR authorized by Provincial  
2 Statute or Royal Charter to grant doctoral degrees; OR

3 b. A foreign college or university deemed to be  
4 equivalent to 1 (a) above by a foreign credential  
5 evaluation service that is a member of the National  
6 Association of Credential Evaluation Services (NACES)  
7 or by a recognized foreign credential evaluation  
8 service; AND

9 2. Hold a graduate degree in psychology that meets the  
10 following criteria:

11 a. The program, wherever it may be administratively  
12 housed, must be clearly identified and labeled as a  
13 psychology program. Such a program must specify in  
14 pertinent institutional catalogues and brochures its  
15 intent to educate and train professional  
16 psychologists;

17 b. The psychology program must stand as a recognizable,  
18 coherent, organizational entity within the  
19 institution;

20 c. There must be a clear authority and primary  
21 responsibility for the core and specialty areas  
22 whether or not the program cuts across administrative  
23 lines;

24 d. The program must consist of an integrated, organized  
25 sequence of study;

26 e. There must be an identifiable psychology faculty  
27 sufficient in size and breadth to carry out its

- 1           responsibilities;
- 2           f. The designated director of the program must be a
- 3           psychologist and a member of the core faculty;
- 4           g. The program must have an identifiable body of students
- 5           who are matriculated in that program for a degree;
- 6           h. The program must include supervised practicum,
- 7           internship, or field training appropriate to the
- 8           practice of psychology;
- 9           i. The curriculum shall encompass a minimum of three
- 10           academic years of full-time graduate study for
- 11           doctoral degrees and a minimum of one academic year of
- 12           full-time graduate study for master's degree;
- 13           j. The program includes an acceptable residency as
- 14           defined by the Rules of the Commission.
- 15       3. Possess a current, full and unrestricted license to
- 16           practice psychology in a Home State which is a Compact
- 17           State;
- 18       4. No history of adverse action that violate the Rules of the
- 19           Commission;
- 20       5. No criminal record history that violates the Rules of the
- 21           Commission;
- 22       6. Possess a current, active IPC;
- 23       7. Provide attestations in regard to areas of intended
- 24           practice and work experience and provide a release of
- 25           information to allow for primary source verification in a
- 26           manner specified by the Commission; and
- 27       8. Meet other criteria as defined by the Rules of the

1           Commission.

2 C. A psychologist practicing into a Distant State under the  
3 Temporary Authorization to Practice shall practice within the  
4 scope of practice authorized by the Distant State.

5 D. A psychologist practicing into a Distant State under the  
6 Temporary Authorization to Practice will be subject to the  
7 Distant State's authority and law. A Distant State may, in  
8 accordance with that state's due process law, limit or revoke a  
9 psychologist's Temporary Authorization to Practice in the  
10 Distant State and may take any other necessary actions under  
11 the Distant State's applicable law to protect the health and  
12 safety of the Distant State's citizens. If a Distant State  
13 takes action, the state shall promptly notify the Home State  
14 and the Commission.

15 E. If a psychologist's license in any Home State, another Compact  
16 State, or any Temporary Authorization to Practice in any  
17 Distant State, is restricted, suspended or otherwise limited,  
18 the IPC shall be revoked and therefore the psychologist shall  
19 not be eligible to practice in a Compact State under the  
20 Temporary Authorization to Practice.

21 ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING  
22 STATE

23 A. A psychologist may practice in a Receiving State under the  
24 Authority to Practice Interjurisdictional Telepsychology only  
25 in the performance of the scope of practice for psychology as  
26 assigned by an appropriate State Psychology Regulatory  
27 Authority, as defined in the Rules of the Commission, and under

1 the following circumstances:

- 2 1. The psychologist initiates a client/patient contact in a  
3 Home State via telecommunications technologies with a  
4 client/patient in a Receiving State;  
5 2. Other conditions regarding telepsychology as determined by  
6 Rules promulgated by the Commission.

7 ARTICLE VII. ADVERSE ACTIONS

8 A. A Home State shall have the power to impose adverse action  
9 against a psychologist's license issued by the Home State. A  
10 Distant State shall have the power to take adverse action on a  
11 psychologist's Temporary Authorization to Practice within that  
12 Distant State.

13 B. A Receiving State may take adverse action on a psychologist's  
14 Authority to Practice Interjurisdictional Telepsychology  
15 within that Receiving State. A Home State may take adverse  
16 action against a psychologist based on an adverse action taken  
17 by a Distant State regarding temporary in-person, face-to-face  
18 practice.

19 C. If a Home State takes adverse action against a psychologist's  
20 license, that psychologist's Authority to Practice  
21 Interjurisdictional Telepsychology is terminated and the  
22 E.Passport is revoked. Furthermore, that psychologist's  
23 Temporary Authorization to Practice is terminated and the IPC  
24 is revoked.

- 25 1. All Home State disciplinary orders which impose adverse  
26 action shall be reported to the Commission in accordance  
27 with the Rules promulgated by the Commission. A Compact

1 State shall report adverse actions in accordance with the  
2 Rules of the Commission.

3 2. In the event discipline is reported on a psychologist, the  
4 psychologist will not be eligible for telepsychology or  
5 temporary in-person, face-to-face practice in accordance  
6 with the Rules of the Commission.

7 3. Other actions may be imposed as determined by the Rules  
8 promulgated by the Commission.

9 D. A Home State's Psychology Regulatory Authority shall  
10 investigate and take appropriate action with respect to  
11 reported inappropriate conduct engaged in by a licensee which  
12 occurred in a Receiving State as it would if such conduct had  
13 occurred by a licensee within the Home State. In such cases,  
14 the Home State's law shall control in determining any adverse  
15 action against a psychologist's license.

16 E. A Distant State's Psychology Regulatory Authority shall  
17 investigate and take appropriate action with respect to  
18 reported inappropriate conduct engaged in by a psychologist  
19 practicing under Temporary Authorization Practice which  
20 occurred in that Distant State as it would if such conduct had  
21 occurred by a licensee within the Home State. In such cases,  
22 Distant State's law shall control in determining any adverse  
23 action against a psychologist's Temporary Authorization to  
24 Practice.

25 F. Nothing in this Compact shall override a Compact State's  
26 decision that a psychologist's participation in an alternative  
27 program may be used in lieu of adverse action and that such

1 participation shall remain non-public if required by the  
2 Compact State's law. Compact States must require psychologists  
3 who enter any alternative programs to not provide  
4 telepsychology services under the Authority to Practice  
5 Interjurisdictional Telepsychology or provide temporary  
6 psychological services under the Temporary Authorization to  
7 Practice in any other Compact State during the term of the  
8 alternative program.

9 G. No other judicial or administrative remedies shall be available  
10 to a psychologist in the event a Compact State imposes an  
11 adverse action pursuant to subsection C, above.

12 ARTICLE VIII. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S  
13 PSYCHOLOGY REGULATORY AUTHORITY

14 A. In addition to any other powers granted under state law, a  
15 Compact State's Psychology Regulatory Authority shall have the  
16 authority under this Compact to:

17 1. Issue subpoenas, for both hearings and investigations,  
18 which require the attendance and testimony of witnesses  
19 and the production of evidence. Subpoenas issued by a  
20 Compact State's Psychology Regulatory Authority for the  
21 attendance and testimony of witnesses, and/or the  
22 production of evidence from another Compact State shall be  
23 enforced in the latter state by any court of competent  
24 jurisdiction, according to that court's practice and  
25 procedure in considering subpoenas issued in its own  
26 proceedings. The issuing State Psychology Regulatory  
27 Authority shall pay any witness fees, travel expenses,

1 mileage and other fees required by the service statutes of  
2 the state where the witnesses and/or evidence are located;  
3 and

4 2. Issue cease and desist and/or injunctive relief orders to  
5 revoke a psychologist's Authority to Practice  
6 Interjurisdictional Telepsychology and/or Temporary  
7 Authorization to Practice.

8 3. During the course of any investigation, a psychologist may  
9 not change his/her Home State licensure. A Home State  
10 Psychology Regulatory Authority is authorized to complete  
11 any pending investigations of a psychologist and to take  
12 any actions appropriate under its law. The Home State  
13 Psychology Regulatory Authority shall promptly report the  
14 conclusions of such investigations to the Commission. Once  
15 an investigation has been completed, and pending the  
16 outcome of said investigation, the psychologist may change  
17 his/her Home State licensure. The Commission shall  
18 promptly notify the new Home State of any such decisions as  
19 provided in the Rules of the Commission. All information  
20 provided to the Commission or distributed by Compact  
21 States pursuant to the psychologist shall be confidential,  
22 filed under seal and used for investigatory or  
23 disciplinary matters. The Commission may create  
24 additional rules for mandated or discretionary sharing of  
25 information by Compact States.

26 ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM

27 A. The Commission shall provide for the development and

1 maintenance of a Coordinated Licensure Information System  
2 (Coordinated Database) and reporting system containing  
3 licensure and disciplinary action information on all  
4 psychologists individuals to whom this Compact is applicable  
5 in all Compact States as defined by the Rules of the  
6 Commission.

7 B. Notwithstanding any other provision of state law to the  
8 contrary, a Compact State shall submit a uniform data set to  
9 the Coordinated Database on all licensees as required by the  
10 Rules of the Commission, including:

- 11 1. Identifying information;
- 12 2. Licensure data;
- 13 3. Significant investigatory information;
- 14 4. Adverse actions against a psychologist's license;
- 15 5. An indicator that a psychologist's Authority to Practice  
16 Interjurisdictional Telepsychology and/or Temporary  
17 Authorization to Practice is revoked;
- 18 6. Non-confidential information related to alternative  
19 program participation information;
- 20 7. Any denial of application for licensure, and the reasons  
21 for such denial; and
- 22 8. Other information which may facilitate the administration  
23 of this Compact, as determined by the Rules of the  
24 Commission.

25 C. The Coordinated Database administrator shall promptly notify  
26 all Compact States of any adverse action taken against, or  
27 significant investigative information on, any licensee in a



1 Compact State.

2 D. Compact States reporting information to the Coordinated  
3 Database may designate information that may not be shared with  
4 the public without the express permission of the Compact State  
5 reporting the information.

6 E. Any information submitted to the Coordinated Database that is  
7 subsequently required to be expunged by the law of the Compact  
8 State reporting the information shall be removed from the  
9 Coordinated Database.

10 ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL  
11 COMPACT COMMISSION

12 A. The Compact States hereby create and establish a joint public  
13 agency known as the Psychology Interjurisdictional Compact  
14 Commission.

15 1. The Commission is a body politic and an instrumentality of  
16 the Compact States.

17 2. Venue is proper and judicial proceedings by or against the  
18 Commission shall be brought solely and exclusively in a  
19 court of competent jurisdiction where the principal office  
20 of the Commission is located. The Commission may waive  
21 venue and jurisdictional defenses to the extent it adopts  
22 or consents to participate in alternative dispute  
23 resolution proceedings.

24 3. Nothing in this Compact shall be construed to be a waiver  
25 of sovereign immunity.

26 B. Membership, Voting, and Meetings

27 1. The Commission shall consist of one voting representative

1 appointed by each Compact State who shall serve as that  
2 state's Commissioner. The State Psychology Regulatory  
3 Authority shall appoint its delegate. This delegate shall  
4 be empowered to act on behalf of the Compact State. This  
5 delegate shall be limited to:

6 a. Executive Director, Executive Secretary or similar  
7 executive;

8 b. Current member of the State Psychology Regulatory  
9 Authority of a Compact State; OR

10 c. Designee empowered with the appropriate delegate  
11 authority to act on behalf of the Compact State.

12 2. Any Commissioner may be removed or suspended from office as  
13 provided by the law of the state from which the  
14 Commissioner is appointed. Any vacancy occurring in the  
15 Commission shall be filled in accordance with the laws of  
16 the Compact State in which the vacancy exists.

17 3. Each Commissioner shall be entitled to one (1) vote with  
18 regard to the promulgation of Rules and creation of Bylaws  
19 and shall otherwise have an opportunity to participate in  
20 the business and affairs of the Commission. A Commissioner  
21 shall vote in person or by such other means as provided in  
22 the Bylaws. The Bylaws may provide for Commissioners'  
23 participation in meetings by telephone or other means of  
24 communication.

25 4. The Commission shall meet at least once during each  
26 calendar year. Additional meetings shall be held as set  
27 forth in the Bylaws.

1 5. All meetings shall be open to the public, and public notice  
2 of meetings shall be given in the same manner as required  
3 under the rulemaking provisions in Article XI.

4 6. The Commission may convene in a closed, non-public meeting  
5 if the Commission must discuss:

6 a. Non-compliance of a Compact State with its obligations  
7 under the Compact;

8 b. The employment, compensation, discipline or other  
9 personnel matters, practices or procedures related to  
10 specific employees or other matters related to the  
11 Commission's internal personnel practices and  
12 procedures;

13 c. Current, threatened, or reasonably anticipated  
14 litigation against the Commission;

15 d. Negotiation of contracts for the purchase or sale of  
16 goods, services or real estate;

17 e. Accusation against any person of a crime or formally  
18 censuring any person;

19 f. Disclosure of trade secrets or commercial or financial  
20 information which is privileged or confidential;

21 g. Disclosure of information of a personal nature where  
22 disclosure would constitute a clearly unwarranted  
23 invasion of personal privacy;

24 h. Disclosure of investigatory records compiled for law  
25 enforcement purposes;

26 i. Disclosure of information related to any  
27 investigatory reports prepared by or on behalf of or

1 for use of the Commission or other committee charged  
2 with responsibility for investigation or  
3 determination of compliance issues pursuant to the  
4 Compact; or

5 j. Matters specifically exempted from disclosure by  
6 federal and state statute.

7 7. If a meeting, or portion of a meeting, is closed pursuant  
8 to this provision, the Commission's legal counsel or  
9 designee shall certify that the meeting may be closed and  
10 shall reference each relevant exempting provision. The  
11 Commission shall keep minutes which fully and clearly  
12 describe all matters discussed in a meeting and shall  
13 provide a full and accurate summary of actions taken, of  
14 any person participating in the meeting, and the reasons  
15 therefore, including a description of the views expressed.  
16 All documents considered in connection with an action  
17 shall be identified in such minutes. All minutes and  
18 documents of a closed meeting shall remain under seal,  
19 subject to release only by a majority vote of the  
20 Commission or order of a court of competent jurisdiction.

