

By: Cortez

H.B. No. 3408

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of licensed professional counselor associates; requiring an occupational license.

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

SECTION 1. Section 503.002, Occupations Code, is amended by adding Subdivision (5) to read as follows:

(5) "Licensed professional counselor associate" means a person who:

(A) holds a license under Section 503.309; and

(B) offers to provide for compensation professional counseling services under the supervision of a licensed professional counselor.

SECTION 2. The heading to Section 503.302, Occupations Code, is amended to read as follows:

Sec. 503.302. QUALIFICATIONS FOR LICENSES [~~LICENSE~~].

SECTION 3. Section 503.302, Occupations Code, is amended by amending Subsection (a) and adding Subsection (b) to read as follows:

(a) A person qualifies for a license as a licensed professional counselor under this chapter if the person:

(1) is at least 18 years old;

(2) has a master's or doctoral degree in counseling or a related field;

(3) has successfully completed a graduate degree at a

1 regionally accredited institution of higher education and the
2 number of graduate semester hours required by board rule, which may
3 not be less than 48 hours and must include 300 clock hours of
4 supervised practicum that:

5 (A) is primarily counseling in nature; and

6 (B) meets the specific academic course content
7 and training standards established by the board;

8 (4) has completed the number of supervised experience
9 hours required by board rule, which may not be less than 3,000 hours
10 working in a counseling setting that meets the requirements
11 established by the board after the completion of the graduate
12 program described by Subdivision (3);

13 (5) [~~except as provided by Subsection (b),~~] passes the
14 license examination and jurisprudence examination required by this
15 chapter;

16 (6) submits an application as required by the board,
17 accompanied by the required application fee; and

18 (7) meets any other requirement prescribed by the
19 board.

20 (b) A person qualifies for a license as a licensed
21 professional counselor associate under this chapter if the person
22 meets the requirements of Subsection (a) except for the required
23 number of supervised experience hours.

24 SECTION 4. Subchapter G, Chapter 503, Occupations Code, is
25 amended by adding Section 503.309 to read as follows:

26 Sec. 503.309. PRACTICE BY LICENSED PROFESSIONAL COUNSELOR
27 ASSOCIATE. (a) A licensed professional counselor associate must

1 practice under the supervision of a licensed professional counselor
2 approved by the board as provided by a supervision agreement.

3 (b) A licensed professional counselor approved by the board
4 may delegate to a licensed professional counselor associate any
5 service that a reasonable and prudent licensed professional
6 counselor would delegate within the scope of sound judgment if the
7 licensed professional counselor determines that the service:

8 (1) can be properly and safely performed by the
9 licensed professional counselor associate; and

10 (2) will be performed in the customary manner and in
11 compliance with the law.

12 (c) A licensed professional counselor who supervises a
13 service performed by a licensed professional counselor associate
14 remains responsible for the service, and the service is considered
15 to be delivered by the licensed professional counselor for billing
16 purposes, including a bill submitted to a third-party payor. A
17 licensed professional counselor associate must inform each patient
18 for whom a service is performed under this section that the licensed
19 professional counselor associate is being supervised by a licensed
20 professional counselor. A licensed professional counselor
21 associate to whom a service is delegated under this section may
22 represent that the licensed professional counselor associate is
23 engaged in the practice of professional counseling.

24 SECTION 5. Section 503.308, Occupations Code, is repealed.

25 SECTION 6. Not later than January 1, 2020, the Texas State
26 Board of Examiners of Professional Counselors shall adopt rules to
27 implement the changes in law made by this Act.

1 SECTION 7. This Act takes effect September 1, 2019.