21 C. The Commission shall, by a majority vote of the Commissioners,  
22 prescribe Bylaws and/or Rules to govern its conduct as may be  
23 necessary or appropriate to carry out the purposes and exercise  
24 the powers of the Compact, including but not limited to:

25 1. Establishing the fiscal year of the Commission;

26 2. Providing reasonable standards and procedures:

27 a. for the establishment and meetings of other

1           committees; and

2           b. governing any general or specific delegation of any  
3           authority or function of the Commission;

4       3. Providing reasonable procedures for calling and conducting  
5       meetings of the Commission, ensuring reasonable advance  
6       notice of all meetings and providing an opportunity for  
7       attendance of such meetings by interested parties, with  
8       enumerated exceptions designed to protect the public's  
9       interest, the privacy of individuals of such proceedings,  
10       and proprietary information, including trade secrets. The  
11       Commission may meet in closed session only after a  
12       majority of the Commissioners vote to close a meeting to  
13       the public in whole or in part. As soon as practicable, the  
14       Commission must make public a copy of the vote to close the  
15       meeting revealing the vote of each Commissioner with no  
16       proxy votes allowed;

17       4. Establishing the titles, duties and authority and  
18       reasonable procedures for the election of the officers of  
19       the Commission;

20       5. Providing reasonable standards and procedures for the  
21       establishment of the personnel policies and programs of  
22       the Commission. Notwithstanding any civil service or other  
23       similar law of any Compact State, the Bylaws shall  
24       exclusively govern the personnel policies and programs of  
25       the Commission;

26       6. Promulgating a Code of Ethics to address permissible and  
27       prohibited activities of Commission members and

1        employees;

2        7. Providing a mechanism for concluding the operations of the  
3        Commission and the equitable disposition of any surplus  
4        funds that may exist after the termination of the Compact  
5        after the payment and/or reserving of all of its debts and  
6        obligations;

7        8. The Commission shall publish its Bylaws in a convenient  
8        form and file a copy thereof and a copy of any amendment  
9        thereto, with the appropriate agency or officer in each of  
10       the Compact States;

11       9. The Commission shall maintain its financial records in  
12       accordance with the Bylaws; and

13       10. The Commission shall meet and take such actions as are  
14       consistent with the provisions of this Compact and the  
15       Bylaws.

16    D. The Commission shall have the following powers:

17       1. The authority to promulgate uniform rules to facilitate  
18       and coordinate implementation and administration of this  
19       Compact. The rule shall have the force and effect of law  
20       and shall be binding in all Compact States;

21       2. To bring and prosecute legal proceedings or actions in the  
22       name of the Commission, provided that the standing of any  
23       State Psychology Regulatory Authority or other regulatory  
24       body responsible for psychology licensure to sue or be  
25       sued under applicable law shall not be affected;

26       3. To purchase and maintain insurance and bonds;

27       4. To borrow, accept or contract for services of personnel,

- 1       including, but not limited to, employees of a Compact  
2       State;
- 3       5. To hire employees, elect or appoint officers, fix  
4       compensation, define duties, grant such individuals  
5       appropriate authority to carry out the purposes of the  
6       Compact, and to establish the Commission's personnel  
7       policies and programs relating to conflicts of interest,  
8       qualifications of personnel, and other related personnel  
9       matters;
- 10       6. To accept any and all appropriate donations and grants of  
11       money, equipment, supplies, materials and services, and to  
12       receive, utilize and dispose of the same; provided that at  
13       all times the Commission shall strive to avoid any  
14       appearance of impropriety and/or conflict of interest;
- 15       7. To lease, purchase, accept appropriate gifts or donations  
16       of, or otherwise to own, hold, improve or use, any  
17       property, real, personal or mixed; provided that at all  
18       times the Commission shall strive to avoid any appearance  
19       of impropriety;
- 20       8. To sell, convey, mortgage, pledge, lease, exchange,  
21       abandon or otherwise dispose of any property real,  
22       personal or mixed;
- 23       9. To establish a budget and make expenditures;
- 24       10. To borrow money;
- 25       11. To appoint committees, including advisory committees  
26       comprised of Members, State regulators, State legislators  
27       or their representatives, and consumer representatives,

1 and such other interested persons as may be designated in  
2 this Compact and the Bylaws;

3 12. To provide and receive information from, and to cooperate  
4 with, law enforcement agencies;

5 13. To adopt and use an official seal; and

6 14. To perform such other functions as may be necessary or  
7 appropriate to achieve the purposes of this Compact  
8 consistent with the state regulation of psychology  
9 licensure, temporary in-person, face-to-face practice and  
10 telepsychology practice.

11 E. The Executive Board

12 The elected officers shall serve as the Executive Board, which  
13 shall have the power to act on behalf of the Commission  
14 according to the terms of this Compact.

15 1. The Executive Board shall be comprised of six members:

16 a. Five voting members who are elected from the current  
17 membership of the Commission by the Commission;

18 b. One ex-officio, nonvoting member from the recognized  
19 membership organization composed of State and  
20 Provincial Psychology Regulatory Authorities.

21 2. The ex-officio member must have served as staff or member  
22 on a State Psychology Regulatory Authority and will be  
23 selected by its respective organization.

24 3. The Commission may remove any member of the Executive Board  
25 as provided in Bylaws.

26 4. The Executive Board shall meet at least annually.

27 5. The Executive Board shall have the following duties and



1 responsibilities:

2 a. Recommend to the entire Commission changes to the  
3 Rules or Bylaws, changes to this Compact legislation,  
4 fees paid by Compact States such as annual dues, and  
5 any other applicable fees;

6 b. Ensure Compact administration services are  
7 appropriately provided, contractual or otherwise;

8 c. Prepare and recommend the budget;

9 d. Maintain financial records on behalf of the  
10 Commission;

11 e. Monitor Compact compliance of member states and  
12 provide compliance reports to the Commission;

13 f. Establish additional committees as necessary; and

14 g. Other duties as provided in Rules or Bylaws.

15 F. Financing of the Commission

16 1. The Commission shall pay, or provide for the payment of the  
17 reasonable expenses of its establishment, organization  
18 and ongoing activities.

19 2. The Commission may accept any and all appropriate revenue  
20 sources, donations and grants of money, equipment,  
21 supplies, materials and services.

22 3. The Commission may levy on and collect an annual assessment  
23 from each Compact State or impose fees on other parties to  
24 cover the cost of the operations and activities of the  
25 Commission and its staff which must be in a total amount  
26 sufficient to cover its annual budget as approved each  
27 year for which revenue is not provided by other sources.

1 The aggregate annual assessment amount shall be allocated  
2 based upon a formula to be determined by the Commission  
3 which shall promulgate a rule binding upon all Compact  
4 States.

5 4. The Commission shall not incur obligations of any kind  
6 prior to securing the funds adequate to meet the same; nor  
7 shall the Commission pledge the credit of any of the  
8 Compact States, except by and with the authority of the  
9 Compact State.

10 5. The Commission shall keep accurate accounts of all  
11 receipts and disbursements. The receipts and  
12 disbursements of the Commission shall be subject to the  
13 audit and accounting procedures established under its  
14 Bylaws. However, all receipts and disbursements of funds  
15 handled by the Commission shall be audited yearly by a  
16 certified or licensed public accountant and the report of  
17 the audit shall be included in and become part of the  
18 annual report of the Commission.

19 G. Qualified Immunity, Defense, and Indemnification

20 1. The members, officers, Executive Director, employees and  
21 representatives of the Commission shall be immune from  
22 suit and liability, either personally or in their official  
23 capacity, for any claim for damage to or loss of property  
24 or personal injury or other civil liability caused by or  
25 arising out of any actual or alleged act, error or omission  
26 that occurred, or that the person against whom the claim is  
27 made had a reasonable basis for believing occurred within

1 the scope of Commission employment, duties or  
2 responsibilities; provided that nothing in this paragraph  
3 shall be construed to protect any such person from suit  
4 and/or liability for any damage, loss, injury or liability  
5 caused by the intentional or willful or wanton misconduct  
6 of that person.

7 2. The Commission shall defend any member, officer, Executive  
8 Director, employee or representative of the Commission in  
9 any civil action seeking to impose liability arising out  
10 of any actual or alleged act, error or omission that  
11 occurred within the scope of Commission employment, duties  
12 or responsibilities, or that the person against whom the  
13 claim is made had a reasonable basis for believing  
14 occurred within the scope of Commission employment, duties  
15 or responsibilities; provided that nothing herein shall be  
16 construed to prohibit that person from retaining his or  
17 her own counsel; and provided further, that the actual or  
18 alleged act, error or omission did not result from that  
19 person's intentional or willful or wanton misconduct.

20 3. The Commission shall indemnify and hold harmless any  
21 member, officer, Executive Director, employee or  
22 representative of the Commission for the amount of any  
23 settlement or judgment obtained against that person  
24 arising out of any actual or alleged act, error or omission  
25 that occurred within the scope of Commission employment,  
26 duties or responsibilities, or that such person had a  
27 reasonable basis for believing occurred within the scope

1 of Commission employment, duties or responsibilities,  
2 provided that the actual or alleged act, error or omission  
3 did not result from the intentional or willful or wanton  
4 misconduct of that person.

5 ARTICLE XI. RULEMAKING

6 A. The Commission shall exercise its rulemaking powers pursuant to  
7 the criteria set forth in this Article and the Rules adopted  
8 thereunder. Rules and amendments shall become binding as of the  
9 date specified in each rule or amendment.

10 B. If a majority of the legislatures of the Compact States rejects  
11 a rule, by enactment of a statute or resolution in the same  
12 manner used to adopt the Compact, then such rule shall have no  
13 further force and effect in any Compact State.

14 C. Rules or amendments to the rules shall be adopted at a regular  
15 or special meeting of the Commission.

16 D. Prior to promulgation and adoption of a final rule or Rules by  
17 the Commission, and at least sixty (60) days in advance of the  
18 meeting at which the rule will be considered and voted upon,  
19 the Commission shall file a Notice of Proposed Rulemaking:

20 1. On the website of the Commission; and

21 2. On the website of each Compact States' Psychology  
22 Regulatory Authority or the publication in which each  
23 state would otherwise publish proposed rules.

24 E. The Notice of Proposed Rulemaking shall include:

25 1. The proposed time, date, and location of the meeting in  
26 which the rule will be considered and voted upon;

27 2. The text of the proposed rule or amendment and the reason

1 for the proposed rule;

2 3. A request for comments on the proposed rule from any  
3 interested person; and

4 4. The manner in which interested persons may submit notice to  
5 the Commission of their intention to attend the public  
6 hearing and any written comments.

7 F. Prior to adoption of a proposed rule, the Commission shall  
8 allow persons to submit written data, facts, opinions and  
9 arguments, which shall be made available to the public.

10 G. The Commission shall grant an opportunity for a public hearing  
11 before it adopts a rule or amendment if a hearing is requested  
12 by:

13 1. At least twenty-five (25) persons who submit comments  
14 independently of each other;

15 2. A governmental subdivision or agency; or

16 3. A duly appointed person in an association that has having  
17 at least twenty-five (25) members.

18 H. If a hearing is held on the proposed rule or amendment, the  
19 Commission shall publish the place, time, and date of the  
20 scheduled public hearing.

21 1. All persons wishing to be heard at the hearing shall notify  
22 the Executive Director of the Commission or other  
23 designated member in writing of their desire to appear and  
24 testify at the hearing not less than five (5) business days  
25 before the scheduled date of the hearing.

26 2. Hearings shall be conducted in a manner providing each  
27 person who wishes to comment a fair and reasonable

1 opportunity to comment orally or in writing.

2 3. No transcript of the hearing is required, unless a written  
3 request for a transcript is made, in which case the person  
4 requesting the transcript shall bear the cost of producing  
5 the transcript. A recording may be made in lieu of a  
6 transcript under the same terms and conditions as a  
7 transcript. This subsection shall not preclude the  
8 Commission from making a transcript or recording of the  
9 hearing if it so chooses.

10 4. Nothing in this section shall be construed as requiring a  
11 separate hearing on each rule. Rules may be grouped for the  
12 convenience of the Commission at hearings required by this  
13 section.

14 I. Following the scheduled hearing date, or by the close of  
15 business on the scheduled hearing date if the hearing was not  
16 held, the Commission shall consider all written and oral  
17 comments received.

18 J. The Commission shall, by majority vote of all members, take  
19 final action on the proposed rule and shall determine the  
20 effective date of the rule, if any, based on the rulemaking  
21 record and the full text of the rule.

22 K. If no written notice of intent to attend the public hearing by  
23 interested parties is received, the Commission may proceed  
24 with promulgation of the proposed rule without a public  
25 hearing.

26 L. Upon determination that an emergency exists, the Commission may  
27 consider and adopt an emergency rule without prior notice,

1 opportunity for comment, or hearing, provided that the usual  
2 rulemaking procedures provided in the Compact and in this  
3 section shall be retroactively applied to the rule as soon as  
4 reasonably possible, in no event later than ninety (90) days  
5 after the effective date of the rule. For the purposes of this  
6 provision, an emergency rule is one that must be adopted  
7 immediately in order to:

8 1. Meet an imminent threat to public health, safety, or  
9 welfare;

10 2. Prevent a loss of Commission or Compact State funds;

11 3. Meet a deadline for the promulgation of an administrative  
12 rule that is established by federal law or rule; or

13 4. Protect public health and safety.

14 M. The Commission or an authorized committee of the Commission may  
15 direct revisions to a previously adopted rule or amendment for  
16 purposes of correcting typographical errors, errors in format,  
17 errors in consistency, or grammatical errors. Public notice of  
18 any revisions shall be posted on the website of the Commission.  
19 The revision shall be subject to challenge by any person for a  
20 period of thirty (30) days after posting. The revision may be  
21 challenged only on grounds that the revision results in a  
22 material change to a rule. A challenge shall be made in  
23 writing, and delivered to the Chair of the Commission prior to  
24 the end of the notice period. If no challenge is made, the  
25 revision will take effect without further action. If the  
26 revision is challenged, the revision may not take effect  
27 without the approval of the Commission.

1 ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

2 A. Oversight

3 1. The Executive, Legislative and Judicial branches of state  
4 government in each Compact State shall enforce this  
5 Compact and take all actions necessary and appropriate to  
6 effectuate the Compact's purposes and intent. The  
7 provisions of this Compact and the rules promulgated  
8 hereunder shall have standing as statutory law.

9 2. All courts shall take judicial notice of the Compact and  
10 the rules in any judicial or administrative proceeding in  
11 a Compact State pertaining to the subject matter of this  
12 Compact which may affect the powers, responsibilities or  
13 actions of the Commission.

14 3. The Commission shall be entitled to receive service of  
15 process in any such proceeding, and shall have standing to  
16 intervene in such a proceeding for all purposes. Failure  
17 to provide service of process to the Commission shall  
18 render a judgment or order void as to the Commission, this  
19 Compact or promulgated rules.

20 B. Default, Technical Assistance, and Termination

21 1. If the Commission determines that a Compact State has  
22 defaulted in the performance of its obligations or  
23 responsibilities under this Compact or the promulgated  
24 rules, the Commission shall:

25 a. Provide written notice to the defaulting state and  
26 other Compact States of the nature of the default, the  
27 proposed means of remedying the default and/or any



1           other action to be taken by the Commission; and

2           b. Provide remedial training and specific technical  
3           assistance regarding the default.

4           2. If a state in default fails to remedy the default, the  
5           defaulting state may be terminated from the Compact upon  
6           an affirmative vote of a majority of the Compact States,  
7           and all rights, privileges and benefits conferred by this  
8           Compact shall be terminated on the effective date of  
9           termination. A remedy of the default does not relieve the  
10           offending state of obligations or liabilities incurred  
11           during the period of default.

12           3. Termination of membership in the Compact shall be imposed  
13           only after all other means of securing compliance have  
14           been exhausted. Notice of intent to suspend or terminate  
15           shall be submitted by the Commission to the Governor, the  
16           majority and minority leaders of the defaulting state's  
17           legislature, and each of the Compact States.

18           4. A Compact State which has been terminated is responsible  
19           for all assessments, obligations and liabilities incurred  
20           through the effective date of termination, including  
21           obligations which extend beyond the effective date of  
22           termination.

23           5. The Commission shall not bear any costs incurred by the  
24           state which is found to be in default or which has been  
25           terminated from the Compact, unless agreed upon in writing  
26           between the Commission and the defaulting state.

27           6. The defaulting state may appeal the action of the

1 Commission by petitioning the U.S. District Court for the  
2 state of Georgia or the federal district where the Compact  
3 has its principal offices. The prevailing member shall be  
4 awarded all costs of such litigation, including reasonable  
5 attorney's fees.

6 C. Dispute Resolution

7 1. Upon request by a Compact State, the Commission shall  
8 attempt to resolve disputes related to the Compact which  
9 arise among Compact States and between Compact and  
10 Non-Compact States.

11 2. The Commission shall promulgate a rule providing for both  
12 mediation and binding dispute resolution for disputes that  
13 arise before the commission.

14 D. Enforcement

15 1. The Commission, in the reasonable exercise of its  
16 discretion, shall enforce the provisions and Rules of this  
17 Compact.

18 2. By majority vote, the Commission may initiate legal action  
19 in the United States District Court for the State of  
20 Georgia or the federal district where the Compact has its  
21 principal offices against a Compact State in default to  
22 enforce compliance with the provisions of the Compact and  
23 its promulgated Rules and Bylaws. The relief sought may  
24 include both injunctive relief and damages. In the event  
25 judicial enforcement is necessary, the prevailing member  
26 shall be awarded all costs of such litigation, including  
27 reasonable attorney's fees.

1 3. The remedies herein shall not be the exclusive remedies of  
2 the Commission. The Commission may pursue any other  
3 remedies available under federal or state law.

4 ARTICLE XIII. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY  
5 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES,  
6 WITHDRAWAL, AND AMENDMENTS

7 A. The Compact shall come into effect on the date on which the  
8 Compact is enacted into law in the seventh Compact State. The  
9 provisions which become effective at that time shall be limited  
10 to the powers granted to the Commission relating to assembly  
11 and the promulgation of rules. Thereafter, the Commission  
12 shall meet and exercise rulemaking powers necessary to the  
13 implementation and administration of the Compact.

14 B. Any state which joins the Compact subsequent to the  
15 Commission's initial adoption of the rules shall be subject to  
16 the rules as they exist on the date on which the Compact becomes  
17 law in that state. Any rule which has been previously adopted  
18 by the Commission shall have the full force and effect of law on  
19 the day the Compact becomes law in that state.

20 C. Any Compact State may withdraw from this Compact by enacting a  
21 statute repealing the same.

22 1. A Compact State's withdrawal shall not take effect until  
23 six (6) months after enactment of the repealing statute.

24 2. Withdrawal shall not affect the continuing requirement of  
25 the withdrawing State's Psychology Regulatory Authority  
26 to comply with the investigative and adverse action  
27 reporting requirements of this act prior to the effective

1           date of withdrawal.

2 D. Nothing contained in this Compact shall be construed to  
3 invalidate or prevent any psychology licensure agreement or  
4 other cooperative arrangement between a Compact State and a  
5 Non-Compact State which does not conflict with the provisions  
6 of this Compact.

7 E. This Compact may be amended by the Compact States. No amendment  
8 to this Compact shall become effective and binding upon any  
9 Compact State until it is enacted into the law of all Compact  
10 States.

11           ARTICLE XIV. CONSTRUCTION AND SEVERABILITY

12 This Compact shall be liberally construed so as to effectuate the  
13 purposes thereof. If this Compact shall be held contrary to the  
14 constitution of any state member thereto, the Compact shall remain  
15 in full force and effect as to the remaining Compact States.

16           Sec. 501.602. RULES ADOPTED UNDER COMPACT. The Psychology  
17 Interjurisdictional Compact Commission established under the  
18 Psychology Interjurisdictional Compact under Section 501.601 may  
19 not adopt rules that alter the requirements or scope of practice of  
20 a license issued under this chapter. Any rule adopted by the  
21 Psychology Interjurisdictional Compact Commission that purports to  
22 alter the requirements or scope of practice of a license issued  
23 under this chapter is not enforceable.

24           Sec. 501.603. DISCLOSURE OF PERSONAL INFORMATION. (a) In  
25 reporting information to the Coordinated Licensure Information  
26 System under Article IX of the Psychology Interjurisdictional  
27 Compact, the executive council may disclose personally

1 identifiable information about a person who holds a license under  
2 this chapter, including the person's social security number.

3 (b) The Coordinated Licensure Information System may not  
4 share personally identifiable information with a state that is not  
5 a party to the compact unless the state agrees to not disclose that  
6 information to any other person.

7 SECTION 2.029. Sections 502.002(2) and (5), Occupations  
8 Code, are amended to read as follows:

9 (2) "Executive council" ["Commissioner"] means the  
10 Texas Behavioral Health Executive Council [~~commissioner of state~~  
11 ~~health services~~].

12 (5) "Licensed marriage and family therapist  
13 associate" means an individual who offers to provide marriage and  
14 family therapy for compensation under the supervision of a  
15 [~~board-approved~~] supervisor approved by the executive council.

16 SECTION 2.030. The heading to Section 502.053, Occupations  
17 Code, is amended to read as follows:

18 Sec. 502.053. MEMBERSHIP [~~AND EMPLOYEE~~] RESTRICTIONS.

19 SECTION 2.031. Sections 502.053(b) and (c), Occupations  
20 Code, are amended to read as follows:

21 (b) A person may not be a member of the board [~~and may not be~~  
22 ~~a department employee employed in a "bona fide executive,~~  
23 ~~administrative, or professional capacity," as that phrase is used~~  
24 ~~for purposes of establishing an exemption to the overtime~~  
25 ~~provisions of the federal Fair Labor Standards Act of 1938 (29~~  
26 ~~U.S.C. Section 201 et seq.)~~] if:

27 (1) the person is an officer, employee, or paid

1 consultant of a Texas trade association in the field of health  
2 services; or

3 (2) the person's spouse is an officer, manager, or paid  
4 consultant of a Texas trade association in the field of mental  
5 health.

6 (c) A person may not be a member of the board [~~or act as~~  
7 ~~general counsel to the board or the department~~] if the person is  
8 required to register as a lobbyist under Chapter 305, Government  
9 Code, because of the person's activities for compensation on behalf  
10 of a profession related to the operation of the board.

11 SECTION 2.032. Section 502.056(c), Occupations Code, is  
12 amended to read as follows:

13 (c) If the executive director of the executive council has  
14 knowledge that a potential ground for removal exists, the executive  
15 director shall notify the presiding officer of the board of the  
16 potential ground. The presiding officer shall then notify the  
17 governor and the attorney general that a potential ground for  
18 removal exists. If the potential ground for removal involves the  
19 presiding officer, the executive director shall notify the next  
20 highest ranking officer of the board, who shall then notify the  
21 governor and attorney general that a potential ground for removal  
22 exists.

23 SECTION 2.033. Section 502.059, Occupations Code, is  
24 amended by amending Subsection (b) and adding Subsection (d) to  
25 read as follows:

26 (b) The training program must provide the person with  
27 information regarding:

- 1           (1) the law governing board operations [~~this chapter~~];
- 2           (2) the programs, [operated by the board,
- 3           ~~[(3) the role and]~~ functions, [of the board,
- 4           ~~[(4) the]~~ rules, and [of the board, with an emphasis on
- 5 ~~the rules that relate to disciplinary and investigatory authority,~~
- 6           ~~[(5) the current]~~ budget of [for] the board;
- 7           (3) the scope of and limitations on the rulemaking
- 8 authority of the board;
- 9           (4) the types of board rules, interpretations, and
- 10 enforcement actions that may implicate federal antitrust law by
- 11 limiting competition or impacting prices charged by persons engaged
- 12 in a profession or business the board regulates, including any
- 13 rule, interpretation, or enforcement action that:
- 14           (A) regulates the scope of practice of persons in
- 15 a profession or business the board regulates;
- 16           (B) restricts advertising by persons in a
- 17 profession or business the board regulates;
- 18           (C) affects the price of goods or services
- 19 provided by persons in a profession or business the board
- 20 regulates; or
- 21           (D) restricts participation in a profession or
- 22 business the board regulates;
- 23           (5) [~~(6)~~] the results of the most recent formal audit
- 24 of the board;
- 25           (6) [~~(7)~~] the requirements of:
- 26           (A) laws relating to open meetings, public
- 27 information, administrative procedure, and disclosure of conflicts

1 ~~[conflict]~~ of interest; and

2 (B) other laws applicable to members of the board  
3 in performing their duties; and

4 (7) [~~8~~] any applicable ethics policies adopted by  
5 the board or the Texas Ethics Commission.

6 (d) The executive director of the executive council shall  
7 create a training manual that includes the information required by  
8 Subsection (b). The executive director shall distribute a copy of  
9 the training manual annually to each board member. Each member of  
10 the board shall sign and submit to the executive director a  
11 statement acknowledging that the member received and has reviewed  
12 the training manual.

13 SECTION 2.034. The heading to Subchapter D, Chapter 502,  
14 Occupations Code, is amended to read as follows:

15 SUBCHAPTER D. ~~[BOARD]~~ POWERS AND DUTIES

16 SECTION 2.035. Section 502.151, Occupations Code, is  
17 amended to read as follows:

18 Sec. 502.151. GENERAL POWERS AND DUTIES OF EXECUTIVE  
19 COUNCIL ~~[BOARD]~~. The executive council ~~[board]~~ shall:

20 (1) determine the qualifications and fitness of a  
21 license applicant under this chapter; and

22 (2) adopt a code of professional ethics for license  
23 holders.

24 SECTION 2.036. Subchapter D, Chapter 502, Occupations Code,  
25 is amended by adding Section 502.1515 to read as follows:

26 Sec. 502.1515. BOARD DUTIES. The board shall propose to the  
27 executive council:



1           (1) rules regarding:

2                   (A) the qualifications necessary to obtain a  
3 license, including rules limiting an applicant's eligibility for a  
4 license based on the applicant's criminal history;

5                   (B) the scope of practice of and standards of  
6 care and ethical practice for marriage and family therapy; and

7                   (C) continuing education requirements for  
8 license holders; and

9           (2) a schedule of sanctions for violations of this  
10 chapter or rules adopted under this chapter.

11           SECTION 2.037. Section 502.155, Occupations Code, is  
12 amended to read as follows:

13           Sec. 502.155. POWERS AND DUTIES REGARDING EXAMINATION. The  
14 executive council [~~board~~] shall:

15                   (1) determine the times and places for licensing  
16 examinations;

17                   (2) offer examinations at least semiannually; and

18                   (3) give reasonable public notice of the examinations  
19 in the manner provided by executive council [~~board~~] rules.

20           SECTION 2.038. Section 502.159, Occupations Code, is  
21 amended to read as follows:

22           Sec. 502.159. EX PARTE COMMUNICATION PROHIBITED. A [~~board~~]  
23 member of the executive council or board or an [~~department~~]  
24 employee of the executive council who [~~performs functions for the~~  
25 ~~board and who~~] is assigned to make a decision, a finding of fact, or  
26 a conclusion of law in a proceeding pending before the executive  
27 council [~~board~~] may not directly or indirectly communicate with a

1 party to the proceeding or the party's representative unless notice  
2 and an opportunity to participate are given to each party to the  
3 proceeding.

4 SECTION 2.039. Section 502.252, Occupations Code, is  
5 amended to read as follows:

6 Sec. 502.252. LICENSE APPLICATION. (a) An applicant for a  
7 license must:

8 (1) file a written application with the executive  
9 council [~~board~~] on a form prescribed by the executive council  
10 [~~board~~]; and

11 (2) pay the appropriate application fee.

12 (b) To qualify for a license as a licensed marriage and  
13 family therapist associate, a person must:

14 (1) be at least 18 years of age;

15 (2) have completed a graduate internship in marriage  
16 and family therapy, or an equivalent internship, as approved by the  
17 executive council [~~board~~];

18 (3) pass the license examination and jurisprudence  
19 examination determined by the board;

20 (4) hold a master's or doctoral degree in marriage and  
21 family therapy or in a related mental health field with coursework  
22 and training determined by the executive council [~~board~~] to be  
23 substantially equivalent to a graduate degree in marriage and  
24 family therapy from a regionally accredited institution of higher  
25 education or an institution of higher education approved by the  
26 executive council [~~board~~];

27 (5) [~~be of good moral character,~~

1           ~~[(6)]~~ have not been convicted of a felony or a crime  
2 involving moral turpitude;

3           (6) ~~[(7)]~~ not use drugs or alcohol to an extent that  
4 affects the applicant's professional competency;

5           (7) ~~[(8)]~~ not have had a license or certification  
6 revoked by a licensing agency or by a certifying professional  
7 organization; and

8           (8) ~~[(9)]~~ not have engaged in fraud or deceit in  
9 applying for a license under this chapter.

10           (c) An applicant is eligible to apply for a license as a  
11 licensed marriage and family therapist if the person:

12                 (1) meets the requirements of Subsection (b);

13                 (2) after receipt of a degree described by Subsection  
14 (b)(4), has completed two years of work experience in marriage and  
15 family therapist services that includes at least 3,000 hours of  
16 clinical practice consisting of ~~[which:~~

17                         ~~[(A)]~~ at least 1,500 hours ~~[consist]~~ of direct  
18 clinical services, including a minimum number of ~~[, and~~

19                         ~~[(B) at least 750]~~ hours providing ~~[consist of]~~  
20 direct clinical services to couples or families as required by  
21 executive council rule; and

22                 (3) has completed, in a manner acceptable to the  
23 executive council ~~[board]~~, at least 200 hours of supervised  
24 provision of direct clinical services by the applicant, 100 hours  
25 of which must be supervised on an individual basis.

26           SECTION 2.040. Sections 502.253(a), (b), and (c),  
27 Occupations Code, are amended to read as follows:

1 (a) The executive council [~~board~~] shall investigate each  
2 application and any other information submitted by the applicant.

3 (b) Not later than the 90th day after the date the executive  
4 council [~~board~~] receives the completed application from a person  
5 seeking a license as a licensed marriage and family therapist  
6 associate, the executive council [~~board~~] shall notify the applicant  
7 whether the application has been accepted or rejected.

8 (c) An applicant for a license as a licensed marriage and  
9 family therapist associate is eligible to take the examination if  
10 the applicant:

11 (1) is enrolled in a graduate internship described by  
12 Section 502.252(b)(2) and provides proof to the executive council  
13 [~~board~~] that the applicant is a student in good standing in an  
14 educational program described by Section 502.252(b)(4); or

15 (2) has completed the internship described by  
16 Subdivision (1).

17 SECTION 2.041. Sections 502.254(b) and (d), Occupations  
18 Code, are amended to read as follows:

19 (b) An applicant for a license as a licensed marriage and  
20 family therapist associate under Section 502.252(b) must:

21 (1) file an application on a form prescribed by the  
22 executive council [~~board~~] not later than the 90th day before the  
23 date of the examination; and

24 (2) pay the examination fee [~~set by the executive~~  
25 ~~commissioner of the Health and Human Services Commission by rule~~].

26 (d) The executive council [~~board~~] shall have any written  
27 portion of an examination validated by an independent testing

1 professional.

2 SECTION 2.042. Section 502.2541, Occupations Code, is  
3 amended to read as follows:

4 Sec. 502.2541. JURISPRUDENCE EXAMINATION. (a) The board  
5 shall develop [~~and administer at least twice each calendar year~~] a  
6 jurisprudence examination to determine an applicant's knowledge of  
7 this chapter, [~~board~~] rules adopted under this chapter, and any  
8 other applicable laws of this state affecting the applicant's  
9 practice of marriage and family therapy. The executive council  
10 shall administer the examination at least twice each calendar year.

11 (b) The executive council [~~board~~] shall adopt rules to  
12 implement this section, including rules related to the development  
13 and administration of the examination, examination fees,  
14 guidelines for reexamination, grading the examination, and  
15 providing notice of examination results.

16 SECTION 2.043. Section 502.2545, Occupations Code, is  
17 amended to read as follows:

18 Sec. 502.2545. WAIVER OF EXAMINATION FOR CERTAIN  
19 APPLICANTS. (a) The executive council [~~board~~] may waive the  
20 requirement that an applicant for a license as a licensed marriage  
21 and family therapist pass the examination required by Section  
22 502.254 if the applicant:

23 (1) is a provisional license holder under Section  
24 502.259 and the executive council [~~board~~] determines that the  
25 applicant possesses sufficient education and professional  
26 experience to receive a license without further examination; or

27 (2) holds a license issued by another licensing agency

1 in a profession related to the practice of marriage and family  
2 therapy and the executive council [~~board~~] determines that the  
3 applicant possesses sufficient education and professional  
4 experience to receive a license without satisfying the examination  
5 requirements of this chapter.

6 (b) The executive council [~~board~~] may adopt rules necessary  
7 to administer this section, including rules under Subsection (a)(2)  
8 prescribing the professions that are related to the practice of  
9 marriage and family therapy.

10 SECTION 2.044. Section [502.257](#), Occupations Code, is  
11 amended to read as follows:

12 Sec. 502.257. ISSUANCE OF LICENSE. The executive council  
13 [~~board~~] shall issue a license as a licensed marriage and family  
14 therapist associate or licensed marriage and family therapist, as  
15 appropriate, to an applicant who:

- 16 (1) complies with the requirements of this chapter;  
17 (2) passes the licensing examination, unless the  
18 executive council [~~board~~] exempts the person from the examination  
19 requirement; and  
20 (3) pays the required fees.

21 SECTION 2.045. Section [502.258](#)(a), Occupations Code, is  
22 amended to read as follows:

23 (a) The executive council [~~board~~] by rule may provide for  
24 the issuance of a temporary license.

25 SECTION 2.046. Section [502.259](#), Occupations Code, is  
26 amended to read as follows:

27 Sec. 502.259. PROVISIONAL LICENSE. (a) The executive

1 council [~~board~~] may grant a provisional license to practice as a  
2 marriage and family therapist in this state without examination to  
3 an applicant who is licensed or otherwise registered as a marriage  
4 and family therapist by another state or jurisdiction if the  
5 requirements to be licensed or registered in the other state or  
6 jurisdiction were, on the date the person was licensed or  
7 registered, substantially equal to the requirements of this  
8 chapter.

9 (b) An applicant for a provisional license must:

10 (1) be licensed in good standing as a marriage and  
11 family therapist in another state or jurisdiction that has  
12 licensing requirements that are substantially equal to the  
13 requirements of this chapter;

14 (2) have passed a national or other examination that:

15 (A) is recognized by the executive council  
16 [~~board~~]; and

17 (B) relates to marriage and family therapy; and

18 (3) be sponsored by a person licensed by the executive  
19 council [~~board~~] with whom the provisional license holder may  
20 practice under this section.

21 (c) An applicant may be excused from the requirement of  
22 Subsection (b)(3) if the executive council [~~board~~] determines that  
23 compliance with that subsection constitutes a hardship to the  
24 applicant.

25 (d) A provisional license is valid until the date the  
26 executive council [~~board~~] approves or denies the provisional  
27 license holder's application for a license under Section 502.257.

1 The executive council [~~board~~] shall complete processing of a  
2 provisional license holder's application for a license not later  
3 than the 180th day after the date the provisional license is issued.  
4 The executive council [~~board~~] may extend this period to allow for  
5 the receipt and tabulation of pending examination results.

6 (e) The executive council [~~board~~] shall issue a license  
7 under Section 502.257 to a provisional license holder if:

8 (1) the provisional license holder passes the  
9 examination required by Section 502.254;

10 (2) the executive council [~~board~~] verifies that the  
11 provisional license holder satisfies the academic and experience  
12 requirements of this chapter; and

13 (3) the provisional license holder satisfies any other  
14 license requirements under this chapter.

15 SECTION 2.047. Sections 502.260(a), (b), and (d),  
16 Occupations Code, are amended to read as follows:

17 (a) The executive council [~~board~~] may place a license  
18 holder's license under this chapter on inactive status if the  
19 holder is not actively engaged in the practice of marriage and  
20 family therapy and the holder submits a written request to the  
21 executive council [~~board~~] before the expiration of the holder's  
22 license.

23 (b) The executive council [~~board~~] shall maintain a list of  
24 each license holder whose license is on inactive status.

25 (d) The executive council [~~board~~] shall remove the license  
26 holder's license from inactive status if the person:

27 (1) notifies the executive council [~~board~~] in writing



1 that the person intends to return to active practice;

2 (2) pays an administrative fee; and

3 (3) complies with educational or other requirements

4 the executive council [~~board~~] adopts by rule.

5 SECTION 2.048. Section 502.261(b), Occupations Code, is  
6 amended to read as follows:

7 (b) Each license holder shall notify the executive council  
8 [~~board~~] of the license holder's current address.

9 SECTION 2.049. Section 502.301(a), Occupations Code, is  
10 amended to read as follows:

11 (a) A license issued under this chapter is subject to  
12 biennial renewal. The executive council [~~board~~] shall adopt a  
13 system under which licenses expire on various dates during the  
14 year.

15 SECTION 2.050. The heading to Subchapter H, Chapter 502,  
16 Occupations Code, is amended to read as follows:

17 SUBCHAPTER H. DISCIPLINARY ACTIONS [~~AND PROCEDURES~~]

18 SECTION 2.051. Section 502.351, Occupations Code, is  
19 amended to read as follows:

20 Sec. 502.351. GROUNDS FOR DISCIPLINARY ACTIONS. The  
21 executive council [~~board~~] shall take disciplinary action under  
22 Subchapter G, Chapter 507, against [~~reprimand~~] a license holder  
23 who [~~place on probation a person whose license has been suspended,~~  
24 ~~refuse to renew a person's license, or suspend or revoke a holder's~~  
25 ~~license if the person~~]:

26 (1) is convicted of a misdemeanor involving moral  
27 turpitude or a felony;

1           (2) obtains or attempts to obtain a license by fraud or  
2 deception;

3           (3) uses drugs or alcohol to an extent that affects the  
4 license holder's professional competence;

5           (4) performs professional duties in a grossly  
6 negligent manner;

7           (5) is adjudicated as mentally incompetent by a court;

8           (6) practices in a manner that is detrimental to the  
9 public health or welfare;

10          (7) advertises in a manner that tends to deceive or  
11 defraud the public;

12          (8) has a license or certification revoked by a  
13 licensing agency or a certifying professional organization;

14          (9) violates this chapter or a rule or code of ethics  
15 adopted under this chapter; or

16          (10) commits an act for which liability exists under  
17 Chapter 81, Civil Practice and Remedies Code.

18          SECTION 2.052. Section 502.357, Occupations Code, is  
19 amended to read as follows:

20          Sec. 502.357. GROUNDS FOR REFUSING RENEWAL. The executive  
21 council [~~board~~] may refuse to renew the license of a person who  
22 fails to pay an administrative penalty imposed under Subchapter H,  
23 Chapter 507, [~~±~~] unless enforcement of the penalty is stayed or a  
24 court has ordered that the administrative penalty is not owed.

25          SECTION 2.053. Section 502.358, Occupations Code, is  
26 amended to read as follows:

27          Sec. 502.358. REFUND. (a) Subject to Subsection (b), the

1 executive council [~~board~~] may order a license holder to pay a refund  
2 to a consumer as provided in an agreement resulting from an informal  
3 settlement conference instead of or in addition to imposing an  
4 administrative penalty under Subchapter H, Chapter 507 [~~this~~  
5 ~~chapter~~].

6 (b) The amount of a refund ordered as provided in an  
7 agreement resulting from an informal settlement conference may not  
8 exceed the amount the consumer paid to the license holder for a  
9 service regulated by this chapter. The executive council [~~board~~]  
10 may not require payment of other damages or estimate harm in a  
11 refund order.

12 SECTION 2.054. The heading to Subchapter J, Chapter 502,  
13 Occupations Code, is amended to read as follows:

14 SUBCHAPTER J. CRIMINAL PENALTY [~~OTHER PENALTIES AND ENFORCEMENT~~  
15 ~~PROVISIONS~~]

16 SECTION 2.055. Section 503.002(2), Occupations Code, is  
17 amended to read as follows:

18 (2) "Executive council" [~~"Department"~~] means the  
19 Texas Behavioral Health Executive Council [~~Department of State~~  
20 ~~Health Services~~].

21 SECTION 2.056. The heading to Section 503.104, Occupations  
22 Code, is amended to read as follows:

23 Sec. 503.104. MEMBERSHIP [~~AND EMPLOYEE~~] RESTRICTIONS.

24 SECTION 2.057. Sections 503.104(b) and (c), Occupations  
25 Code, are amended to read as follows:

26 (b) A person may not be a member of the board [~~and may not be~~  
27 ~~a department employee employed in a "bona fide executive,~~

1 ~~administrative, or professional capacity," as that phrase is used~~  
2 ~~for purposes of establishing an exemption to the overtime~~  
3 ~~provisions of the federal Fair Labor Standards Act of 1938 (29~~  
4 ~~U.S.C. Section 201 et seq.)] if:~~

5 (1) the person is an officer, employee, manager, or  
6 paid consultant of a Texas trade association in the field of health  
7 care; or

8 (2) the person's spouse is an officer, manager, or paid  
9 consultant of a Texas trade association in the field of mental  
10 health.

11 (c) A person may not be a member of the board [~~or act as the~~  
12 ~~general counsel to the board or the department~~] if the person is  
13 required to register as a lobbyist under Chapter 305, Government  
14 Code, because of the person's activities for compensation on behalf  
15 of a profession related to the operation of the board.

16 SECTION 2.058. Section 503.107(c), Occupations Code, is  
17 amended to read as follows:

18 (c) If the executive director of the executive council has  
19 knowledge that a potential ground for removal exists, the executive  
20 director shall notify the presiding officer of the board of the  
21 potential ground. The presiding officer shall then notify the  
22 governor and the attorney general that a potential ground for  
23 removal exists. If the potential ground for removal involves the  
24 presiding officer, the executive director shall notify the next  
25 highest ranking officer of the board, who shall then notify the  
26 governor and attorney general that a potential ground for removal  
27 exists.

1 SECTION 2.059. Section 503.110, Occupations Code, is  
2 amended by amending Subsection (b) and adding Subsection (d) to  
3 read as follows:

4 (b) The training program must provide the person with  
5 information regarding:

6 (1) the law governing board operations;

7 (2) [~~this chapter and~~] the [~~board's~~] programs,  
8 functions, rules, and budget of the board;

9 (3) the scope of and limitations on the rulemaking  
10 authority of the board;

11 (4) the types of board rules, interpretations, and  
12 enforcement actions that may implicate federal antitrust law by  
13 limiting competition or impacting prices charged by persons engaged  
14 in a profession or business the board regulates, including any  
15 rule, interpretation, or enforcement action that:

16 (A) regulates the scope of practice of persons in  
17 a profession or business the board regulates;

18 (B) restricts advertising by persons in a  
19 profession or business the board regulates;

20 (C) affects the price of goods or services  
21 provided by persons in a profession or business the board  
22 regulates; or

23 (D) restricts participation in a profession or  
24 business the board regulates;

25 (5) [~~(2)~~] the results of the most recent formal audit  
26 of the board;

27 (6) [~~(3)~~] the requirements of:

1           (A) laws relating to open meetings, public  
2 information, administrative procedure, and disclosure of conflicts  
3 of interest [~~conflicts-of-interest~~]; and

4           (B) other laws applicable to members of the board  
5 in performing their duties; and

6           (7) [~~(4)~~] any applicable ethics policies adopted by  
7 the board or the Texas Ethics Commission.

8           (d) The executive director of the executive council shall  
9 create a training manual that includes the information required by  
10 Subsection (b). The executive director shall distribute a copy of  
11 the training manual annually to each board member. Each member of  
12 the board shall sign and submit to the executive director a  
13 statement acknowledging that the member received and has reviewed  
14 the training manual.

15           SECTION 2.060. The heading to Subchapter E, Chapter 503,  
16 Occupations Code, is amended to read as follows:

17                   SUBCHAPTER E. [~~BOARD~~] POWERS AND DUTIES

18           SECTION 2.061. Section 503.201, Occupations Code, is  
19 amended to read as follows:

20           Sec. 503.201. GENERAL POWERS AND DUTIES OF EXECUTIVE  
21 COUNCIL. (a) The executive council [~~board~~] shall:

22                   (1) determine the qualifications and fitness of an  
23 applicant for a license, license renewal, or provisional license;

24                   (2) examine for, deny, approve, issue, revoke,  
25 suspend, suspend on an emergency basis, place on probation, and  
26 renew the license of an applicant or license holder under this  
27 chapter;

1           (3) adopt and publish a code of ethics; and  
2           (4) by rule adopt a list of authorized counseling  
3 methods or practices that a license holder may undertake or  
4 perform[~~, and~~  
5           ~~[(5) adopt an official seal].~~

6           (b) The executive council [~~board~~] may request and shall  
7 receive the assistance of a state educational institution or other  
8 state agency.

9           SECTION 2.062. Subchapter E, Chapter 503, Occupations Code,  
10 is amended by adding Section 503.2015 to read as follows:

11           Sec. 503.2015. BOARD DUTIES. The board shall propose to the  
12 executive council:

- 13           (1) rules regarding:  
14                   (A) the qualifications necessary to obtain a  
15 license, including rules limiting an applicant's eligibility for a  
16 license based on the applicant's criminal history;  
17                   (B) the scope of practice of and standards of  
18 care and ethical practice for professional counseling; and  
19                   (C) continuing education requirements for  
20 license holders; and  
21           (2) a schedule of sanctions for violations of this  
22 chapter or rules adopted under this chapter.

23           SECTION 2.063. Section 503.302, Occupations Code, is  
24 amended to read as follows:

25           Sec. 503.302. QUALIFICATIONS FOR LICENSE. (a) A person  
26 qualifies for a license under this chapter if the person:

- 27           (1) is at least 18 years old;

1           (2) has a master's or doctoral degree in counseling or  
2 a related field;

3           (3) has successfully completed a graduate degree at a  
4 regionally accredited institution of higher education and the  
5 number of graduate semester hours required by executive council  
6 ~~[board]~~ rule, which may not be less than 48 hours and must include  
7 300 clock hours of supervised practicum that:

8                   (A) is primarily counseling in nature; and

9                   (B) meets the specific academic course content  
10 and training standards established by the executive council  
11 ~~[board]~~;

12           (4) has completed the number of supervised experience  
13 hours required by executive council ~~[board]~~ rule, which may not be  
14 less than 3,000 hours working in a counseling setting that meets the  
15 requirements established by the executive council ~~[board]~~ after the  
16 completion of the graduate program described by Subdivision (3);

17           (5) ~~[except as provided by Subsection (b),]~~ passes the  
18 license examination and jurisprudence examination required by this  
19 chapter;

20           (6) submits an application as required by the  
21 executive council ~~[board]~~, accompanied by the required application  
22 fee; and

23           (7) meets any other requirement prescribed by the  
24 executive council ~~[board]~~.

25           (b) ~~[(d)]~~ In establishing the standards described by  
26 Subsection (a)(3)(B), the executive council ~~[board]~~ shall review  
27 and consider the standards as developed by the appropriate



1 professional association.

2 (c) [~~(e)~~] The executive council [~~board~~] may require the  
3 statements on a license application to be made under oath.

4 SECTION 2.064. Subchapter G, Chapter 503, Occupations Code,  
5 is amended by adding Section 503.3025 to read as follows:

6 Sec. 503.3025. EXPERIENCE REQUIRED TO ACT AS SUPERVISOR.

7 The executive council shall allow a license holder who has  
8 practiced as a licensed counselor in another state to count that  
9 out-of-state experience toward any experience that the license  
10 holder is required by executive council rule to obtain to act as a  
11 supervisor under this chapter if the executive council determines  
12 that the other state has license requirements substantially  
13 equivalent to the requirements of this chapter.

14 SECTION 2.065. Section 503.303(b), Occupations Code, is  
15 amended to read as follows:

16 (b) The executive council [~~board~~] shall accept an  
17 individual course from an art therapy program accredited through  
18 the American Art Therapy Association as satisfying the education  
19 requirements under Section 503.302(a)(3) if at least 75 percent of  
20 the course content is substantially equivalent to the content of a  
21 course required by executive council [~~board~~] rule.

22 SECTION 2.066. Section 503.304, Occupations Code, is  
23 amended to read as follows:

24 Sec. 503.304. REVIEW OF APPLICATION. (a) Not later than  
25 the 30th day before the examination date, after investigation of a  
26 license application and review of other evidence submitted, the  
27 executive council [~~board~~] shall notify the applicant that the

1 application and evidence submitted are:

2 (1) satisfactory and accepted; or

3 (2) unsatisfactory and rejected.

4 (b) If the executive council [~~board~~] rejects an  
5 application, the executive council [~~board~~] shall state in the  
6 notice the reasons for the rejection.

7 SECTION 2.067. Section 503.305, Occupations Code, is  
8 amended to read as follows:

9 Sec. 503.305. LICENSE EXAMINATION. (a) The executive  
10 council [~~board~~] shall administer examinations to determine the  
11 competence of qualified applicants at least twice each calendar  
12 year.

13 (b) The executive council [~~board~~] shall contract with a  
14 nationally recognized testing organization to develop and  
15 administer a written professional counselor licensing examination  
16 to applicants who apply for a license under this chapter.

17 SECTION 2.068. Section 503.3055, Occupations Code, is  
18 amended to read as follows:

19 Sec. 503.3055. JURISPRUDENCE EXAMINATION. (a) The board  
20 shall develop [~~and administer at least twice each calendar year~~] a  
21 jurisprudence examination to determine an applicant's knowledge of  
22 this chapter, executive council [~~board~~] rules, and any other  
23 applicable laws of this state affecting the applicant's  
24 professional counseling practice. The executive council shall  
25 administer the examination at least twice each calendar year.

26 (b) The executive council [~~board~~] shall adopt rules to  
27 implement this section, including rules related to the development

1 and administration of the examination, examination fees,  
2 guidelines for reexamination, grading the examination, and  
3 providing notice of examination results.

4 SECTION 2.069. Section 503.308, Occupations Code, is  
5 amended to read as follows:

6 Sec. 503.308. TEMPORARY LICENSE. (a) The executive  
7 council [~~board~~] by rule may provide for the issuance of a temporary  
8 license. Rules adopted under this subsection must provide a time  
9 limit for the period a temporary license is valid.

10 (b) The executive council [~~board~~] by rule may adopt a system  
11 under which a temporary license may be issued to a person who:

12 (1) meets all of the academic requirements for  
13 licensing; and

14 (2) enters into a supervisory agreement with a  
15 supervisor approved by the executive council [~~board~~].

16 SECTION 2.070. Sections 503.310(a), (c), and (d),  
17 Occupations Code, are amended to read as follows:

18 (a) On application and payment of applicable fees, the  
19 executive council [~~board~~] may issue a provisional license to a  
20 person who holds a license as a counselor or art therapist issued by  
21 another state or by a jurisdiction acceptable to the executive  
22 council [~~board~~].

23 (c) An applicant is not required to comply with Subsection  
24 (b)(3) if the executive council [~~board~~] determines that compliance  
25 with that subsection is a hardship to the applicant.

26 (d) A provisional license is valid until the date the  
27 executive council [~~board~~] approves or denies the provisional

1 license holder's application for a license under Section 503.311.

2 SECTION 2.071. Section 503.311, Occupations Code, is  
3 amended to read as follows:

4 Sec. 503.311. ISSUANCE OF LICENSE TO PROVISIONAL LICENSE  
5 HOLDER. (a) The executive council [~~board~~] shall issue a license to  
6 the holder of a provisional license who applies for a license if:

7 (1) the executive council [~~board~~] verifies that the  
8 applicant has the academic and experience requirements for a  
9 regular license under this chapter; and

10 (2) the applicant satisfies any other license  
11 requirements under this chapter.

12 (b) The executive council [~~board~~] must complete the  
13 processing of a provisional license holder's application for a  
14 license not later than the later of:

15 (1) the 180th day after the date the provisional  
16 license is issued; or

17 (2) the date licenses are issued following completion  
18 of the next licensing and jurisprudence examinations  
19 [~~examination~~].

20 SECTION 2.072. Sections 503.312(a) and (c), Occupations  
21 Code, are amended to read as follows:

22 (a) On request of a person licensed under this chapter, the  
23 executive council [~~board~~] shall place the person's license on  
24 inactive status.

25 (c) A person whose license is inactive may apply to  
26 reactivate the license. The executive council [~~board~~] shall  
27 reactivate the license if the applicant:

- 1 (1) pays a license fee;
- 2 (2) is not in violation of this chapter when the  
3 applicant applies to reactivate the license; and
- 4 (3) fulfills the requirements provided by executive  
5 council [~~board~~] rule for the holder of an inactive license.

6 SECTION 2.073. Section 503.313, Occupations Code, is  
7 amended to read as follows:

8 Sec. 503.313. RETIREMENT STATUS. The executive council  
9 [~~board~~] by rule may adopt a system for placing a person licensed  
10 under this chapter on retirement status.

11 SECTION 2.074. Section 503.314(b), Occupations Code, is  
12 amended to read as follows:

13 (b) A license certificate issued by the executive council  
14 [~~board~~] is the property of the executive council [~~board~~] and must be  
15 surrendered on demand.

16 SECTION 2.075. Section 503.351, Occupations Code, is  
17 amended to read as follows:

18 Sec. 503.351. RENEWAL; ELIGIBILITY. A person licensed  
19 under this chapter may renew the license biennially if the person:

- 20 (1) is not in violation of this chapter when the person  
21 applies for renewal; and
- 22 (2) fulfills the continuing education requirements  
23 established by the executive council [~~board~~].

24 SECTION 2.076. Section 503.352, Occupations Code, is  
25 amended to read as follows:

26 Sec. 503.352. LICENSE EXPIRATION DATE. The executive  
27 council [~~board~~] shall adopt a system under which licenses expire on

1 various dates during the year. On renewal of the license on the  
2 expiration date, the total license renewal fee is payable.

3 SECTION 2.077. Section 503.353, Occupations Code, is  
4 amended to read as follows:

5 Sec. 503.353. NOTICE OF LICENSE EXPIRATION. Not later than  
6 the 30th day before the expiration date of a person's license, the  
7 executive council [~~board~~] shall send written notice of the  
8 impending license expiration to the person at the person's last  
9 known address according to the executive council's [~~board's~~]  
10 records.

11 SECTION 2.078. The heading to Subchapter I, Chapter 503,  
12 Occupations Code, is amended to read as follows:

13 SUBCHAPTER I. DISCIPLINARY ACTIONS [~~PROCEDURES~~]

14 SECTION 2.079. Section 503.401(a), Occupations Code, is  
15 amended to read as follows:

16 (a) A person licensed under this chapter is subject to  
17 disciplinary action under Subchapter G, Chapter 507, [~~this section~~]  
18 if the person:

19 (1) violates this chapter or a rule or code of ethics  
20 adopted under this chapter [~~by the board~~];

21 (2) commits an act for which the license holder would  
22 be liable under Chapter 81, Civil Practice and Remedies Code;

23 (3) is legally committed to an institution because of  
24 mental incompetence from any cause; or

25 (4) directly or indirectly offers to pay or agrees to  
26 accept remuneration to or from any person for securing or  
27 soliciting a patient or patronage.

1 SECTION 2.080. Section 503.407, Occupations Code, is  
2 amended to read as follows:

3 Sec. 503.407. REFUND. (a) Subject to Subsection (b), the  
4 executive council [~~board~~] may order a license holder to pay a refund  
5 to a consumer as provided in an agreement resulting from an informal  
6 settlement conference instead of or in addition to imposing an  
7 administrative penalty under Subchapter H, Chapter 507 [~~this~~  
8 ~~chapter~~].

9 (b) The amount of a refund ordered as provided in an  
10 agreement resulting from an informal settlement conference may not  
11 exceed the amount the consumer paid to the license holder for a  
12 service regulated by this chapter. The executive council [~~board~~]  
13 may not require payment of other damages or estimate harm in a  
14 refund order.

15 SECTION 2.081. Section 503.453, Occupations Code, is  
16 amended to read as follows:

17 Sec. 503.453. REPORT OF ALLEGED OFFENSE. The executive  
18 council [~~board~~] shall notify the appropriate prosecuting attorney  
19 of an alleged offense committed under this chapter.

20 SECTION 2.082. Section 505.002, Occupations Code, is  
21 amended to read as follows:

22 Sec. 505.002. DEFINITIONS. In this chapter:

23 (1) [~~(2)~~] "Board" means the Texas State Board of  
24 Social Worker Examiners.

25 (2) [~~(3)~~] "Council on Social Work Education" means the  
26 national organization that is primarily responsible for the  
27 accreditation of schools of social work in the United States or its

1 successor approved by the executive council [~~board~~].

2 (3) "Executive council" means the Texas Behavioral  
3 Health Executive Council.

4 (4) [~~"Department" means the Department of State Health~~  
5 ~~Services.~~

6 [~~(4-a)~~] "Licensed baccalaureate social worker" means  
7 a person who holds a baccalaureate social worker license issued [~~by~~  
8 ~~the board~~] under this chapter.

9 (5) [~~(4-b)~~] "Licensed clinical social worker" means a  
10 person who holds a clinical social worker license issued [~~by the~~  
11 ~~board~~] under this chapter.

12 (6) [~~(5)~~] "Licensed master social worker" means a  
13 person who holds a master social worker license issued [~~by the~~  
14 ~~board~~] under this chapter.

15 (7) [~~(6)~~] "Licensed social worker" means a person who  
16 holds a social worker license issued [~~by the board~~] under this  
17 chapter.

18 (8) [~~(9)~~] "Social worker" means a person who holds any  
19 license issued [~~by the board~~] under this chapter.

20 SECTION 2.083. Section 505.102(b), Occupations Code, is  
21 amended to read as follows:

22 (b) A person is not eligible for appointment as a public  
23 member of the board if:

24 (1) the person is registered, certified, or licensed  
25 by an occupational regulatory agency in the field of health care;

26 (2) the person's spouse is registered, certified, or  
27 licensed by an occupational regulatory agency in the field of



1 mental health; or

2 (3) the person or the person's spouse:

3 (A) is employed by or participates in the  
4 management of a business entity or other organization regulated by  
5 or receiving funds from the board or executive council  
6 ~~[department]~~;

7 (B) owns or controls, directly or indirectly,  
8 more than a 10 percent interest in a business entity or other  
9 organization regulated by or receiving funds from the board or  
10 executive council ~~[department]~~; or

11 (C) uses or receives a substantial amount of  
12 tangible goods, services, or funds from the board or executive  
13 council ~~[department]~~, other than compensation or reimbursement  
14 authorized by law for board membership, attendance, or expenses.

15 SECTION 2.084. The heading to Section 505.103, Occupations  
16 Code, is amended to read as follows:

17 Sec. 505.103. MEMBERSHIP ~~[AND EMPLOYEE]~~ RESTRICTIONS.

18 SECTION 2.085. Sections 505.103(b) and (c), Occupations  
19 Code, are amended to read as follows:

20 (b) A person may not be a member of the board ~~[and may not be~~  
21 ~~an employee of the department employed in a "bona fide executive,~~  
22 ~~administrative, or professional capacity," as that phrase is used~~  
23 ~~for purposes of establishing an exemption to the overtime~~  
24 ~~provisions of the federal Fair Labor Standards Act of 1938 (29~~  
25 ~~U.S.C. Section 201 et seq.)]~~ if:

26 (1) the person is an officer, employee, or paid  
27 consultant of a Texas trade association in the field of health care;

1 or

2 (2) the person's spouse is an officer, manager, or paid  
3 consultant of a Texas trade association in the field of mental  
4 health.

5 (c) A person may not be a member of the board [~~or act as~~  
6 ~~general counsel to the board or the department~~] if the person is  
7 required to register as a lobbyist under Chapter 305, Government  
8 Code, because of the person's activities for compensation on behalf  
9 of a profession related to the operation of the board.

10 SECTION 2.086. Section 505.109, Occupations Code, is  
11 amended by amending Subsection (b) and adding Subsection (d) to  
12 read as follows:

13 (b) The training program must provide the person with  
14 information regarding:

15 (1) the law governing [~~legislation that created the~~]  
16 board operations;

17 (2) [~~and~~] the [~~board's~~] programs, functions, rules,  
18 and budget of the board;

19 (3) the scope of and limitations on the rulemaking  
20 authority of the board;

21 (4) the types of board rules, interpretations, and  
22 enforcement actions that may implicate federal antitrust law by  
23 limiting competition or impacting prices charged by persons engaged  
24 in a profession or business the board regulates, including any  
25 rule, interpretation, or enforcement action that:

26 (A) regulates the scope of practice of persons in  
27 a profession or business the board regulates;

1           (B) restricts advertising by persons in a  
2 profession or business the board regulates;

3           (C) affects the price of goods or services  
4 provided by persons in a profession or business the board  
5 regulates; or

6           (D) restricts participation in a profession or  
7 business the board regulates;

8           (5) [~~(2)~~] the results of the most recent formal audit  
9 of the board;

10          (6) [~~(3)~~] the requirements of:

11           (A) laws relating to open meetings, public  
12 information, administrative procedure, and disclosure of conflicts  
13 of interest; and

14           (B) other laws applicable to members of the board  
15 in performing their duties; and

16          (7) [~~(4)~~] any applicable ethics policies adopted by  
17 the board or the Texas Ethics Commission.

18          (d) The executive director of the executive council shall  
19 create a training manual that includes the information required by  
20 Subsection (b). The executive director shall distribute a copy of  
21 the training manual annually to each board member. Each member of  
22 the board shall sign and submit to the executive director a  
23 statement acknowledging that the member received and has reviewed  
24 the training manual.

25          SECTION 2.087. Section [505.201](#), Occupations Code, is  
26 amended to read as follows:

27          Sec. 505.201. GENERAL RULEMAKING AND ENFORCEMENT AUTHORITY

1 OF EXECUTIVE COUNCIL. (a) The executive council [~~board~~] may:

2 (1) adopt and enforce rules necessary to perform the  
3 executive council's [~~board's~~] duties under this chapter;

4 (2) establish standards of conduct and ethics for  
5 license holders; and

6 (3) ensure strict compliance with and enforcement of  
7 this chapter.

8 (b) [~~In adopting rules under this section, the board shall~~  
9 ~~consider the rules and procedures of the department. The board~~  
10 ~~shall adopt procedural rules, which may not be inconsistent with~~  
11 ~~similar rules and procedures of the department.~~

12 [~~(c)~~] The executive council [~~board~~] by rule may define a  
13 term not defined under Section 505.002 if a definition is necessary  
14 to administer or enforce this chapter.

15 (c) [~~(c)~~] For each type of license issued under this  
16 chapter, the executive council [~~board~~] shall establish:

17 (1) the minimum eligibility requirements;

18 (2) educational requirements;

19 (3) professional experience criteria;

20 (4) supervision requirements; and

21 (5) independent practice criteria.

22 (d) [~~(f)~~] The executive council [~~board~~] shall establish  
23 procedures for recognition of independent practice.

24 SECTION 2.088. Subchapter D, Chapter 505, Occupations Code,  
25 is amended by adding Section 505.2015 to read as follows:

26 Sec. 505.2015. BOARD DUTIES. The board shall propose to the  
27 executive council:

1           (1) rules regarding:

2                   (A) the qualifications necessary to obtain a  
3 license or order of recognition of specialty, including rules  
4 limiting an applicant's eligibility for a license or order based on  
5 the applicant's criminal history;

6                   (B) the scope of practice of and standards of  
7 care and ethical practice for social work; and

8                   (C) continuing education requirements for  
9 license holders or holders of orders of recognition of specialty;  
10 and

11           (2) a schedule of sanctions for violations of this  
12 chapter or rules adopted under this chapter.

13           SECTION 2.089. Section 505.206, Occupations Code, is  
14 amended to read as follows:

15           Sec. 505.206. ROSTER OF INDEPENDENT SOCIAL WORKERS. The  
16 executive council [~~board~~] shall publish a roster of persons  
17 recognized under Section 505.307 as qualified for the independent  
18 practice of social work.

19           SECTION 2.090. Section 505.301, Occupations Code, is  
20 amended to read as follows:

21           Sec. 505.301. ESTABLISHMENT OF SPECIALTY AREA. (a) The  
22 executive council [~~board~~] may establish within the scope of social  
23 work practice and this chapter specialty areas of social work for  
24 license holders under this chapter who are licensed in good  
25 standing if establishment of the specialty areas:

26                   (1) is necessary to promote the public interest; and

27                   (2) assists the public in identifying qualified

1 persons in a social work practice specialty.

2 (b) The executive council [~~board~~] may not authorize a  
3 specialty area within the practice of social work unless the  
4 executive council [~~board~~] sets the minimum qualifications for  
5 social work practice with appropriate supervision and examination,  
6 as determined by the executive council [~~board~~].

7 (c) The executive council [~~board~~] may not establish a  
8 specialty area of social work or a specialty area identification  
9 that conflicts with a state licensing law.

10 SECTION 2.091. Section 505.302(a), Occupations Code, is  
11 amended to read as follows:

12 (a) In establishing a specialty area of social work, the  
13 executive council [~~board~~] shall:

14 (1) define the scope of the specialty;

15 (2) establish qualifications for specialty area  
16 practitioners that describe, in accordance with Subdivision (1),  
17 the scope of the specialty area;

18 (3) adopt rules of conduct to ensure strict compliance  
19 with and enforcement of this chapter; and

20 (4) adopt rules for the suspension or revocation of an  
21 order of recognition of specialty.

22 SECTION 2.092. Sections 505.303(a) and (c), Occupations  
23 Code, are amended to read as follows:

24 (a) The executive council [~~board~~] shall establish a  
25 specialty area for the practice of clinical social work that is  
26 available only to a licensed master social worker who satisfies the  
27 minimum number of years of active social work practice with

1 appropriate supervision and clinical examination, as determined by  
2 the executive council [~~board~~].

3 (c) For purposes of Subchapter C, Chapter 1451, Insurance  
4 Code:

5 (1) a person recognized as qualified for the  
6 independent practice of clinical social work may use the title  
7 "Licensed Clinical Social Worker" or another title approved by the  
8 executive council [~~board~~]; and

9 (2) a [~~board-approved~~] title approved by the executive  
10 council under this subsection has the same meaning and effect as the  
11 title "Licensed Clinical Social Worker."

12 SECTION 2.093. Section 505.304, Occupations Code, is  
13 amended to read as follows:

14 Sec. 505.304. ORDER OF RECOGNITION OF SPECIALTY. (a) The  
15 executive council [~~board~~] shall prescribe the name, design, and  
16 content of an order of recognition of specialty.

17 (b) An order of recognition of specialty must:

18 (1) state the full name of the person recognized in the  
19 order; and

20 (2) state the official specialty serial number [~~+~~

21 [~~(3) include the presiding officer's signature, and~~

22 [~~(4) include the board's official seal~~].

23 SECTION 2.094. Section 505.305, Occupations Code, is  
24 amended to read as follows:

25 Sec. 505.305. RECOGNITION OF SPECIALTY; ISSUANCE OF ORDER.

26 (a) The executive council [~~board~~] shall recognize a social worker  
27 as qualified for the practice of a specialty area of social work if

1 the social worker satisfies the recognition requirements  
2 established by the executive council [~~board~~] and the executive  
3 council [~~board~~] determines that the person is worthy of the public  
4 trust in performing services within the scope of the specialty  
5 area.

6 (b) The executive council [~~board~~] shall issue an order of  
7 recognition of specialty to a social worker who is recognized as  
8 qualified for the practice of a specialty area of social work. The  
9 order of recognition of specialty evidences the state's recognition  
10 of the social worker as a specialty social work practitioner under  
11 the identification or title designated by the executive council  
12 [~~board~~].

13 SECTION 2.095. Section 505.306, Occupations Code, is  
14 amended to read as follows:

15 Sec. 505.306. PROHIBITED USE OF SPECIALTY AREA  
16 IDENTIFICATION OR TITLE. If the executive council [~~board~~]  
17 establishes a specialty area of social work, a social worker may not  
18 use the specialty area identification or title designated by the  
19 executive council [~~board~~] unless the person is recognized as  
20 qualified for the practice of the specialty area under this  
21 chapter.

22 SECTION 2.096. Section 505.307, Occupations Code, is  
23 amended to read as follows:

24 Sec. 505.307. INDEPENDENT PRACTICE RECOGNITION; MINIMUM  
25 QUALIFICATIONS. (a) The executive council [~~board~~] shall establish  
26 procedures for recognizing a social worker qualified for the  
27 independent practice of social work.



1 (b) A social worker may not be recognized as qualified for  
2 the independent practice of social work unless the person satisfies  
3 the requirements of social work education, experience, and  
4 supervision as determined by the executive council [~~board~~].

5 SECTION 2.097. Section 505.352, Occupations Code, is  
6 amended to read as follows:

7 Sec. 505.352. LICENSE APPLICATION. A person may apply for a  
8 license under this chapter by submitting an application to the  
9 executive council [~~board~~]. The application must:

10 (1) be on a form prescribed by the executive council  
11 [~~board~~]; and

12 (2) contain statements made under oath regarding the  
13 applicant's education and experience and any other information  
14 required by the executive council [~~board~~] that qualifies the  
15 applicant for a license.

16 SECTION 2.098. Section 505.353, Occupations Code, is  
17 amended to read as follows:

18 Sec. 505.353. ELIGIBILITY. (a) To be eligible for a  
19 license under this chapter, an applicant must:

20 (1) be at least 18 years of age;

21 (2) be worthy of the public trust and confidence;

22 (3) satisfy the education and experience requirements  
23 under this section; and

24 (4) pass the licensing examination conducted by the  
25 executive council [~~board~~] under Section 505.354 and the  
26 jurisprudence examination conducted by the executive council  
27 [~~board~~] under Section 505.3545.

1 (b) An applicant may take the licensing examination  
2 conducted by the executive council [~~board~~] under Section 505.354  
3 for:

4 (1) a master social worker license if the applicant  
5 possesses a doctoral or master's degree in social work from a  
6 graduate program that is accredited by or is in candidacy for  
7 accreditation by the Council on Social Work Education;

8 (2) a baccalaureate social worker license if the  
9 applicant possesses a baccalaureate degree in social work from an  
10 educational program that is accredited by or is in candidacy for  
11 accreditation by the Council on Social Work Education; or

12 (3) a clinical social worker license if the applicant  
13 possesses a doctoral or master's degree in social work from an  
14 accredited graduate program approved by the executive council  
15 [~~board~~] and meets the qualifications for clinical social work  
16 practice as determined by the executive council [~~board~~] under this  
17 chapter.

18 (c) The executive council [~~board~~] may require an applicant  
19 to submit documentary evidence of the quality, scope, and nature of  
20 the applicant's experience and competence to:

21 (1) determine the credibility and acceptability of the  
22 applicant's professional or technical experience or competence;  
23 and

24 (2) ensure the public safety, health, and welfare.

25 SECTION 2.099. Sections 505.354(a), (b), and (e),  
26 Occupations Code, are amended to read as follows:

27 (a) The board[~~, at least once each calendar year,~~] shall

1 prepare [~~and administer~~] an examination to assess an applicant's  
2 qualifications for a license under this chapter. The executive  
3 council shall administer the examination at least once each  
4 calendar year.

5 (b) Each license examination shall be conducted in a manner  
6 that is determined by the executive council [~~board~~] and is fair and  
7 impartial to each applicant and school or system of social work.

8 (e) The executive council [~~board~~] shall have the written  
9 portion of the examination, if any, validated by an independent  
10 testing entity.

11 SECTION 2.100. Section 505.3545, Occupations Code, is  
12 amended to read as follows:

13 Sec. 505.3545. JURISPRUDENCE EXAMINATION. (a) The board  
14 shall develop [~~and administer at least twice each calendar year~~] a  
15 jurisprudence examination to determine an applicant's knowledge of  
16 this chapter, [~~board~~] rules adopted under this chapter, and any  
17 other applicable laws of this state affecting the applicant's  
18 social work practice. The executive council shall administer the  
19 examination at least twice each calendar year.

20 (b) The executive council [~~board~~] shall adopt rules to  
21 implement this section, including rules related to the development  
22 and administration of the examination, examination fees,  
23 guidelines for reexamination, grading the examination, and  
24 providing notice of examination results.

25 SECTION 2.101. Section 505.357(a), Occupations Code, is  
26 amended to read as follows:

27 (a) The executive council [~~board~~] shall issue a temporary

1 license to an applicant who:

2 (1) has not taken the licensing examination under  
3 Section 505.354 or the jurisprudence examination under Section  
4 505.3545; and

5 (2) satisfies the requirements for obtaining a license  
6 under this chapter other than passing the licensing and  
7 jurisprudence examinations.

8 SECTION 2.102. Section 505.3575, Occupations Code, is  
9 amended to read as follows:

10 Sec. 505.3575. ISSUANCE OF LICENSES TO CERTAIN OUT-OF-STATE  
11 APPLICANTS. (a) Notwithstanding any other licensing requirement  
12 of this subchapter:

13 (1) the executive council [~~board~~] may not require an  
14 applicant who is licensed in good standing in another state to pass  
15 a licensing examination conducted by the executive council [~~board~~]  
16 under Section 505.354 if an applicant with substantially equivalent  
17 experience who resides in this state would not be required to take  
18 the licensing examination; and

19 (2) the executive council [~~board~~] may issue a license  
20 to an applicant who is currently licensed in another state to  
21 independently practice social work if:

22 (A) after an assessment, the executive council  
23 [~~board~~] determines that the applicant:

24 (i) demonstrates sufficient experience and  
25 competence;

26 (ii) has passed the jurisprudence  
27 examination conducted by the executive council [~~board~~] under

1 Section 505.3545; and

2 (iii) at the time of the application, is in  
3 good standing with the regulatory agency of the state in which the  
4 applicant is licensed; and

5 (B) the applicant presents to the executive  
6 council [~~board~~] credentials that the applicant obtained from a  
7 national accreditation organization and the executive council  
8 [~~board~~] determines that the requirements to obtain the credentials  
9 are sufficient to minimize any risk to public safety.

10 (b) When assessing the experience and competence of an  
11 applicant for the purposes of this section, the executive council  
12 [~~board~~] may take into consideration any supervision received by the  
13 applicant in another state or jurisdiction if the executive council  
14 [~~board~~] determines that the supervision would be taken into  
15 consideration for the purpose of licensing or certification in the  
16 state or jurisdiction in which the applicant received the  
17 supervision.

18 SECTION 2.103. Section 505.358, Occupations Code, is  
19 amended to read as follows:

20 Sec. 505.358. PROVISIONAL LICENSE. (a) A person may apply  
21 for a provisional license as a social worker by paying the  
22 appropriate fee and filing an application with the executive  
23 council [~~board~~]. The executive council [~~board~~] may issue a  
24 provisional license to a person who meets the requirements of this  
25 section.

26 (b) An applicant for a provisional license must:

27 (1) be licensed or certified in good standing as a

1 social worker in another state or jurisdiction that has licensing  
2 or certification requirements determined by the executive council  
3 [~~board~~] to be substantially equivalent to the requirements of this  
4 chapter;

5 (2) have passed a national or other examination  
6 recognized by the executive council [~~board~~] relating to the  
7 practice of social work; and

8 (3) be sponsored by a person licensed under this  
9 chapter with whom the provisional license holder may practice  
10 social work.

11 (c) An applicant is not required to comply with Subsection  
12 (b)(3) if the executive council [~~board~~] determines that compliance  
13 constitutes a hardship to the applicant.

14 (d) A provisional license is valid until the date the  
15 executive council [~~board~~] approves or denies the provisional  
16 license holder's application for a license under Section 505.359.

17 SECTION 2.104. Section 505.359, Occupations Code, is  
18 amended to read as follows:

19 Sec. 505.359. ISSUANCE OF LICENSE TO PROVISIONAL LICENSE  
20 HOLDER. (a) The executive council [~~board~~] shall issue an  
21 appropriate license to a provisional license holder:

22 (1) who passes the licensing examination under Section  
23 505.354 and the jurisprudence examination under Section 505.3545;

24 (2) for whom the executive council [~~board~~] verifies  
25 that the person satisfies the academic and experience requirements  
26 under Section 505.353; and

27 (3) who satisfies any other license requirements under

1 this chapter.

2 (b) The executive council [~~board~~] shall complete the  
3 processing of a provisional license holder's application for a  
4 license not later than the 180th day after the date the provisional  
5 license is issued or the date licenses are issued after successful  
6 completion of the next licensing and jurisprudence examinations,  
7 whichever date is later.

8 (c) The executive council [~~board~~] may waive a license  
9 requirement for an applicant who is licensed or certified in  
10 another state if this state has entered into a reciprocity  
11 agreement with that state.

12 SECTION 2.105. Section 505.401(a-1), Occupations Code, is  
13 amended to read as follows:

14 (a-1) The executive council [~~board~~] by rule shall adopt a  
15 system under which licenses and orders of recognition of specialty  
16 expire on various dates during the year.

17 SECTION 2.106. Section 505.405, Occupations Code, is  
18 amended to read as follows:

19 Sec. 505.405. GROUNDS FOR REFUSING RENEWAL. The executive  
20 council [~~board~~] may refuse to renew the license of a person who  
21 fails to pay an administrative penalty imposed under Subchapter H,  
22 Chapter 507, [~~\*~~] unless enforcement of the penalty is stayed or a  
23 court has ordered that the administrative penalty is not owed.

24 SECTION 2.107. The heading to Subchapter I, Chapter 505,  
25 Occupations Code, is amended to read as follows:

26 SUBCHAPTER I. [~~DENIAL OF LICENSE OR ORDER AND~~] DISCIPLINARY ACTION

27 [~~PROCEDURES~~]

1 SECTION 2.108. Section 505.451, Occupations Code, is  
2 amended to read as follows:

3 Sec. 505.451. GROUNDS FOR [~~DENIAL OF LICENSE OR ORDER OF~~  
4 ~~RECOGNITION OF SPECIALTY;~~] DISCIPLINARY ACTION. The executive  
5 council [~~board~~] shall take disciplinary action under Subchapter G,  
6 Chapter 507, against a person [~~deny an application for a license or~~  
7 ~~order of recognition of specialty and shall revoke or suspend,~~  
8 ~~including a suspension on an emergency basis, a license or order,~~  
9 ~~place a holder of a license or order that has been suspended on~~  
10 ~~probation, refuse to renew a person's license, or reprimand a~~  
11 ~~holder of a license or order~~] for:

12 (1) violating this chapter or a rule adopted [~~by the~~  
13 ~~board~~] under this chapter;

14 (2) circumventing or attempting to circumvent the  
15 requirements of this chapter or a rule adopted [~~by the board~~] under  
16 this chapter;

17 (3) directly or indirectly participating in a scheme  
18 to evade the requirements of this chapter or a rule adopted [~~by the~~  
19 ~~board~~] under this chapter;

20 (4) engaging in unethical conduct;

21 (5) engaging in conduct that discredits or tends to  
22 discredit the social work profession;

23 (6) performing an act, allowing an omission, or making  
24 an assertion or representation that is fraudulent, deceitful, or  
25 misleading or that tends to create a misleading impression;

26 (7) knowingly associating with or permitting the use  
27 of a license holder's professional services or identification in



1 connection with an enterprise that the person knows or should have  
2 known in the exercise of reasonable diligence violates this chapter  
3 or a rule adopted [~~by the board~~] under this chapter;

4 (8) knowingly associating with or permitting the use  
5 of a license holder's name, professional services or  
6 identification, or endorsement in connection with an enterprise  
7 that the person knows or should have known in the exercise of  
8 reasonable diligence is a trade, business, or professional practice  
9 of a fraudulent, deceitful, or misleading nature;

10 (9) directly or indirectly revealing or causing to be  
11 revealed a confidential communication transmitted to the license  
12 holder by a client or other recipient of the license holder's  
13 services unless revealing the communication is required by law;

14 (10) having been denied an application for a license  
15 or certificate to practice social work in another jurisdiction for  
16 a reason that the executive council [~~board~~] determines would be a  
17 violation of this chapter or a rule adopted [~~by the board~~] under  
18 this chapter;

19 (11) holding a license or certificate in another  
20 jurisdiction that is suspended or revoked for a reason that the  
21 executive council [~~board~~] determines would be a violation of this  
22 chapter or a rule adopted [~~by the board~~] under this chapter;

23 (12) having been convicted of a felony in this state,  
24 another state, or the United States;

25 (13) refusing to perform an act or service within the  
26 scope of the license holder's license solely because of the  
27 recipient's age, sex, race, religion, national origin, color, or

1 political affiliation; or

2 (14) committing an act for which liability exists  
3 under Chapter 81, Civil Practice and Remedies Code.

4 SECTION 2.109. Section 505.454(a), Occupations Code, is  
5 amended to read as follows:

6 (a) A person who holds an expired license or order of  
7 recognition of specialty under this chapter is subject to a  
8 sanction under this chapter if the executive council [~~board~~]  
9 determines that the person violated this chapter or a rule adopted  
10 [~~by the board~~] under this chapter during the period in which the  
11 license or order was valid.

12 SECTION 2.110. Section 505.458, Occupations Code, is  
13 amended to read as follows:

14 Sec. 505.458. REFUND. (a) Subject to Subsection (b), the  
15 executive council [~~board~~] may order a license holder to pay a refund  
16 to a consumer as provided in an agreement resulting from an informal  
17 settlement conference instead of or in addition to imposing an  
18 administrative penalty under this chapter.

19 (b) The amount of a refund ordered as provided in an  
20 agreement resulting from an informal settlement conference may not  
21 exceed the amount the consumer paid to the license holder for a  
22 service regulated by this chapter. The executive council [~~board~~]  
23 may not require payment of other damages or estimate harm in a  
24 refund order.

25 SECTION 2.111. Section 505.505, Occupations Code, is  
26 amended to read as follows:

27 Sec. 505.505. APPEAL BOND NOT REQUIRED. The executive

1 council [~~board or department~~] is not required to post an appeal bond  
2 in any action arising under this chapter.

3 SECTION 2.112. Section 505.506, Occupations Code, is  
4 amended to read as follows:

5 Sec. 505.506. REPRESENTATION BY ATTORNEY GENERAL. The  
6 attorney general shall represent the executive council [~~board or~~  
7 ~~department~~] in an action brought to enforce this chapter.

8 SECTION 2.113. The following provisions of the Occupations  
9 Code are repealed:

- 10 (1) Section 501.002(3);
- 11 (2) Section 501.005;
- 12 (3) Subchapter C, Chapter 501;
- 13 (4) Sections 501.151(a) and (b);
- 14 (5) Section 501.152;
- 15 (6) Section 501.154;
- 16 (7) Section 501.156;
- 17 (8) Section 501.157;
- 18 (9) Section 501.160;
- 19 (10) Section 501.161;
- 20 (11) Section 501.162;
- 21 (12) Subchapter E, Chapter 501;
- 22 (13) Sections 501.252(b), (c), and (d);
- 23 (14) Section 501.254;
- 24 (15) Sections 501.256(e), (f), and (g);
- 25 (16) Section 501.2561;
- 26 (17) Section 501.257;
- 27 (18) Section 501.258;

- 1 (19) Section 501.261(b);
- 2 (20) Section 501.302;
- 3 (21) Section 501.303;
- 4 (22) Section 501.304;
- 5 (23) Section 501.402;
- 6 (24) Section 501.403;
- 7 (25) Section 501.404;
- 8 (26) Section 501.405;
- 9 (27) Section 501.406;
- 10 (28) Section 501.409;
- 11 (29) Section 501.410;
- 12 (30) Subchapter J, Chapter 501;
- 13 (31) Section 501.501;
- 14 (32) Section 501.502;
- 15 (33) Section 501.504;
- 16 (34) Section 502.002(3);
- 17 (35) Section 502.003;
- 18 (36) Subchapter C, Chapter 502;
- 19 (37) Section 502.152;
- 20 (38) Section 502.153;
- 21 (39) Section 502.154;
- 22 (40) Section 502.156;
- 23 (41) Section 502.1565;
- 24 (42) Section 502.157;
- 25 (43) Section 502.158;
- 26 (44) Section 502.161;
- 27 (45) Section 502.162;

- 1 (46) Section 502.163;
- 2 (47) Subchapter E, Chapter 502;
- 3 (48) Section 502.255;
- 4 (49) Section 502.256;
- 5 (50) Sections 502.301(b), (c), (d), and (e);
- 6 (51) Section 502.302;
- 7 (52) Section 502.303;
- 8 (53) Section 502.352;
- 9 (54) Section 502.353;
- 10 (55) Section 502.354;
- 11 (56) Section 502.355;
- 12 (57) Section 502.356;
- 13 (58) Subchapter I, Chapter 502;
- 14 (59) Section 502.451;
- 15 (60) Section 502.452;
- 16 (61) Section 502.453;
- 17 (62) Section 502.455;
- 18 (63) Section 503.005;
- 19 (64) Subchapter D, Chapter 503;
- 20 (65) Section 503.202;
- 21 (66) Section 503.203;
- 22 (67) Section 503.204;
- 23 (68) Section 503.2045;
- 24 (69) Section 503.205;
- 25 (70) Section 503.207;
- 26 (71) Section 503.209;
- 27 (72) Section 503.210;

- 1 (73) Section 503.211;
- 2 (74) Subchapter F, Chapter 503;
- 3 (75) Section 503.306;
- 4 (76) Section 503.307;
- 5 (77) Section 503.354;
- 6 (78) Section 503.355;
- 7 (79) Section 503.356;
- 8 (80) Sections 503.401(b), (c), and (d);
- 9 (81) Section 503.402;
- 10 (82) Section 503.403;
- 11 (83) Section 503.404;
- 12 (84) Section 503.405;
- 13 (85) Section 503.406;
- 14 (86) Section 503.451;
- 15 (87) Section 503.454;
- 16 (88) Subchapter K, Chapter 503;
- 17 (89) Section 505.005;
- 18 (90) Section 505.110;
- 19 (91) Subchapter C, Chapter 505;
- 20 (92) Section 505.202;
- 21 (93) Section 505.203;
- 22 (94) Section 505.204;
- 23 (95) Section 505.205;
- 24 (96) Section 505.209;
- 25 (97) Section 505.210;
- 26 (98) Section 505.211;
- 27 (99) Subchapter E, Chapter 505;

- 1 (100) Section 505.355;
- 2 (101) Section 505.356;
- 3 (102) Section 505.402;
- 4 (103) Section 505.403;
- 5 (104) Section 505.404;
- 6 (105) Section 505.452;
- 7 (106) Section 505.453;
- 8 (107) Section 505.454(b);
- 9 (108) Section 505.455;
- 10 (109) Section 505.456;
- 11 (110) Section 505.457;
- 12 (111) Section 505.501;
- 13 (112) Section 505.503;
- 14 (113) Section 505.504;
- 15 (114) Section 505.508; and
- 16 (115) Subchapter K, Chapter 505.

17 ARTICLE 3. CONFORMING AMENDMENTS

18 SECTION 3.001. Article 66.104(a), Code of Criminal  
19 Procedure, is amended to read as follows:

20 (a) The Texas Medical Board, the Texas Department of  
21 Licensing and Regulation, only with respect to a person licensed  
22 under Chapter 202, Occupations Code [~~State Board of Podiatric~~  
23 ~~Medical Examiners~~], the State Board of Dental Examiners, the Texas  
24 State Board of Pharmacy, the Texas Behavioral Health Executive  
25 Council, only with respect to a person licensed under Chapter 501,  
26 Occupations Code [~~State Board of Examiners of Psychologists~~], and  
27 the State Board of Veterinary Medical Examiners shall provide to

1 the Department of Public Safety through electronic means, magnetic  
2 tape, or disk, as specified by the department, a list of each person  
3 licensed by the respective agency, including the person's name and  
4 date of birth and any other personal descriptive information  
5 required by the department. Each agency shall update the  
6 information and submit the updated information quarterly to the  
7 department.

8 SECTION 3.002. Section 411.122(d), Government Code, is  
9 amended to read as follows:

10 (d) The following state agencies are subject to this  
11 section:

12 (1) Texas Appraiser Licensing and Certification  
13 Board;

14 (2) Texas Board of Architectural Examiners;

15 (3) Texas Board of Chiropractic Examiners;

16 (4) State Board of Dental Examiners;

17 (5) Texas Board of Professional Engineers;

18 (6) Texas Funeral Service Commission;

19 (7) Texas Board of Professional Geoscientists;

20 (8) Health and Human Services Commission [~~Department~~  
21 ~~of State Health Services~~], except as provided by Section 411.110,  
22 and agencies attached to the commission [~~department, including:~~

23 [~~(A) Texas State Board of Examiners of Marriage~~  
24 ~~and Family Therapists,~~

25 [~~(B) Texas State Board of Examiners of~~  
26 ~~Professional Counselors, and~~

27 [~~(C) Texas State Board of Social Worker~~



- 1 ~~Examiners~~];
- 2 (9) Texas Board of Professional Land Surveying;
- 3 (10) Texas Department of Licensing and Regulation,
- 4 except as provided by Section 411.093;
- 5 (11) Texas Commission on Environmental Quality;
- 6 (12) Texas Board of Occupational Therapy Examiners;
- 7 (13) Texas Optometry Board;
- 8 (14) Texas State Board of Pharmacy;
- 9 (15) Texas Board of Physical Therapy Examiners;
- 10 (16) Texas State Board of Plumbing Examiners;
- 11 (17) [~~Texas State Board of Podiatric Medical~~
- 12 ~~Examiners~~];
- 13 [~~(18)~~] Texas Behavioral Health Executive Council
- 14 [~~State Board of Examiners of Psychologists~~];
- 15 (18) [~~(19)~~] Texas Real Estate Commission;
- 16 (19) [~~(20)~~] Texas Department of Transportation;
- 17 (20) [~~(21)~~] State Board of Veterinary Medical
- 18 Examiners;
- 19 (21) [~~(22)~~] Texas Department of Housing and Community
- 20 Affairs;
- 21 (22) [~~(23)~~] secretary of state;
- 22 (23) [~~(24)~~] state fire marshal;
- 23 (24) [~~(25)~~] Texas Education Agency;
- 24 (25) [~~(26)~~] Department of Agriculture; and
- 25 (26) [~~(27)~~] Texas Department of Motor Vehicles.

26 SECTION 3.003. Section 2054.2606(a), Government Code, is

27 amended to read as follows:

1 (a) The following licensing entities shall establish a  
2 profile system consisting of the specific license holder  
3 information prescribed by Subsection (c):

4 (1) Texas Board of Chiropractic Examiners, with  
5 respect to chiropractors;

6 (2) Texas Department of Licensing and Regulation  
7 [~~State Board of Podiatric Medical Examiners~~], with respect to  
8 podiatrists;

9 (3) State Board of Dental Examiners, with respect to  
10 dentists;

11 (4) Texas Optometry Board, with respect to  
12 optometrists and therapeutic optometrists;

13 (5) Texas Board of Physical Therapy Examiners, with  
14 respect to physical therapists and physical therapy facilities;

15 (6) Texas Board of Occupational Therapy Examiners,  
16 with respect to occupational therapists and occupational therapy  
17 facilities;

18 (7) Texas Behavioral Health Executive Council [~~State~~  
19 ~~Board of Examiners of Psychologists~~], with respect to  
20 psychologists; and

21 (8) Texas State Board of Pharmacy, with respect to  
22 pharmacists and pharmacies.

23 SECTION 3.004. Section [2054.352](#)(a), Government Code, is  
24 amended to read as follows:

25 (a) The following licensing entities shall participate in  
26 the system established under Section [2054.353](#):

27 (1) Texas Board of Chiropractic Examiners;

- 1 (2) Judicial Branch Certification Commission;
- 2 (3) State Board of Dental Examiners;
- 3 (4) Texas Funeral Service Commission;
- 4 (5) Texas Board of Professional Land Surveying;
- 5 (6) Texas Medical Board;
- 6 (7) Texas Board of Nursing;
- 7 (8) Texas Optometry Board;
- 8 (9) Department of Agriculture, for licenses issued
- 9 under Chapter 1951, Occupations Code;
- 10 (10) Texas State Board of Pharmacy;
- 11 (11) Executive Council of Physical Therapy and
- 12 Occupational Therapy Examiners;
- 13 (12) Texas State Board of Plumbing Examiners;
- 14 (13) ~~[Texas State Board of Podiatric Medical~~
- 15 ~~Examiners;~~
- 16 [~~(14)~~] Texas Behavioral Health Executive Council
- 17 [~~State Board of Examiners of Psychologists~~];
- 18 (14) [~~(15)~~] State Board of Veterinary Medical
- 19 Examiners;
- 20 (15) [~~(16)~~] Texas Real Estate Commission;
- 21 (16) [~~(17)~~] Texas Appraiser Licensing and
- 22 Certification Board;
- 23 (17) [~~(18)~~] Texas Department of Licensing and
- 24 Regulation;
- 25 (18) [~~(19)~~] Texas State Board of Public Accountancy;
- 26 (19) [~~(20)~~] State Board for Educator Certification;
- 27 (20) [~~(21)~~] Texas Board of Professional Engineers;

1           (21) Health and Human Services Commission

2 [~~(22) Department of State Health Services~~];

3           (22) [~~(23)~~] Texas Board of Architectural Examiners;

4           (23) [~~(24)~~] Texas Racing Commission;

5           (24) [~~(25)~~] Texas Commission on Law Enforcement; and

6           (25) [~~(26)~~] Texas Private Security Board.

7           SECTION 3.005. Section 36.132(a)(2), Human Resources Code,  
8 is amended to read as follows:

9           (2) "Licensing authority" means:

10                   (A) the Texas Medical Board;

11                   (B) the State Board of Dental Examiners;

12                   (C) the Texas Behavioral Health Executive  
13 Council [~~State Board of Examiners of Psychologists~~];

14                   (D) [~~the Texas State Board of Social Worker~~  
15 ~~Examiners~~];

16                   [~~(E)~~] the Texas Board of Nursing;

17                   (E) [~~(F)~~] the Texas Board of Physical Therapy  
18 Examiners;

19                   (F) [~~(G)~~] the Texas Board of Occupational  
20 Therapy Examiners; or

21                   (G) [~~(H)~~] another state agency authorized to  
22 regulate a provider who receives or is eligible to receive payment  
23 for a health care service under the Medicaid program.

24           SECTION 3.006. Sections 1451.001(9), (10), (11), (18), and  
25 (19), Insurance Code, are amended to read as follows:

26           (9) "Licensed clinical social worker" means an  
27 individual licensed [~~by the Texas State Board of Social Worker~~

1 ~~Examiners]~~ as a [~~licensed~~] clinical social worker under Chapter  
2 505, Occupations Code.

3 (10) "Licensed professional counselor" means an  
4 individual licensed under Chapter 503, Occupations Code [~~by the~~  
5 ~~Texas State Board of Examiners of Professional Counselors~~].

6 (11) "Marriage and family therapist" means an  
7 individual licensed under Chapter 502, Occupations Code [~~by the~~  
8 ~~Texas State Board of Examiners of Marriage and Family Therapists~~].

9 (18) "Psychological associate" means an individual  
10 licensed as a psychological associate by the Texas Behavioral  
11 Health Executive Council [~~State Board of Examiners of Psychologists~~  
12 ~~who practices solely under the supervision of a licensed~~  
13 ~~psychologist~~].

14 (19) "Psychologist" means an individual licensed as a  
15 psychologist by the Texas Behavioral Health Executive Council  
16 [~~State Board of Examiners of Psychologists~~].

17 SECTION 3.007. Section 101.002, Occupations Code, is  
18 amended to read as follows:

19 Sec. 101.002. COMPOSITION OF COUNCIL. The council consists  
20 of 13 [~~14~~] members, with one member appointed by each of the  
21 following:

- 22 (1) the Texas Board of Chiropractic Examiners;  
23 (2) the State Board of Dental Examiners;  
24 (3) the Texas Optometry Board;  
25 (4) the Texas State Board of Pharmacy;  
26 (5) [~~the Texas State Board of Podiatric Medical~~  
27 ~~Examiners,~~

- 1           ~~(6)~~ the State Board of Veterinary Medical Examiners;  
2           (6) ~~(7)~~ the Texas Medical Board;  
3           (7) ~~(8)~~ the Texas Board of Nursing;  
4           (8) ~~(9)~~ the Texas Behavioral Health Executive  
5 Council [~~State Board of Examiners of Psychologists~~];  
6           (9) ~~(10)~~ the Texas Funeral Service Commission;  
7           (10) ~~(11)~~ the entity that regulates the practice of  
8 physical therapy;  
9           (11) ~~(12)~~ the entity that regulates the practice of  
10 occupational therapy;  
11           (12) ~~(13)~~ the health licensing division of the  
12 Health and Human Services Commission [~~Department of State Health~~  
13 ~~Services~~]; and  
14           (13) ~~(14)~~ the governor's office.

15           SECTION 3.008. Section [110.001](#)(7), Occupations Code, is  
16 amended to read as follows:

17           (7) "Sex offender treatment provider" means a person,  
18 licensed by the council and recognized based on training and  
19 experience to provide assessment and treatment to adult sex  
20 offenders or juveniles with sexual behavioral problems who have  
21 been convicted, adjudicated, awarded deferred adjudication, or  
22 referred by a state agency or a court, and licensed in this state to  
23 practice as a physician, psychiatrist, psychologist, psychological  
24 associate, provisionally licensed psychologist, licensed  
25 professional counselor, licensed professional counselor intern,  
26 licensed marriage and family therapist, licensed marriage and  
27 family associate, licensed clinical social worker, licensed master

1 social worker under a clinical supervision plan approved by the  
2 Texas Behavioral Health Executive Council [~~State Board of Social~~  
3 ~~Worker Examiners~~], or advanced practice nurse recognized as a  
4 psychiatric clinical nurse specialist or psychiatric mental health  
5 nurse practitioner, who provides mental health or medical services  
6 for rehabilitation of sex offenders.

7 ARTICLE 4. TRANSITIONS AND EFFECTIVE DATE

8 SECTION 4.001. In this article:

9 (1) "Executive council" means the Texas Behavioral  
10 Health Executive Council.

11 (2) "Transferring entity" means:

12 (A) the Texas State Board of Examiners of  
13 Psychologists;

14 (B) the Texas State Board of Examiners of  
15 Marriage and Family Therapists;

16 (C) the Texas State Board of Examiners of  
17 Professional Counselors; and

18 (D) the Texas State Board of Social Worker  
19 Examiners.

20 SECTION 4.002. (a) Except as provided by Subsection (b) of  
21 this section, Sections [501.059](#), [502.059](#), [503.110](#), and [505.109](#),  
22 Occupations Code, as amended by this Act, apply to a member of the  
23 applicable board appointed before, on, or after the effective date  
24 of this Act.

25 (b) A member of a board who, before the effective date of  
26 this Act, completed the training program required by Section  
27 [501.059](#), [502.059](#), [503.110](#), or [505.109](#), Occupations Code, as the

1 applicable law existed before the effective date of this Act, is  
2 required to complete additional training only on the subjects added  
3 by this Act to the training program required by Section 501.059,  
4 502.059, 503.110, or 505.109, Occupations Code, as applicable. A  
5 board member described by this subsection may not vote, deliberate,  
6 or be counted as a member in attendance at a meeting of the board  
7 held on or after December 1, 2019, until the member completes the  
8 additional training.

9 SECTION 4.003. (a) Section 501.2525, Occupations Code, as  
10 redesignated and amended by this Act, applies only to an  
11 application for a license under Chapter 501, Occupations Code, that  
12 is submitted on or after the effective date of this Act. An  
13 application submitted before the effective date of this Act is  
14 governed by the law in effect on the date the application was  
15 submitted, and the former law is continued in effect for that  
16 purpose.

17 (b) A provisional license issued under Section 501.253,  
18 Occupations Code, that is in effect on the effective date of this  
19 Act continues to be valid until the license expires.

20 (c) Section 502.252, Occupations Code, as amended by this  
21 Act, applies only to an application for a license under Chapter 502,  
22 Occupations Code, submitted on or after the date on which rules  
23 adopted by the Texas Behavioral Health Executive Council under that  
24 section take effect. An application submitted before that date is  
25 governed by the law in effect immediately before the effective date  
26 of this Act, and the former law is continued in effect for that  
27 purpose.



1 SECTION 4.004. Not later than August 31, 2020, an initial  
2 member of the executive council shall complete the training  
3 required by Section 507.059, Occupations Code, as added by this  
4 Act. On or after September 1, 2020, a member of the executive  
5 council may not vote, deliberate, or be counted as a member in  
6 attendance at a meeting of the executive council until the member  
7 has completed the training required by that section.

8 SECTION 4.005. (a) Not later than December 1, 2019, the  
9 appropriate appointing authorities shall appoint the members of the  
10 executive council as provided by Section 507.051, Occupations Code,  
11 as added by this Act.

12 (b) Notwithstanding the terms established by Section  
13 507.054, Occupations Code, as added by this Act, in making the  
14 initial appointments to the executive council, the Texas State  
15 Board of Examiners of Psychologists, the Texas State Board of  
16 Examiners of Marriage and Family Therapists, the Texas State Board  
17 of Examiners of Professional Counselors, and the Texas State Board  
18 of Social Worker Examiners shall each appoint one member to a term  
19 expiring February 1, 2021, and one member to a term expiring  
20 February 1, 2022.

21 SECTION 4.006. (a) The Texas Behavioral Health Incubation  
22 Task Force is established to assist in the establishment of and  
23 transfer of regulatory programs to the executive council under this  
24 Act by providing guidance to:

25 (1) the executive council regarding:

26 (A) hiring the executive director of the  
27 executive council;

1 (B) developing functional alignments within the  
2 organizational structure of the executive council;

3 (C) establishing any necessary accounts and  
4 reporting requirements; and

5 (D) seeking input from interested parties  
6 throughout the transfer; and

7 (2) the transferring entities and the executive  
8 council regarding:

9 (A) the efficient transfer of necessary data; and

10 (B) the revision of existing rules to align with  
11 the administrative structure of the executive council.

12 (b) The task force is composed of:

13 (1) the executive commissioner of the Health and Human  
14 Services Commission, or the executive commissioner's designee;

15 (2) the executive director of the Texas Department of  
16 Licensing and Regulation, or the executive director's designee;

17 (3) the executive director of the Texas State Board of  
18 Examiners of Psychologists;

19 (4) a representative of the Texas State Board of  
20 Examiners of Marriage and Family Therapists;

21 (5) a representative of the Texas State Board of  
22 Examiners of Professional Counselors; and

23 (6) a representative of the Texas State Board of  
24 Social Worker Examiners.

25 (c) The entities represented on the task force may adopt a  
26 memorandum of understanding to accomplish the responsibilities and  
27 duties of the task force and to ensure access by the entities of any

1 systems and information necessary to effectively transfer the  
2 regulatory programs to the executive council under this Act.

3 SECTION 4.007. (a) Not later than April 1, 2020, the  
4 executive council shall hire an executive director for the  
5 executive council.

6 (b) Not later than July 31, 2020, the executive council  
7 shall adopt procedural rules necessary to implement Chapter 507,  
8 Occupations Code, as added by this Act.

9 SECTION 4.008. (a) As soon as practicable after the  
10 appointment of the members of the executive council, the executive  
11 council and the transferring entities shall adopt a transition plan  
12 to provide for the orderly transfer of powers, duties, functions,  
13 programs, and activities under this Act. The transition plan must  
14 provide for the transfer of each regulatory program to be  
15 completed on or before August 31, 2020.

16 (b) The transferring entities shall provide the executive  
17 council with access to any systems or information necessary for the  
18 executive council to accept a program transferred under this Act.

19 (c) On the date specified in the transition plan required  
20 under Subsection (a) of this section for the transfer of a  
21 particular program to the executive council, all full-time  
22 equivalent employee positions at a transferring entity that  
23 primarily concern the administration or enforcement of the program  
24 being transferred become positions at the executive council. The  
25 executive council shall post the positions for hiring and, when  
26 filling the positions, shall give consideration to, but is not  
27 required to hire, an applicant who, immediately before the date of

1 the transfer, was an employee at a transferring entity primarily  
2 involved in administering or enforcing the transferred program.

3 SECTION 4.009. On the date specified in the transition plan  
4 required under Section 4.008(a) of this article for the transfer of  
5 a particular program to the executive council:

6 (1) a rule or fee relating to a transferred program  
7 that is in effect on that date remains in effect until changed by  
8 the executive council;

9 (2) a license, registration, certification, or other  
10 authorization relating to a transferred program that is in effect  
11 on that date is continued in effect as a license, registration,  
12 certification, or other authorization of the executive council; and

13 (3) a complaint, investigation, contested case, or  
14 other proceeding relating to a transferred program that is pending  
15 before a transferring entity on that date is transferred without  
16 change in status to the executive council.

17 SECTION 4.010. Section 507.154, Occupations Code, as added  
18 by this Act, does not prohibit the appropriation of money to the  
19 Behavioral Health Executive Council, as created by this Act, for  
20 the state fiscal year ending August 31, 2020.

21 SECTION 4.011. To the extent of any conflict, this Act  
22 prevails over another Act of the 86th Legislature, Regular Session,  
23 2019, relating to nonsubstantive additions to and corrections in  
24 enacted codes.

25 SECTION 4.012. To the extent of any conflict, this Act  
26 prevails over another Act of the 86th Legislature, Regular Session,  
27 2019, relating to the online publication of the home address of a

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1 person licensed under Chapter 503 or 505, Occupations Code.

2 SECTION 4.013. This Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1501 was passed by the House on April 10, 2019, by the following vote: Yeas 134, Nays 13, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1501 on May 22, 2019, by the following vote: Yeas 129, Nays 14, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1501 was passed by the Senate, with amendments, on May 14, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor